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EUROPEAN SOCIAL CHARTER

4th National Report on the implementation of
the European Social Charter

submitted by

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

(Articles 7,8 and 17
for the period 01/01/2005 – 31/12/2009)

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REPUBLIC OF MACEDONIA
MINISTRY OF LABOUR AND SOCIAL POLICY

**FOURTH REPORT
ON THE IMPLEMENTATION OF THE
EUROPEAN SOCIAL CHARTER**

Submitted by

THE REPUBLIC OF MACEDONIA

(For the reference period: 2005-2009)

(For Articles 7, 8 and 17)

Skopje, December, 2010

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PREFACE

The Republic of Macedonia submits its fourth Report on the implementation of the ratified provisions from the European Social Charter (1961), in accordance with Article 21 from the Charter.

The Report has been prepared in compliance with the new reporting system adopted by the Committee of Ministers of the Council of Europe, applied as of 31st of October 2007.

This report includes the provisions from the European Social Charter that belong to the *fourth thematic group* (children, family and migrants) more precisely Articles 7, 8 and 17, ratified by the Republic of Macedonia, for the reference period of 2005-2009.

In accordance with Article 23 of the European Social Charter, copies of the prepared Report have been delivered to the representative national organizations of employers and trade unions (members of the Economic and Social Council), including:

- *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 Contracting Parties undertake to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General legal framework, reforms

Article 42 from the Constitution of the Republic of Macedonia guarantees protection of children and minors. Paragraph 1 of this article prohibits employment of a person younger than 15 years, paragraph 3 guarantees special protection for employing minors, and paragraph 4 does not allow employment of minors on work posts that are detrimental for their health and moral.

The conditions on the eligibility for signing contract for employing minors and their protection are regulated with special provisions from the Law on Labour Relations of 2005 ("Official Gazette of the Republic of Macedonia" No. 62/05).

Article 18 from the Law envisages that employment contract may be signed by person turned 15 years of age, while meeting the conditions for general health condition. Each contract concluded with a person younger than 15 years of age shall be declared null and void. Article 259, paragraph 1, 2, and 3 from the Law explicitly states that it is prohibited to employ persons younger than 15 years of age. The legal provisions in relation to the eligibility to sign employment contracts and the ban on employing children younger than 15 years of age shall refer to the private and public sector, including the family companies and private households. However, the same Article offered the possibility for a child younger than 15 years of age, by paying compensation, to be able to participate in shooting movies, preparation and performing art, scenery and other similar acts (cultural, artistic, sport and commercial activities), having previously obtained approval on request of the legal representative and upon performed review of the work post of the child. With the amendment of the Law on Labour Relations ("Official Gazette of the Republic of Macedonia", No. 124/10, paragraphs 1, 2 and 3 shall be deleted.

With the existing legal decisions (Article 250), one provides opportunities for the participants who turned 14 and the students to perform practical work in the frames of the educational program. During the practical work in the frames of the educational program, the provisions from the Law on Labour Relations are applied adequately in relation to the work post, vacations and breaks, the special

protection of the workers under the age of 18, as to the responsibility of damage compensation.

The legal regulation of the protection of children who are younger than 15 years of age, as well as the remaining provisions from the Law on Labour Relations have been analysed, particularly from the point of view of the compliance with the EU legislation, i.e. with the directives regulating this issue. For this purpose, in the period from May 2008 to September 2009, the project – “Review of the National Labour Legislation” was implemented which was financed by EU. The project was implemented in cooperation with the Ministry of Labour, Social Affairs and Family in the Slovak Republic and the Regional Development Agency - Senec - Pezinok. Main purpose of the Project was to provide support for improving the capacities in the Republic of Macedonia while strengthening the labour market and its preparation for EU membership, in the frames of which an analysis has been carried out of the existing legislation in relation to the decisions determined in the EU directives and the EU member-states legislations. For this purpose, there was direct cooperation with the employees of the Ministry of labour and social policy in the frames of this Project, as well as with the social partners for revising and implementing the labour legislation of the country in accordance with the legislation and the best practices of the EU. During the implementation of the Project, and due to achieving the purpose, the best practices from the Slovak Republic and the practices from other European countries from the area of labour and employment have been used.

In that period, the experts from Slovakia provided trainings for the employees in the Ministry, the remaining ministries and the social partners about techniques for preparation of the correspondent charts (around 20), and the same were prepared and submitted to the European Union by the end of March 2009.

Besides the revision of the Law on Labour Relations and the Law on Employment and Insurance in Case of Unemployment with concrete recommendations for compliance with the EU legislation thereof, an analysis has been carried out of the Employment of Disabled Persons Act, the Law on Equal Opportunities and the Law on Agencies for Temporary Employments.

The final report containing recommendations was adopted on the final conference (14th of September 2009). They have been discussed in the last three months by the representatives from the Ministry of Labour and Social Policy, the stakeholders involved in the project implementation as well as by the social partners on a separate conference. Besides that, in the last three months, before the completion of the Project, several training sessions have been organized for the team by different thematic groups. A special training session has been organized on request of the users, upon which the recommendations have also been discussed.

The key recommendations that are of crucial meaning in the further process of compliance with the legislation, are provided for in the final report. Therefore, the Ministry of Labour and Social Policy should continue with strengthening the capacities in order to meet all responsibilities resulting from the transposition of the acquis into the national legal system, to intensify the activities in relation to transposition of the EU directives and etc.

Bearing in mind the recommendations, the condition and the possibilities, on the basis of the recommendations upon the completion of the Project, the

Ministry of Labour and Social Policy considers that the transposition of the directives should be realised in several phases.

In this direction, the transposition of the EU directives has been initiated, more precisely the Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.

Namely, with the amendments on the Law on Labour Relations from 2010 ("Official Gazette of the Republic of Macedonia No. 76/2010), pursuant to the recommendations in the frames of the Twinning Project, an amendment of Article 18 has been carried out, determining the issues related to the conditions for signing contract for employment of young persons. Hence, it is defined which person shall be considered as young person, which works can or cannot be performed by these persons, the conditions and the manner of performing the works that can be carried out by these persons, the working hours thereof and other. Hence, this amendment prohibits working of a child under the age of 15 and of a child who had not completed compulsory education, and in terms of the work permitted by law, the working hours cannot last longer than four hours per day. Furthermore, it determines a responsibility for the employer to provide protection of young people against economic exploitation from any work that could have detrimental influence upon their safety, health, physical, mental, moral or social development or the same can jeopardize their influence. The amendment provides that these people, by exception, can carry out easy work which by its scope and character does not influence the health, safety, development and education, including: participation in cultural and artistic activities, sport events and commercial activities. Also, this defines the authority that provides approval for performing such work, and that is the State Labour Inspectorate which should perform insight in situ where the activities are to be carried out.

The term "young person" is defined, being each person that can sign employment contract for carrying out works that are not detrimental on his/her health and safety with minimum 15 years of age, while under 18 years of age and who is not included in the compulsory education. Full-time and part-time students are enrolled in the secondary education. This particularly refers to schools and civil organisations having the work of adolescents at educating young people under special regulation.

Also, the difference in relation to the length of the working hours of a young person depending has been determined on the age. Hence, the maximum number of working hours of a young person under the age of 16 should amount up to 30 hours per week in case when the young person works with several employers simultaneous, while the maximum number of working hours of the young person under the age of 16 may amount up to 37 hours and 45 minutes per week in case when the adolescent works with several employers. Hence, the Law envisages maximum time in a period of 24 hours and the same cannot be longer than eight hours in a period of 24 hours. The time spent by the young person in vocational preparation in the frames of the theoretical and practical curriculum should also be considered as work, for which he/she receives compensation.

The employer is forbidden to use the method of rewarding with purpose to increase the range of work, while jeopardizing the safety and health of the adolescents.

Question 2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Undertaken measures to implement the legal framework

The Law on labour relations, in the part of misdemeanour provisions, i.e. Article 264, envisaged a fine in the amount of EUR 15,000 in denar counter-value for completed misdemeanour by employer and EUR 10,000 in denar counter-value for employer-natural entity if he/she signs an employment contract with person under the age of 15 without general health condition and who does not meet the regulated and contracted conditions for working, determined with Article 18. Besides that, a fine in the amount of EUR 7,000 has also been envisaged for the manager, i.e. other responsible person working for the employer. The same fines were envisaged for the employer-legal entity, employer-natural entity and manager if they organise work of children, pupils and students contrary to the provisions under Article 250 from the Law on Labour Relations.

On 07.04.2010 the Government of the Republic of Macedonia adopted information with draft – measures for promoting the penal policy and approving the business climate in the Republic of Macedonia. For that purpose, a coordinative body was formed in the Government, composed of representatives from economic sectors, inspectorates and officials of the bodies of the state management with competences in the field of inspection. Pursuant to the reviews, proposals of the coordinative body, the line ministries were indebted by the Government to access towards assuming activities for harmonizing the legal regulation in the part of penalty provisions. Adequate changes were proposed for this purpose in the part of penalty provisions in the Law on Labour Relations, for which, before submitting the law for review to the Government, the representatives of the social partners, provided their opinions, which were also reviewed.

Furthermore, the amendments of the Law on Labour Relations (“Official Gazette of the Republic of Macedonia” No. 76/2010), the part of misdemeanour provisions, i.e. the Article 265 envisages a fine in the amount of EUR 3,000 in denar counter-value for committed misdemeanour of employer-legal entity and EUR 2,000 in denar-counter-value for employer natural-person, if he/she signs contract for employing person under the age of 15 and without general health ability and person who does not meet the regulated and contracted conditions for working, determined by Article 18, which refer to the ability for signing employment contract with person under the age of 18. Besides this, a fine in the amount of EUR 1,000 was envisaged for the manager, i.e. other responsible person with the employer.

The same fines were envisaged for the employer-legal entity, employer-natural entity and manager if they organize work of children, pupils and students contrary to the provisions under Article 250 from the Law on Labour Relations.

The State Labour Inspectorate shall be a body performing supervision over the application of the laws, other regulations and collective agreements,

regulating the rights and responsibilities of employment of workers and employers in all areas.

According to the Law, employer shall be each natural and legal entity employing workers on the basis of employment contract.

Pursuant to the working program, the State Labour Inspectorate has performed 21 780 regular supervisions with employers in 2005 in all areas, 21,825 regular supervisions in 2006, 22,011 regular supervisions in 2007, 33,917 regular supervisions in 2008 and 30,810 regular supervisions in 2009. During the supervisions of employers one did not find employed persons below the age of 15.

Apart from the regular supervisions, the State Labour Inspectorate also acts upon complaints for protection of the employment rights, hence in 2005 one acted upon 1,437 complaints, 1,431 complaints in 2006, 1,920 complaints in 2007, 1,639 complaints in 2008 and 1,749 complaints in 2009. There was no complaint with a request for protection of employment rights of persons younger than 15 years of age.

Question 3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Pertinent figures, statistics and relevant information

Regarding the fact that there is no legal basis for employment of persons younger than 15 years of age, there are no such occurrences in practice, which can be confirmed from the findings of the Labour Inspectorate. Also, the data from the State Statistical Office from 2005 show that the number of employed persons from 15 to 19 years of age is significantly smaller, i.e. only 1.6%, and in 2006, 2007 and 2008 this percentage amounts 1.8%.

Population of 15 years of age and more, according to the economic activity, gender and age

Year	Age	Working age population			Labour force										Inactive population	
					Total			Employed persons			Unemployed persons					
		Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women
2005	Total	1607997	806621	801376	869187	523275	345912	545253	332179	213074	323934	191096	132838	738810	283346	455464
	15-19	161571	83106	78465	23360	13994	9366	8527	4787	3740	14833	9207	5626	138211	69112	69099
2006	Total	1618482	808522	809960	891679	543830	347849	570404	351974	218431	321274	191856	129418	726803	264692	462111
	15-19	161214	82894	78320	28195	16912	11284	10147	6194	3953	18048	10717	7331	133019	65982	67036
2007	Total	1628635	814601	814034	907138	548141	358998	590234	358835	231399	316905	189306	127599	721496	266460	455036
	15-19	161919	83569	78350	28937	19364	9573	10823	7202	3621	18114	12162	5953	132982	64205	68777
2008	Total	1633341	816772	816569	919424	561705	357719	609015	373483	235532	310409	188222	122187	713917	255067	458850
	15-19	159341	81969	77373	25854	16773	9081	11159	6462	4697	14695	10312	4384	133487	65195	68292
2009	Total	1638869	819487	819382	928775	570698	358077	629901	389332	240569	298873	181366	117508	710094	248789	461305
	15-19	157418	80989	76429	22282	14840	7442	9558	6515	3043	12724	8325	4399	135136	66148	68988

Source: State Statistical Office of the Republic of Macedonia

**Population of 15 years of age and more, according to the economic activity, gender and age
expressed in %**

Year	Age	Working age population			Labour force									Inactive population			
					Total			Employed persons			Unemployed persons						
		Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women	
2005	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	100,0
	15-19	10,0	10,3	9,8	2,7	2,7	2,7	1,6	1,4	1,8	4,6	4,8	4,2	18,7	24,4	15,2	
2006	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	100,0
	15-19	10,0	10,3	9,7	3,2	3,1	3,2	1,8	1,8	1,8	5,6	5,6	5,7	18,3	24,9	14,5	
2007	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	100,0
	15-19	9,9	10,3	9,6	3,2	3,5	2,7	1,8	2,0	1,6	5,7	6,4	4,7	18,4	24,1	15,1	
2008	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	100,0
	15-19	9,8	10,0	9,5	2,8	3,0	2,5	1,8	1,7	2,0	4,7	5,5	3,6	18,7	25,6	14,9	
2009	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	100,0
	15-19	9,6	9,9	9,3	2,4	2,6	2,1	1,5	1,7	1,3	4,3	4,6	3,7	19,0	26,6	15,0	

Source: State statistical office of the Republic of Macedonia

Pursuant to Article 13 from the Law on Labour Relations, the employer shall have a responsibility to submit an application for compulsory social insurance (pension and invalidity, health insurance and insurance in case of unemployment) for each employee, before the worker starts working. Verified copy of the application shall be submitted to the employee in a deadline of three days since the start of the work. With the amendments of the Law in September 2010, besides the application, the worker can be provided with a certificate from the computer entry in the information system of the Employment Service Agency of the Republic of Macedonia.

According to data from the Pension and Insurance Fund of the Republic of Macedonia, there are no entries of workers in the social insurance system, which are younger than 15 years of age.

According to the data of the Agency for Supervision of Fully Funded Pension Insurance (MAPAS), the condition of registered workers from the age of 15-18 in the social insurance system is the following:

Registered Workers in the Social Insurance System

Age	2006	2007	2008	2009
15 years of age	0	0	0	0
16 years of age	17	6	12	12
17 years of age	84	125	36	60
18 years of age	412	687	222	314

Source: Agency for supervision of the capital financed pension insurance (MAPAS)

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.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and the extent of any reforms.

General framework, reforms

The Law on Labour Relations envisages a ban on performing works that are considered dangerous or detrimental on the health of the workers younger than 18 years of age, i.e. Article 173 envisages that the workers younger than 18 years of age cannot be ordered by the employer to perform hard physical work, work carried out underground or under water, work with sources of ionising radiation and other work that can have detrimental and increased influence on the health, i.e. health development with regard to their psycho-physical specifics.

The work from paragraph 1 of this Article shall be regulated by the minister in charge of the work in the field of labour, in accordance with the minister in charge of the work in the area of the health.

Regulating the work pursuant to paragraph 1 shall depend on submitting several bylaws in the area of occupational health and safety and their content needs to be harmonised. The process of preparation of the bylaws in the area of occupational health and safety is a process that lasts for a long time and the majority of these acts have already been adopted. Also, the draft version of a Rulebook on Determining the Works that Cannot be Performed by Employees Younger than 18 Years of Age is Prepared.

Question 2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Undertaken measures to implement the legal framework

The Law on Labour Relations, in the part of the misdemeanour provisions, i.e. Article 264 envisages a fine in the amount of EUR 15,000 in denar counter-value for committed misdemeanour by an employer and a fine in the amount of EUR 10,000 in denar counter-value for employer-natural entity, if, the workers younger than 18 years of age are not provided with protection pursuant to Article 173 from the Law on Labour Relations. Besides this, a fine in the amount of EUR 7,000 was envisaged for the manager, i.e. other responsible person with the employer.

In accordance with the measures for promoting the misdemeanour policy and improving the business climate in the Republic of Macedonia by the Government of the Republic of Macedonia, adequate changes in the part of the penalty provisions have been made in the Law on Labour Relations (see answer to question number 1 for Article 7&1).

Furthermore, the amendments of the Law on Labour Relations ("Official Gazette of the Republic of Macedonia" No. 76/2010), i.e. Article 265, envisage a fine in the amount of EUR 3,000 in denar counter-value for committed misdemeanour by employer-legal entity and EUR 2,000 in denar counter-value for employer-natural entity, if, the workers younger than 18 years of age are not provided with protection and are ordered to perform heavy physical works, work carried out underground or underwater, work with sources of ionising radiation and other work that can have detrimental and increased influence, i.e. the health system regarding their psychological and physical specifications (Article 173 from the Law on Labour Relations). Besides this, fine in the amount of EUR 1,000 is envisaged for the manager too.

Question 3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Pertinent figures, statistics and relevant information

The data from the State Statistical Office for employees according to sectors of working areas, for persons on the age between 15 and 19 are given below.

Employees from 15-19 years of age according to sectors of working areas

Sectors of working areas	Year				
	2005	2006	2007	2008	2009
Total	8527	10147	10823	11 159	9 558
Agriculture, hunting and forestry	5387	6633	5471	6901	6443
Fishery	-	-	-	-	-
Mining and quarrying	-	-	-	-	46
Manufacturing	1351	876	1476	1169	759
Electricity, gas and water supply	-	-	27	54	-
Construction	429	323	541	307	375
Retail and wholesale trade, repair of motor vehicles, motorcycles and articles for personal use and for households	523	1088	1553	848	1012

Hotels and restaurants	154	561	525	1020	463
Transport, storage and communications	177	142	161	169	39
Financial intermediation	-	-	-	-	84
Activities relating real-estate, renting and business activities	26	19	29	114	34
Public administration and defence, compulsory social protection	30	-	23	-	28
Education	-	-	-	-	-
Health and social work	40	92	139	110	51
Other activities of communal, cultural, general and personal services	410	414	831	457	223
Private households employing domestic personnel and undifferentiated production activities of households for own use	-	-	48	10	-
Exterritorial organizations and bodies	-	-	-	-	-

Source: State Statistical Office of the Republic of Macedonia

The Labour Inspection performs regular supervisions in the areas where heavy physical work and underground work is carrying out and exposure to ionising radiation exists. Hence, in 2005 a total of 33 regular supervisions have been performed in the mining sector, 2,148 in the processing industry and 704 in the construction; in 2006, 36 supervisions have been performed in the mining sector, 2,899 in the processing industry and 1,866 in the construction; in 2007, 80 supervisions have been performed in the mining sector, 3,177 in the processing industry and 702 in the construction; in 2008, 63 supervisions have been performed in the mining sector, 4,207 in the processing industry and 857 in the construction and in 2009, 121 supervisions have been performed in the mining sector, 3,016 in the processing industry and 719 in the construction. During the inspection supervisions in the said areas where one performs heavy physical work detrimental for the health, they did not find persons younger than 18 years of age that are employed.

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.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General legal framework, reforms

In Republic of Macedonia, pursuant to the legislation, the primary and secondary education is compulsory.

Legislation in relation to the education and training:

- Law on Primary Education ("Official Gazette of the Republic of Macedonia", No. 103/08, 33/2010).
- Law on Secondary Education ("Official Gazette of the Republic of Macedonia", No. 44/95, 24/96, 34/96, 35/97, 82/99, 20/02, 40/03, 42/03, 67/04, 113/05, 35/06, 30/07, 49/07, 81/08, 92/08, 93/2010, 33/2010, 116/10).
- Law on Vocational Education ("Official Gazette of the Republic of Macedonia", No. 71/06).
- Law on Education Inspection ("Official Gazette of the Republic of Macedonia" No. 52/05, 148/09).

In order to prevent employment of children and youth under 15 years of age, the Law on Primary Education envisages a fine for the primary school that will not inform the authorized municipal inspector for pupils not registered i.e. do not visit the school on inexcusable basis for more than 30 days, i.e. fine for the secondary school that will not inform the State Educational Inspector about those pupils not registered in the secondary education program, in whose competence is the school. The Law on Primary Education and the Law on Secondary Education envisage fines for parents/guardians that will not register their child in compulsory primary and secondary education. The fines in the compulsory secondary education are introduced by the Law Amending the Law on Secondary Education ("Official Gazette of the Republic of Macedonia" No. 49/2007), with the Law Amending the Law on Primary Education ("Official Gazette of the Republic of Macedonia" No. 33/10) and the Law Amending the Law on Secondary Education ("Official Gazette of the Republic of Macedonia" No. 116/10). Article 7 from the Law Amending the Law on Primary Education envisages a fine in the amount of EUR 200 in denar counter-value for misdemeanour of a parent, i.e. guardian if the pupil is not enrolled in the legally determined deadline, and a fine in the amount of EUR 1,000 in denar counter-value if he/she do not provide the child to fulfil the obligation for his/her compulsory primary education and upbringing. A fine in

the amount of EUR 2,500 to EUR 3,000 in denar counter-value will be imposed to the primary school if the primary school does not carry out timely organisation and does not enrol the pupils or, does not inform the authorised education inspector of the municipality on the children that are not enrolled, i.e. that do not visit the school for more than 30 days due to unjustified reasons.

The Law Amending the Law on Secondary Education ("Official Gazette of the Republic of Macedonia" No. 116/2010) envisages a fine in the amount of EUR 2,000 in denar counter-value to a parent, i.e. guardian of a minor pupil if the pupil is not enrolled in the secondary school or visits the school on irregular basis.

Question 2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Undertaken measures to implement the legal framework

The measures and activities in the direction of preventing employment under the age of 15 shall be measures and activities, which the Ministry of Education and Science undertakes for the purposes of decreasing the rate of early dropout of school.

In relation to the compulsory education, decentralisation of the primary education was implemented on municipality level and decentralisation of the secondary education was implemented on a level of municipality and on a level of the city of Skopje. Decentralisation is a Program of the Government, as well as part of the Program for Development of the Education 2005-2015. The decentralisation is planned to make a contribution for redistribution of the responsibilities for main educational issues, improving quality, professional promotion of teachers and financing. The decentralisation makes a contribution for reorganisation of the educational administration and management. The competences shall be determined by the Law on Financing Local Self-Government Units, the Law on Local Self-Government, the Law on Primary and the Law on Secondary Education.

Pursuant to the decentralisation, a Decision on Transferring the Founding Rights and Responsibilities over the Current Primary Schools to the Municipalities and the Municipalities of the City of Skopje has been adopted, as well as a Decision on Transferring the Founding Rights and Responsibilities over the Current Secondary Schools to the Municipalities and the City of Skopje.

The block grants and the earmarked grants obtained from the Ministry of Education and Science are distributed throughout the schools by the municipalities and the city of Skopje pursuant to the criteria adopted by the council of the municipality, i.e., the city of Skopje. The ownership of the facilities shall be transferred to the municipalities, i.e. the city of Skopje. The

municipality may complement the block grants and the earmarked grants except in cases of salaries for the employed persons in the schools.

The founder shall determine the area of primary schools where the pupils are enrolled from. The municipality may appoint an authorised inspector. The schools inform the authorised inspectors on the number of children who are not enrolled, i.e. who are inexplicably absent from the primary school for more than 30 days. The mayor shall appoint and dismiss of duty the director of the school on proposal from the School Board.

The annual working program for the schools shall be adopted by the founder of the school.

In the Constitution of the Republic of Macedonia, Article 44 stipulates that the primary education shall be compulsory and free of charge. The primary education shall be regulated with the Law on Primary Education. Since the school year of 2005/06, children who will turn 6 by the end of the calendar year enrol in the elementary school. Still, significant number of children from rural neighbourhoods and from families with lower education or from poorer families did not visit the groups for preparatory years in the kindergartens, nor they visit the schools. Afterwards, they were enrolled in first grade with 7 years of age. Because of this, a change has occurred in the structure of the primary education and in the school year of 2007/08 the primary education of nine years was introduced. According to the Law, a child who will turn 6 at the end of the calendar year can be enrolled in first grade. By exception, children, who will turn 6 by the end of 31 of January the following year can also be enrolled in the first grade. Three cycles were introduced in the primary education: I-III, IVV-VI, VII-IX. This organisational setup of the primary education contributed for greater access to the primary education from the age of six and to decreasing the percentage of children leaving the primary education. Additional measures were implemented for decreasing the percentage of pupils which do not enrol in primary education, i.e. measures for keeping the pupils and decreasing the rate of early dropout.

At the moment, the pupils are enrolled in the fifth grade. One always performs an evaluation of the past cycle, but also continuously monitors the process and states that the number of those leaving the education is lower.

The curriculums and programs in the primary education have been reformed. The curriculums and programs for children with special needs and their inclusion in the regular education system are currently under reform. Additional help for the pupils coming from the vulnerable groups has been introduced (Roma population, pupils from rural environment, socially jeopardized, migrants, handicapped and etc.). Through the projects in the education, one improved the spatial-technique conditions in the schoolrooms, whereas, trainings have been implemented for the teachers. For improving the material condition of the pupils in the school year of 2007/08, free books have been provided for the pupils whose parents receive social help, and from the school year of 2008/09, the free books are provided to all pupils from the primary and secondary education. In the school year of 2007/08, free transportation for pupils is introduced from the primary and secondary schools and also free accommodation and food for pupils studying in a place different from the place of living and immediate financial support – scholarships for the

vulnerable groups. In the school year of 2008/09 scholarships were awarded to 650 pupils from Roma ethnic origin, and in the school year of 2009/10 scholarships were awarded to 800 pupils from Roma ethnic origin. Also, additional aid has been provided for the pupils learning by engaging 92 mentors.

With the purpose to increase the percentage of enrolment in the secondary education system, as well as to decrease the percentage of those pupils, which, from material reasons do not enrol in the secondary education, the Government of the Republic of Macedonia adopted a decision for implementing the project named Conditional Financial Compensation (in 2007, a Council of Ministers was founded and coordinators from each ministry were appointed). The Conditional Financial Compensation is in direction to prevent the employment of pupils subjected to compulsory education. The Conditional Financial compensation envisages material support to pupils in the secondary education whose parents receive social welfare, but they do not receive child benefit. The purpose of the conditional financial compensation is to serve as additional tool for keeping the pupils in the frames of the secondary education and maintaining regular visitation of the curriculum. The requirement for obtaining the Conditional Financial Compensation is that the pupils need to be present at 85% of the envisaged number of classes with the curriculum, in certain measurement period.

With the Law on Primary Education, the Law on Secondary Education and with the Law on Educational Inspection self-evaluation for every two years and integral evaluation for every three years has been implemented in the schools, with the purpose to improve the quality of the working of the schools ("Official Gazette of the Republic of Macedonia" No. 103/08 and No. 33/10). There is an ongoing process of preparing a Rulebook on Self-Evaluation.

Indicators for quality of the work of the schools have been implemented. The indicators are organised in seven key areas, whereas, special attention is paid to the protection of pupils, including:

- organising and realising the learning and studying process;
- access of the pupils;
- professional development of the teachers and other employees;
- resources and management/policy development;
- communications and public relations;
- ethics;
- cooperation with the parents, business community and other key partners.

The upbringing and educational contents for the vocational secondary education shall be realised via several program areas. The program area "practical training" is significant, particularly for developing the psychomotor abilities and skills with the pupil and his/her gradual inclusion in the work process. Pursuant to the general state curriculum, the curriculum for the

educational profiles and the teaching curriculums, the practical work is compulsory for all pupils.

Depending on the vocation and the educational profile, practical work can be realised via one or several forms: practical curriculum, professional practice or ferial practice. The shapes of the practical training, as well as the representation are contained in the curriculums for each educational profile.

The practical training may be organized in school cabinets, workshops, school economy, school real company, enterprises, and social partners and in combination school-enterprise.

Pursuant to the Law on Vocational Education and Training ("Official Gazette of the Republic of Macedonia" No. 71/2006), the employers may carry out practical training of the pupils, provided they meet the conditions in relation to the space, equipment and adequate personnel.

In absence of standards for equipment and spatial conditions and the standard for vocational and other personnel for implementing the practical training with the employers, the Centre for Vocational Education and Science proposes these criteria for implementing practical training with employers, according to which, the Chambers will perform a verification of the employers for practical training of the pupils:

- to have registered a company as legal entity;
- to be members of the Chambers;
- to have premises in ownership or under lease, pursuant to the activity for which the company is registered;
- to dispose of adequate equipment for the purposes of successful realisation of the practical training of the participants;
- to have realisation plan and schedule of working posts for practical training of the pupils;
- to provide conditions for achieving the goals for practical training from the curriculums pursuant to the envisaged number of lessons;
- to have provided persons with adequate education who will perform practical training of the pupils;
 - higher education;
 - high education;
 - postsecondary education (vocational education, craftsmanship exam);
- the maximum number of pupils that can participate in the trainings with one employer will be determined according to the number of employees in the company, in accordance with the given chart:

Number of employees in the company	Number of pupils on practical training
up to 5 employees	up to 3 pupils
6 - 10 employees	up to 6 pupils
11 - 20 employees	up to 10 pupils
21 - 30 employees	up to 15 pupils
31 - 40 employees	up to 20 pupils
41 - 50 employees	up to 25 pupils
over 50 employees	over 25 pupils (the number will be agreed between the school and the company)

- to provide working environment and means for work, which are safe and harmless for the health, according to the Law on Health and Safety.

The criteria will be used until the preparation of adequate standards for equipment and spatial conditions and the standard for vocational and other personnel for implementing practical training with employers.

The practical curriculum and the conditions under which it is being carried out in the schools and the employers is defined in the vocational secondary education. In the four years of vocational education, the subject of practical course is introduced starting from the second year. In it, the standards for constructing school laboratories have been determined, as well as with employers where they apply the criteria for protection during work.

Question 3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Pertinent figures, statistics and relevant information

Enrolled pupils in the primary education at the beginning of the school year

School years	2005/06	2006/07	2007/08	2008/09	2009/10
Total number of pupils	218935	212331	222359	216180	210381
Pupils in I grade	25125	23895	41569	23103	23002
Pupils in II grade	25590	24912	23282	18244	22995
Pupils in III grade	26375	25460	24542	46287	18248
Pupils in IV grade	27302	26209	25215	24412	46045
Pupils in V grade	28545	27463	26048	25123	24509
Pupils in VI grade	28231	28068	26631	25501	24524
Pupils in VII grade	28527	27970	27645	26325	25139
Pupils in VIII grade	29240	28354	27427	27185	25919

Source: State Statistical Office

Pupils in primary education who have completed the grade by the end of the school year

School years	2004/05	2005/06	2006/07	2007/08	2008/09
Total number of pupils	227254	216100	207661	219289	213349
Pupils in I grade	26348	24762	23334	40807	22965
Pupils in II grade	26807	25317	24567	23352	18091
Pupils in III grade	27755	26096	25084	24560	46217
Pupils in IV grade	28789	27067	25740	24834	24082
Pupils in V grade	29246	27836	26446	25310	24285
Pupils in VI grade	29042	27827	27420	26206	24918
Pupils in VII grade	29931	28202	27323	27174	25876
Pupils in VIII grade	29336	28993	27747	27046	26915

Source: State Statistical Office

Enrolled pupils in the primary education at the beginning of the school year

School years	2005/06	2006/07	2007/08	2008/09	2009/10
Total number of pupils	95867	95366	94545	93843	95343
Pupils in I year	25761	25932	25220	25622	26592
Pupils in II year	24694	24484	24834	23837	24126
Pupils in III year	24259	23861	23680	23807	23321
Pupils in IV year	21153	21089	20811	20577	21304

Source: State Statistical Office

Pupils in secondary education who have completed the grade by the end of the school year

School years	2004/05	2005/06	2006/07	2007/08	2008/09
Total number of pupils	95268	92218	92162	91423	90855
Pupils in I year	25710	24351	24666	24107	24166
Pupils in II year	24928	23827	23684	24026	23355
Pupils in III year	24287	23469	23126	22875	23211
Pupils in IV year	20343	20571	20686	20415	20123

Source: State Statistical Office

In the year of 2009/2010 the State Education Inspectorate has submitted 974 applications for non-enrolment into secondary education.

Regarding the fact that the amendments of the Law in view of the compulsory secondary education have entered into force in 2008/2009, for the period of 2005-2008 there were no submitted applications for non-enrolment into secondary education.

An amendment has been made with Article 9a of the Law Amending the Law on Secondary Education ("Official Gazette of the Republic of Macedonia" No. 116/2010) providing for that the Ministry of Education and Science will keep an integrated data base. The school will enter the data in the integrated data base on continuous basis.

Employees aged 15-19 according to the school preparation

School preparation	Year				
	2005	2006	2007	2008	2009
Total	8527	10147	10823	11 159	9 558
Without education;	56	-	180	266	40
Uncompleted primary education	-	963	734	800	1218
Primary education	5331	5650	5307	5367	4062
3 years of secondary education	790	870	1540	1276	1132
4 years of secondary education	2351	2664	3061	3450	3107
Higher education	-	-	-	-	-
University level education;	-	-	-	-	-

Source: State Statistical Office of the Republic of Macedonia

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.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General legal framework, reforms

The Law on Labour Relations, i.e. Article 174 thereof limits the duration of the working time of workers under the age of 18 and prohibits overtime work for them.

Hence, the working time of the employee younger than 18 years of age cannot be longer than eight hours per day and 40 hours per week. For these workers it is compulsory to have break during the working hours after minimum four and half hours in duration of 30 minutes, and the duration of the break between two days should be minimum 24 consecutive hours.

In the frames of the audit of the Law on Labour Relations pursuant to the TWINNING PROJECT – Overview of the National Labour Legislation (see answer for Article 7, paragraph 1) an amendment of Article 174 has been proposed providing for a worker aged under 18 should have right to vacation of 16 consecutive hours during the period of 24 hours.

The legislation also provides for rules for practical education for pupils enrolled in vocational secondary education. In accordance with the Law on Vocational Education ("Official Gazette of the Republic of Macedonia", No. 71/06) it is envisaged that the employer shall have the responsibility to achieve the goals of the practical training from the curriculum, according to the envisaged number of classes, to sign a contract with the institution for vocational education and training and with the pupil for the realisation of the practical training, to provide compensation for the pupil's work in accordance with the conditions regulated with the contract and to provide protection during the work pursuant to the law. In accordance with Article 16, a contract should be signed between the institution for the period spent in training between the institution for vocational secondary education and training, the employer and the pupil, and in case of minor pupil, the contract should be signed by the parent, i.e. the guardian. The contract shall regulate the conditions of working, the work and the compensation for the job. The contract should be signed before the initiation of the practical training. In accordance with Article 17, the content, the form and procedure for signing the contract for training shall be determined by the Economic Chamber and the Artisan Chamber. In accordance with Article 11, the Chambers are to keep a registry of signed

contracts between the institutions of vocational education and training and the employers about the practical training of the pupils and shall submit an annual report to the Ministry of Education and Science about verified employers for carrying out practical work. Article 13 shall refer to verification of the employers for the purpose of implementing practical training with which it is envisaged for the employers to be able to perform practical training for pupils, provided that they meet the conditions in relation to space, equipment and existing of adequate personnel. The verification of such conditions shall be performed by the chambers. Also, the chambers are to keep a registry for verification of employers for practical training. Article 12 shall envisage that the majority of trade union is to submit proposals for improving the conditions for practical work of the pupils with the employers.

Question 2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Undertaken Measures to Implement the Legal Framework

In the year of 2009/10, the Ministry of Education and Science, the Centre for Secondary Vocational Education and Training and the ETF have performed an evaluation of the four-year vocational education. The process of preparing an Action plan on Implementing the Recommendations of the Evaluation of the 4-Year Vocational Education is underway.

For the purposes of the implementation of the Law on Vocational Education and Training, the Ministry of Education and Science, the Centre for Vocational Education and Science, the Artisan chamber – Skopje, supported by the Artisan Chamber of Koblenz has developed and implemented three-year project in the three-year vocational education with ASUC “Boro Petrushevski” Skopje and SUGS “Dimitar Vlahov” Skopje, with which, 50% of the totally envisaged practical classes will be carried out with the employers.

The pilot project with ASUC “Boro Petrushevski” dates from the school year of 2007/08. Its main purpose is to enrich the practical training, which, up until then was carried out solely in the school workshops, with practice in real working conditions, i.e. in the auto repair services in Skopje. Pupils from the class of body repair auto-mechanics participated in the pilot project, and they hold the practical classes in 10 private auto repair services from Skopje. After three years of pilot period, the percentage of the practical training with employers amounts up to 50% of the total envisaged practical training, as opposed to 50% that fall to the practical training in the school workshop.

In the first year of performing the pilot project in SUGS “Dimitar Vlahov”, the practice in the workshops with the hairstylists and beauticians was optional, i.e. on voluntary basis. The practical training lasted for several hours. For the purposes of better regulation of the mutual relations of teacher/artisan

- pupil a Code on the Working Post has been prepared by the Artisan Chamber Skopje and the school.

The practical training in the workshops is limited. For the purposes of successfulness in performing the practical curriculum with the employers, some of the teachers/artisans motivate the pupils by covering their travel expenses, and part of them provides additional financial means.

The procedure for reviewing and adopting the Conception on Vocational Training and Conception on Vocational Training for Occupation is underway. Reforms have been proposed in the two-year and three-year vocational education including changes in carrying out the practical curriculum, which can be carried out with the employers.

With the reformed curriculum plans and programs, the practical curriculum has been defined along with the conditions under which it can be carried out in the schools and with the employers. Practical curriculum has been planned in the two-year and three-year vocational education, i.e. it was being realised from the first year, while it starts in the second year in the four-year vocational education.

The Artisan Chamber, in cooperation with the vocational schools has prepared programs for vocational training that should be verified.

There are ongoing activities for determining the actual condition in the vocational education, and the legislation. The Artisan Chamber – Skopje, the Artisan Chamber – Koblenz, along with the Institute for International Cooperation of the German Association of National Universities (DVV-International Skopje) are founding a working group for analysing the compliance of the laws, as well as for executing recommendations for improving the laws and their harmonisation with the European ones.

Question 3. Please supply any relevant statistics or other information on the proportion of workers not covered by these limits and the reasons why they are not covered and state whether any particular measures have been undertaken to assist young persons under 16 who do not benefit from any restrictions on their working hours.

Full time and part-time employees aged 15-19 according by gender

Year	Employees								
	Total			Full time employees			Part time employees		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
2005	8527	4787	3740	7169	4016	3152	1359	770	588
2006	10147	6194	3953	7907	4826	3081	2240	1368	872
2007	10823	7202	3621	8570	5601	2969	2252	1601	651
2008	11159	6462	4697	8761	5186	3576	2397	1276	1121
2009	9558	6515	3043	7142	4787	2356	2416	1729	687

Source: State Statistical Office of the Republic of Macedonia

The State Labour Inspectorate acts on request of workers for protection of rights from labour relations envisaged by law and collective agreement. In relation to the rights referring to the working time, the breaks and leaves of absence, in 2005 it was acted on 63 requests, in the 2006 it was acted on 121 requests, in the year of 2007 it was acted on 125 requests, with 114 requests in 2008 and 92 requests in 2009. Neither one of these requests comes from workers younger than 18 years of age.

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.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General legal framework

The Law on Labour Relations (Article 154) provides a possibility for each employee to have the right and the responsibility to be subjected to constant education, additional training and schooling depending on the needs of the work process, due to maintaining, promoting the ability to work on a post as well as keeping the work post. This right refers to all employees, including the children that have concluded employment contract and who are younger than 18 years of age.

The employer shall have the responsibility to provide the worker with realisation of the right to education, training and schooling, if the need of the working process requires it or if by the education, training and schooling the cancellation of the employment contract can be avoided from personal or business reason.

During the additional education, the worker is entitled to salary compensation. The amount of the salary compensation will be determined with collective agreements. Hence, Article 28 from the General Collective Agreement for the Business Sector of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" No. 88/2009) provides for that the salary compensation for additional training, pursuant to the needs of the employer, will be paid in the amount of the average salary of the worker paid in the past 12 months.

Also, with the Article 19 from the General Collective Agreement for the Public Aector of the Republic of Macedonia ("Official Gazette of the Republic of Macedonia" No. 10/2008 and 85/2009) the salary compensation for additional education, vocational training, retraining, i.e. additional qualification, pursuant to the need of the employer, will be paid in the amount of his/her average salary in the last three months.

Taking into consideration the fact that during the additional qualification i.e. vocational training, retraining, i.e. additional training pursuant to the needs of the employer, the employee will receive salary compensation in the amount of which the legally envisaged contributions for social insurance are paid; this means that this time period shall be considered as integral part of the working day. Therefore, the time spent on additional education, vocational training, requalification, i.e. additional qualification pursuant to the needs of the employer, will not be additionally compensated.

During the revision of the Law on Labour Relations pursuant to the TWINNING PROJECT – Review of the National Labour Legislation (see answer for Article 7 paragraph 1), amendments to Article 18 have been proposed providing for that the time spent by the young individual in vocational preparation in the frames of the theoretic and practical study plan shall be considered as work.

The children and youth, which, besides the responsibility to be enrolled in the compulsory education are employed instead, in accordance with the Law on Vocational Education and Training, i.e. the Law on Adult Education, can acquire vocational training, i.e. so to continue afterwards in vocational education as their profession.

During the monitoring of the educational program an agreement between the institution for education of adults and the participant has been signed. The agreement shall regulate the terms of monitoring the education of the adults (place of education, duration, compensation and etc.). The content and the form of signing of the agreement will be regulated by the Centre for Adult Education.

In accordance with the Law on Adult Education, Rulebook on the standards for the premises and the equipment in the institutions and the institutions for adult education ("Official Gazette of the Republic of Macedonia" No. 07/08), Rulebook on the Form, Content and the Manner of Keeping the Central Registry and the Municipal Registry for the Institutions and the Institutions Realising Publicly Acknowledged Programs for Adult Education ("Official Gazette of the Republic of Macedonia" No. 37/2010) have been adopted.

Question 2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Undertaken measures to implement the legal framework

For the purposes of implementing the legal framework a Rulebook on Verification of Employers for Carrying Out Practical Work ("Official Gazette of the Republic of Macedonia" No. 31/2008) and Rulebook on Practical Training ("Official Gazette of the Republic of Macedonia" No. 31/2008) have been adopted.

In the period of 2005-2009, complaints have not been submitted to the State Labour Inspectorate with requests for breach of the rights to additional education, which are envisaged by Law and collective agreement.

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.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General legal framework

Article 137 from the Law on Labour Relations determines the minimum duration of the annual vacation according to which each worker has the right to annual vacation of minimum 20 working days. The minimum duration of the paid annual vacation refers to the employed persons under the age of 18. The annual vacation can be prolonged up to 26 work days under conditions and criteria determined by collective agreement or employment agreement. Besides this, the annual vacation can be prolonged for additional seven work days for employee who turned 18, i.e. employee who did not turned 18 has the right to 20 work days of vacation (minimum duration of the annual vacation determined by Law) and additional 7 days due to protection of younger workers (Article 176 of the Law on labour relations.)

In accordance with this, Article 40 of the General Collective Agreement for the Business Sector of the Republic of Macedonia provides for that the duration of the annual vacation is determined up to 26 working days, depending on:

- the time spent in employment,
- the complexity of the works on the work post,
- the working conditions,
- the health condition of the employee and
- if the employee is younger than 18 years of age.

The same provision envisages that the annual vacation can amount more than 26 work days, for workers younger than 18 years of age.

Employee younger than 18 years of age, as well as all the remaining employees, pursuant to Article 145 of the Law on Labour Relations, do not have the right to waive the right of annual vacation, i.e. any agreement with which the worker would waive his right to use annual vacation shall be null and void.

Question 2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Undertaken measures to implement the legal framework

The section on misdemeanour provisions in the Law on Labour Relations, i.e. Article 264 used to envisage a fine of EUR 15,000 in denar counter value for misdemeanour committed by an employer and a fine of EUR 10,000 in denar counter value for an employer-natural person, if workers under the age of 18 have not been provided with an annual leave increased by seven working days. Furthermore, it also anticipated a fine to the amount of EUR 7,000 for the Director, or another responsible person of the employer.

According to the measures for promotion of the penal policy and improving the business climate in the Republic of Macedonia of the Government, appropriate changes were made in the area of penal provisions in the Law on Labour Relations (see Article 7 & 1 – Undertaken Measures).

Thereby, the section on misdemeanour provisions of the Law on Labour Relations, (“Official Gazette of the Republic of Macedonia” No. 76/2010), i.e. Article 265 now envisages a fine of EUR 3,000 in denar counter value for misdemeanour committed by an employer-legal entity and a fine of EUR 2,000 in denar counter value for an employer-natural person, if the workers under the age of 18 years have not been provided with an annual leave increased by seven working days. Furthermore, it also anticipates a fine to the amount of EUR 1,000 for the Director, or another responsible person of the employer.

Question 3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Pertinent figures, statistics and relevant information

During the regular supervisions, the labour inspection controls the use of the right to annual leave by the employees. No violations have been ascertained in regards to this law for workers younger than 18 years of age.

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.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General legal framework, reforms

The Law on Labour Relations, or more specifically Article 175, prohibits night work by a worker who has not yet turned 18 years of age, for the hours between 10:00 pm and 06:00 am the following day. Notwithstanding, a worker who has not yet reached 18 years of age may work at night, but only in case of force majeure and under the supervision of an adult worker, where such work takes certain time and it needs to be performed immediately and there are no other available full age workers. In such cases there is an obligation for the persons who worked at night to be provided with leave for the subsequent three days.

Question 2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Undertaken measures to implement the legal framework

The section on misdemeanour provision of the Law on Labour Relations, i.e. Article 264 used to envisaged a fine of EUR 15,000 in denar counter value for misdemeanour committed by an employer and a fine of EUR 10,000 in denar counter value for an employer-natural person, if a worker who has not yet reached 18 years of age works at night between 10:00 pm and 06:00 am the following day, if the person works at night in the case of force majeure and the employer does not provide him/her leave for the subsequent three days and does not ensure supervision by a full-age worker. Furthermore, it also anticipated a fine to the amount of EUR 7,000 for the manager, or another responsible person of the employer.

According to the measures for promotion of the penal policy and improving the business climate in the Republic of Macedonia of the Government, appropriate changes were made in the area of penal provisions in the Law on Labour Relations (see Article 7 & 1 – Undertaken Measures).

Thereby, the section on misdemeanour provisions of the Law on Labour Relations, (“Official Gazette of the Republic of Macedonia” No. 76/2010) i.e. Article 265 now envisages a fine of EUR 3,000 in denar counter value for

misdeemeanour committed by an employer-legal entity and a fine of EUR 2,000 in denar counter value for an employer-natural person, if a worker who has not yet reached 18 years of age works at night between 10:00 pm and 06:00 am the following day, if the person works at night in the case of force majeure and the employer does not provide him/her leave for the subsequent three days and does not provide supervision by a full-age worker.

Furthermore, it also anticipates a fine to the amount of EUR 1,000 for the Director, or another responsible person of the employer.

Question 3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Pertinent figures, statistics and relevant information

The State Labour Inspectorate has carried out numerous inspection supervisions in the catering sector, where workers younger than 18 years are most prevalent, where they also work during part of the night shift, i.e. from 10:00 pm to 12:00 am or up to 01:00 am. In such cases, supervision of an older worker is provided. In other industries, there are no cases of workers younger than 18 years of age performing work during night shift.

Year	Regular Supervisions in the Hospitality Sector
2005	3310
2006	3271
2007	3385
2008	5308
2009	4732

Source: The State Labour Inspectorate

During the period of 2005-2009, the State Labour Inspectorate has not received any grievances in respect of violation of the right of persons under the age of 18 not to be forced to perform night work.

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 year of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General legal framework, reforms

The Law on Health Protection and the Law on Health Insurance provide equal access to the health institutions, respecting the right of equality of all citizens of Republic of Macedonia. Healthcare services are provided via three levels of health protection: a selected practitioner in primary health care (where the citizens make a selection per area of practice in general medicine, occupational medicine, paediatrics, school medicine, gynaecology and general dentistry, according to the place of residence or the place of work), specialist-counselling and hospital health care.

An insured person has the right to urgent medical assistance without a referral by the elected physician, at the closest medical institution providing primary health care, i.e. the medical institution which has an organised urgent medical assistance service, according to the place of residence, or the place where the insured person happens to be at the time of need of urgent medical assistance.

An insured person shall realise the right to medicine on the basis of a medical prescription. Prescription medicine is prescribed by a physician - doctor of medicine or doctor of dentistry, who has the status of a selected practitioner in primary health protection.

Specific categories of insured persons are eligible for salary compensations during temporary periods of inability to work due to illnesses and injury and during absence from work due to pregnancy, birth and motherhood.

These regulations also regulate appropriately and in detail the issues for prevention and treatment of the mouth and teeth in primary health care, home treatment, visits by patronage nurses, the right to treatment abroad - in cases when all options for treatment in the health facilities in the country have been exhausted, when an insured person is referred to temporary work abroad and when they are temporarily abroad and other aspects of health protection and health insurance provided to all citizens, or insured persons in the Republic of Macedonia, including employees younger than 18 years of age.

Specifically, the issue of providing regular medical examinations for persons younger than 18 years of age employed at certain positions, until 2007 was regulated by the Law on Protection at Work, and from 2007 onwards it is regulated by the Law on Occupational Safety and Health.

The Law on Protection of Nature ("Official Gazette of the Republic of Macedonia" No. 13/98) adopted on 18.03.1998, more precisely, under Article 36 of this Law, the employer was obliged to refer the worker to a control medical examination, performed in certain periods determined by the *Rules of Procedure of Previous Medical Examinations and Procedures and Deadlines for Conducting Periodic Medical Examinations of Workers*. This Rulebook was enacted in 1988, that is, it was adopted in accordance with the previous Law on Protection at Work, and due to the comprehensive coverage and good arrangement of this Rulebook, it continued to exist and is applied to this day, until a new Rulebook which is expected soon to be published and take effect. According to this Rulebook, the employer is obliged to refer employees to medical examinations within 12 or 24 months, depending on the risks at the workplace.

The Law on Protection at Work applied for all employees in the Republic of Macedonia, regardless of their age and applied to all areas of activity in the private and public sector.

The adoption of the Law on Occupational Safety and Health in 2007 ("Official Gazette of the Republic of Macedonia" No. 92/07), regulated the occupational health and safety measures, the obligations of the employer and the rights and obligations of the employees, as well as preventive measures against occupational risks, the elimination of risk factors for accidents, informing, consulting, training of workers and their representatives and their participation in planning and taking measures for the occupational health and safety. This law is fully harmonised with the Framework Directive" (89/391/EEC) on the introduction of measures to encourage improvements in the safety and health of workers at work.

The provisions of this Law apply to all spheres of public and private sector for all persons insured against workplace injuries or occupational diseases under the regulations on retirement, disability and health insurance and all other persons involved in the business processes, regardless of their age.

According to Article 17 of this Law, monitoring the state of health is the responsibility of the employer. The employer fulfils this obligation by engaging authorised health care professionals to perform professional occupational health tasks. The primary objectives of the authorized healthcare institution (Article 20) depending on the type of activities performed by the employer, and the type and level of risk of injury or impairment of health at work, are

- carrying out preventive medical examinations on the employees in accordance with special regulations;
- provision of medical services for employees with occupational diseases;
- organisation and provision of first aid to employees in case of injury of a collective or workplace accident;
- identification and research of the causes of disability and occupational diseases related to work and injuries at work,

suggestions for appropriate security measures and measures for treatment; participation in the performance of appropriate professional rehabilitation and consultation on the choice of more appropriate working tasks;

- provision of suggestions to the employer for the protection of the health of the employees who are at high risk of injury or impairment of health;
- keeping records and collecting data on the health of employees in accordance with special regulations;
- participation in each assessment of risk, safety and health in the workplace and working environment, and
- to inform the employees of the risks associated with their work, their job and to pursue education.

Pursuant to Article 22 of the Law, the employer must provide medical examinations for the employees at least every 18 months. The type, manner and scope of medical examinations are prescribed by the Minister responsible for matters relating to health, in agreement with the Minister responsible for the labour affairs. The act that prescribes medical examinations of employees has been prepared and is currently under a procedure for publication in the Official Gazette of the Republic of Macedonia.

According to Article 39 paragraph 1 of the Law, an employee has the right to refuse execution of work if he/she had not previously been informed about all possible dangers and hazards, or if the employer does not provide for the prescribed medical examination.

Question 2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Undertaken measures to implement the legal framework

Inspection supervision over the implementation of the Law on Protection at Work of 1998 was carried out by the State Labour Inspectorate. This Law also prescribed the penalty provisions so that an employee was fined by 100,000 to 150,000 denars for violation of non-referral of workers to periodic medical examinations within the prescribed limits or for deploying an employee to the same or another job with special working conditions, without undergoing such a medical examination.

The supervision on the implementation of the Law on Occupational Safety and Health from 2007 is performed by the Ministry in charge of labour affairs, while the inspection supervision on occupational safety and health is performed by the State Labour Inspectorate. This Law prescribes penalties and provisions composed of 3 categories (first, second and third), wherefore

the third category prescribes the highest fines, and this is the same category where carrying out of health examinations of the employees belongs to. Thus, the employer shall be subject to fines ranging from EUR 5,000 to EUR 10,000 in denar counter-value for failure to provide health examinations for the employees in accordance with Article 22 of the Law.

Every year, the Government of the Republic of Macedonia adopts 17 Preventive Programmes for Protection of the Population financed by the Budget of the Republic of Macedonia. The Preventive Programmes for the Protection of the Population shall be adopted pursuant to Article 32 of the primary Law on Health Protection ("Official Gazette of the Republic of Macedonia" No. 38/91).

Programmes of interest to persons younger than 18 years of age are the Programme for Mandatory Immunisation and the Programme for Systematic Medical Examinations which provides free vaccination and systematic medical examinations for children regardless of health insurance.

Programme for Systematic Medical Examinations

The Programme for Systematic Medical Examinations of pupils and adolescents covers:

- dynamic monitoring of growth, development and state of nutrition (nutritional status);
- early detection of deviation of growth in accordance with the age of the children;
- detection of states of malnutrition and obesity;
- early prevention as a factor for reduction of diseases and conditions in children at risk especially towards the function of preventing the occurrence of non-communicable diseases in later stages;
- detection of risk factors for certain diseases;
- prevention of certain diseases;
- diagnosis of certain disorders and diseases in order to promptly correct and treat them;
- detection of harmful habits;
- correction of anomalies and deficiencies;
- treatment of established disorders and diseases;
- establishment of a national database for health and development for this population group.

The systematic medical examinations are conducted by preventive teams throughout the Republic within the Public Health Institutions - Healthcare Facilities (a total of 34 healthcare facilities). The first systematic medical examination is performed in the first grade. The medical conditions

are monitored during the entire period of schooling of the pupils. Mandatory medical systematic examinations are also conducted in the 3rd, 5th and 7th grade. Secondary school students are covered by systematic medical examinations in the 1st and 4th year (or in the final 3rd year), whereas for students starting their University education in the 1st year of study.

The content of the systematic medical examination depends on the age of the pupil. For younger pupils more attention is paid to the general nutrition and development, detection of risk factors for certain diseases, prevention of specific diseases, diagnosis of certain diseases and disorders.

For older students, the systematic medical examinations monitor the physical and psychological changes during puberty and adolescence, detection and elimination of harmful habits that affect health and poor nutrition, lack of physical activity, addictions (alcohol, smoking, drugs) etc..

Targeted systematic medical examinations monitor certain elements of the physical or psychological status, where, considering the intense development, sudden changes are expected. The target systematic medical examinations are also conducted in shorter time intervals, depending on the established prior conditions.

Systematic medical examinations cover a range of medical procedures that determine the health, psychological and physical development of the pupil or student for early detection of diseases or disorders with a view to taking necessary measures for health protection.

The systematic medical examinations consist of:

1. General Medical Examination:

- measurement of body weight and height and determining the BMI for assessment of body growth and general nutrition.
- examination of the skin;
- observation of the existence of deformities (the spinal column, chest, feet, etc..)
- general medical examination and examination of systems (cardiovascular, respiratory, digestive, nervous, urogenital system);
- pulse and blood pressure level measurement;
- examination of sight, hearing and speech;
- assessment of the psychological development;
- taking data in relation to puberty in both sexes and the first menstruation (of female pupils and students);
- taking data in relation to sexual activity of the adolescents and use of contraceptive measures;
- taking data about addictions and diseases that adversely affect health (smoking, alcohol consumption, use of pills, glue and drugs);

- referral for laboratory examination (blood and urine), and if necessary, radiological and other specific examination;
- collecting data from students, teachers and psychologists about the grades and student's behaviour and provision of necessary advice;
- control of the performed vaccinations and revaccinations, and taking measures to complete the vaccination status;
- the findings of systematic medical examinations shall be registered in the medical record of the pupil/student;
- pathological findings shall be recorded in the medical record by taking appropriate treatment measures and monitoring the pathological conditions.

2. Control Examinations

Control examinations are conducted in shorter time intervals, depending on the established prior conditions.

3. Dentist Examinations:

- control and recording of the state of the jaw (milk teeth, permanent teeth, caries, extraction and filling index);
- deformities and irregularities in the development of teeth and jaws;
- registering the established condition in the medical records.

4. Laboratory Examination

- haemoglobins in the blood;
- albumin and bilirubin in urine.

Programme for Mandatory Immunisation

Pursuant to the Programme for Mandatory Immunisation, the mandatory examination is conducted continually against certain infectious diseases, on all persons of a certain age.

Mandatory immunisation, seroprophylaxis and chemoprophylaxis are applied against certain communicable diseases for all persons, by epidemiological indication, for as long as they last.

I. Continuous Immunisation is applied against: *Hepatitis B*, *Tuberculosis*, diseases caused by *Haemophilus influenzae* type B (*HIB*), *Diphtheria*, *Tetanus*, whooping cough (*Pertusis*), polio (*Poliomyelitis acuta*), measles (*Morbilli*), mumps (*Parotitis*) and *Rubeola* and diseases caused by human papillomavirus (*HPV*) for all individuals of a certain age, under this Programme.

II. According to epidemiological indications, mandatory immunisation, seroprophylaxis and chemoprophylaxis are applied against: *Tuberculosis* – immunisation chemoprophylaxis; *Diphtheria* – immunisation; *Tetanus* - immunisation and seroprophylaxis; *Poliomyelitis acuta* – immunisation; *Morbilli* - immunisation; Rabies (*Lyssa*) - immunisation and seroprophylaxis ; yellow fever (*Febris flava*) - immunisation; *Cholera* – chemoprophylaxis; *Malaria* - chemoprophylaxis; intestinal typhus (*Typhus abdominalis*) - immunisation; viral hepatitis B (*Hepatitis B*) – immunisation, seroprophylaxis, immunoprophylaxis and chemoprophylaxis of the population in case of epidemics and special emergencies for all persons according to this Programme.

Mandatory immunisation against infectious diseases from item I and mandatory immunisation, seroprophylaxis and chemoprophylaxis against infectious diseases from items I and II, shall be implemented according to: Law on Protection of the Population from Infectious Diseases ("Official Gazette of the Republic of Macedonia" No. 66/2004), the Law Amending the Law on Protection of the Population from Infectious Diseases ("Official Gazette of the Republic of Macedonia No. 139/2008 and No. 99/2009), the Regulation on Conditions and Manner of Conducting Mandatory Immunisation, seroprophylaxis and chemoprophylaxis against communicable diseases and persons subject to this obligation ("Official Gazette of the Republic of Macedonia" No. 68/91) and Decision No. 08-8382/1 of 20.10.2009 by the Minister of Health on the introduction of continuous immunisation against diseases caused by human papillomavirus (*HPV*) for girls at 12 years of age that prevents the occurrence of cervical cancer.

IMMUNISATION CALENDAR

Age of persons subject to immunisation	Disease against which immunisation is being carried out	Vaccination Revaccination
up to 24 hours after birth 2 and 6 months	Hepatitis B (3 doses)	vaccination
up to 1 year of age	Tuberculosis (without testing)	vaccination
3, 4 и 5 months*	Haemophilus influenzae B (3 doses)	vaccination
4, 5 и 6 months	Diphtheria, tetanus, whooping cough (3 doses)	vaccination
4, 5½ and 7 months	Infantile paralysis (3 doses of three-type oral vaccine)	vaccination
13 months	Small pox, rubeola, mumps	vaccination
18 months	Haemophilus influenzae B	revaccination
18 months	Diphtheria, tetanus, whooping	I revaccination

	cough	
20 months	Infantile paralysis (1 dose)	I revaccination
4 years	Diphtheria, tetanus, whooping cough	II revaccination
7 years (II grade)	Small pox, rubeola, mumps Tuberculosis (with testing) Infantile paralysis (1 dose) Diphtheria, tetanus (1 dose)	Revaccination I revaccination II revaccination III revaccination
12 years, after 2 and 6 months of first dose	HPV (3 doses)	vaccination
14 years (VII grade)	Tuberculosis (with testing) Rubeola (only girls) Infantile paralysis (1 dose) Diphtheria, tetanus (1 dose)	I revaccination II revaccination III revaccination IV revaccination
18 years*,	Tetanus (1 dose)	V revaccination

* or the final year of secondary education

The Rulebook on Immunoprophylaxis, Chemoprophylaxis, Persons Subject to These Measures, the Manner of Performance and Record-Keeping and Documentation was adopted in May 2010.

In terms of campaigns that are conducted for these two prevention programmes it is important to note that for six years already, each year in April, the World Health Organisation (WHO) declares "Immunisation Week" in which the Republic of Macedonia has been participating since its establishment, which represents an immunisation holiday in Macedonia with an organised outreach immunisation of marginalised groups in areas difficult to access (Roma, homeless children, street children) in order to increase the coverage among the population, and thus prevention of the diseases that can be prevented by vaccine, elimination and eradication of certain infectious diseases such as the WHO strategic priorities that the Republic of Macedonia follows as its member.

List of strategic documents in the area of healthcare

Adopted strategic and action plans	
1.	Health Strategy of the Republic of Macedonia (reliable, efficient and equitable health system) 2020
2.	National Strategy for Drugs of the Republic of Macedonia (2006-2012), (2007)
3.	Strategy to Reduce the Harmful Effects of Alcohol on Health of the Population in the Republic of Macedonia (2008-2012), September 2007
4.	National Strategy to Promote Psychological Health in the Republic of Macedonia (2005-2012), (2005)
5.	Drugs Strategy of the Republic of Macedonia (2001)

6.	Strategy for Tobacco Control for Providing And Promoting the Protection of Public Health (2005-2010,) (2006)
7.	Second National Action Plan for Food and Nutrition
8.	National Strategy for Health, Healthy Living and Working Environment and Safety at Work HESME, 2005
9.	Strategy for the Promotion of Oral Health Among the Population in the Republic of Macedonia
10.	National Strategy for the Prevention of Oral Diseases in Children up to 14 Years of Age in the Republic of Macedonia (2008-2018) and Action Plan
11.	Manual for the Implementation of the National Strategy for Prevention of Oral Diseases in Children up to 14 Years
12.	Action Plan for the Prevention and Early Detection of Breast Cancer
13.	Operational Plan of Activities Before and During a Possible Flu Pandemic with Particular Reference to Avian Influenza in the Republic of Macedonia (2006)
14.	National HIV/AIDS Strategy (2007-2011) (Project of the Ministry of Health and the GFTAM)
15.	National Strategy on Palliative Health Protection (2010)
16.	Strategy for Non-Communicable Diseases
17.	National Strategy for Health of Young People in the Republic of Macedonia (2006-2015) (Project of MOH and UNICEF)
18.	Operational Plan of the National Strategy for Equal Rights of Persons with Disabilities (Revised) 2010-2018
Strategies and Action Plans in Preparation	
19.	Strategy for TB Control in the Republic of Macedonia (2007-2011) (Project of the Ministry of Health and the GFTAM)
20.	Strategy on Sexual and Reproductive Health
21.	Strategies for the Control of Antimicrobial Resistance
22.	Action Plan for Prevention and Protection from Interpersonal Violence for the Promotion and Protection of Health in Healthcare Facilities for Persons with Mental Illnesses (2010-2013)
23.	Action Plan for Prevention and Protection from Violence for the Promotion and Protection of Health (2010-2012)
24.	Action Plan for the Protection of the Population from Heat Waves
25.	Strategy on Climate Change and Health
26.	National Health Ecological Plan
27.	Strategy on Safe Motherhood
Inter-Sectoral Documents (Implementation of EU Policy “Health in All Policies”)	
28.	National Action Plan for the Protection of Children (2006-2015) (2006)
29.	National Strategy for Roma in the Republic of Macedonia (2005) Decade of Roma
30.	National Action Plan on Human Trafficking and Illegal Migration in the Republic of Macedonia (2004)
31.	National Environmental Health Action Plan, 1999 (NEHAP), last

	revised in 2006
32.	Local Environmental Health Action Plans, 1999 (LEAP)
Projects on which strategic directions for the development of health have been/are being determined	
33.	Project on Reforms in the Transfusion Medicine Service in the Republic of Macedonia (technical support to the Government of France)
34.	Decentralisation of the Macedonian Health System (Project of the Ministry of Health and the World Bank)
35.	Strategy for the Development of an Integrated Health IT System (Project of the Ministry of Health and the World Bank)
36.	Health Map of the Republic of Macedonia (Project of the Ministry of Health and the World Bank)
37.	Development of a Public Health Strategy in the Republic of Macedonia (Project of the Ministry of Health and the World Bank)
38.	Strategy on Perinatal Health Protection
39.	Strategy on Organisation and Financing of Primary Health Protection (Project of the Ministry of Health and the World Bank)
40.	Strategy on Continuous Medical Education and Specialisation per PHC (PZZ) (2001) (Project of the Ministry of Health and the World Bank)
41.	Strategy on Accreditation of Doctors in the Republic of Macedonia (2002) (Project of the Ministry of Health and the World Bank)
42.	Strategy on Continuous Medical Education in Primary Health Care in the Republic of Macedonia (2000) (Project of the Ministry of Health and the World Bank)
43.	Health Insurance Reforms (Project of the Ministry of Health and the World Bank)
44.	Project for Notification and Warning (ALERT) – Early Warning and Response System (EWARNs) (World Health Organisation and Ministry of Health)

Question 3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Pertinent figures, statistics and relevant information

**Conducted Systematic Medical Examinations of Primary School Pupils in the Republic of Macedonia
During the Period of 2005 - 2009**

Year	Totally eligible	Total examined	Pupils per grade							
			I grade		III grade		V grade		VII grade	
			Total eligible	Total examined	Total eligible	Total examined	Total eligible	Total examined	Total eligible	Total examined
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

Source: Ministry of Health of the Republic of Macedonia

**Conducted Systematic Medical Examinations of Secondary School Pupils in
the Republic of Macedonia**

Year	Totally eligible	Total examined	Pupils per Year			
			I year		IV year	
			Totally eligible	Total examined	Totally eligible	Total examined
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

Source: Ministry of Health of the Republic of Macedonia

**Conducted Systematic Medical Examinations of University Level Students
in the Republic of Macedonia in the Period of 2005 - 2009**

Year	Totally eligible	Total examined	I year of studies	
			Totally eligible	Total examined
2005	11823	11803	11823	11803
2006	11182	11172	11182	11172
2007	25149	22328	25149	22328
2008	14378	14328	14378	14378
2009	16957	16863	16957	16863

Source: Ministry of Health of the Republic of Macedonia

The State Labour Inspectorate supervises the implementation of regulations governing the area of occupational health and safety. In the period from 2005 to 2009, the Inspectorate conducted numerous inspection supervisions in this area, however until 2007 the data about the varied out regular and control examination were recorded in an integrated way.

With the launch of the application of the Law on Occupational Safety and Health in mid 2007, the State Labour Inspectorate began to keep records in respect of medical examinations carried out. Thus in 2007, out of a total of 9760 inspections conducted of employers from all industries, of which 7967 regular and 1793 control supervisions, 796 flaws were determined regarding the failure to supply first aid equipment and the failure to provide for medical examinations of the employees.

In 2008, the labour inspectors in the field of occupational safety and health carried out a total of 14,924 inspection supervisions of employers of all industries, with 12,180 regular and 2,744 control supervisions and acted upon 285 applications (complaints) from parties for the protection of the rights in the area of occupational health and safety. Therefore, most of the identified deficiencies are related to the compulsory medical examinations of employees in the certified hospitals in the area of labour medicine. Of the total of 3,273 found deficiencies in this respect, 2,513 of them were removed when the control supervisions were executed .

In 2009, the labour inspectors in the field of occupational health and safety carried out a total of 17,991 inspection supervisions of employers of all industries, with 15,027 regular and 2,911 control supervisions and acted upon 53 applications (complaints) from parties for the protection of the rights in the area of occupational health and safety. Therefore, most of the identified deficiencies are related to the compulsory medical examinations of employees in the certified hospitals in the area of labour medicine. Of the total of 2,777 found deficiencies in this respect, 2,075 of them were removed when the control supervisions were executed.

Article 7§10

With a view to ensure the effective exercise of the right of children and youth to medical protection, the contracting parties shall undertake to provide special protection from physical and moral dangers children and youth are exposed to, especially those who are direct or indirect consequence of their work.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General legal framework, reforms

Protection of children from all forms of exploitation

Pursuant to the Constitution of the Republic of Macedonia (Article 42) the state guarantees special protection of children.

This constitutional commitment to the protection of children is applied through existing legislation and above all by the Law on Child Protection, but also via other laws governing this matter, such as the laws in the area of social protection, education, health care, labour relations etc.

The Law on Child Protection adopted by the Assembly of the Republic of Macedonia in 2000, which until 2009 was subject to many amendments (2003, 2004, 2005, 2008 and 2009), is the primary systematic law that regulates the organisation and manner of providing children's care.

The protection of children is an organised activity based on children's rights and the rights and obligations of parents and the state for family planning, providing conditions and living standard that correspond to the physical, psychological, emotional, moral and social development of the children and obligations of the state in creating the conditions for running a humane population policy, provision of adequate material assistance to parents according to the possibilities of state support, awareness, care and protection of children and organising and ensuring the development of facilities and services for the protection of children (Article 2).

Pursuant to the provisions of Article 9 of the Law any, physical or psychological harassment, punishment or other inhuman treatment or abuse of children is prohibited. The same article prohibits political or religious organisation and activity, and abuse of children due to political or religious organisation and activity. The failure to comply to the provisions of the Law, shall be penalised with an offence penalty, according to Article 130. Therefore, a fine of 40,000.00 to 200,000.00 denars shall be levied against children's institution, if such children's institution: organises political or religious organisation and activity, and abuse of children is carried out in the institution by the same motives, as well as carrying out psychological or physical harassment, punishment or other inhuman treatment or abuse of children (Article 9). Fines are also anticipated for the manager in the institution for this offense from 10,000.00 to 40,000.00 denars, and for the employees at the institution a fine of 10,000.00 to 30,000.00 denars if they flog a child or mentally harass him/her.

On 30 June 2009, the Assembly of the Republic of Macedonia adopted large scale amendments to the Law on Child Protection. Namely, the perception of the

situation and the system of protection of children in our country showed that the current system, which regulates child protection, needs modernisation in order to adapt to contemporary trends in the society. Modernisation of the legal solutions was imposed by the commitment of approximation of our legislation to the legislation of the countries of the European Union.

Due to the need, the protection of children in general, and in some cases in life, in order to raise to a higher level than the present, the Law incorporates most of the provisions of the Convention of the Rights of the Child, other relevant conventions, protocols and documents with emphasis on the child as a subject, the protection of the right to life and development, protection of the best interests of the child, providing a minimum standard for every child under equal conditions, respecting the right of the child to freedom of opinion and free expression, association and education, healthy living conditions and other social rights.

In order to enhance the quality of child protection, provisions resulting from Council Directive 2000/43/EC concerning the prohibition of discrimination based on race or ethnic origin are incorporated.

Pursuant to the amendments to the Law on Child Protection in 2009, Article 9 prohibits all forms of sexual exploitation and sexual abuse of children (child pornography, child prostitution), violent seduction, selling or trafficking in children, psychological or physical violence and harassment, punishment or other inhuman treatment, all kinds of exploitation, commercial exploitation and child abuse which violate basic human freedoms and rights of the child.

The state and the institutions of the system shall take all measures to protect children from illegal use and other forms of abuse of children in the illicit production and trafficking of narcotic drugs, psychotropic substances and precursors.

Abuse of children due to political or religious organisation and activity is forbidden.

Inclusion of minors in armed conflicts and their recruitment in units performing military and other actions is forbidden.

The state and the institutions of the system are obliged to take all necessary measures to ensure the child's rights and prevention of all forms of discrimination and abuse, regardless of where these activities are carried out, their seriousness, intensity and their duration.

Every citizen is obliged to report to the competent authority any form of discrimination, abuse and exploitation of a child immediately after gaining knowledge of the event.

Failure to implement the provisions of the Law, misdemeanour provisions established therein anticipate a set of fines (Article 130 paragraph 1 indent 1.). A fine to the amount of EUR 500 to EUR 1,500 in denar counter value shall be imposed for an offence committed by a children's institution, if: it organises political or religious organisation and activity, and abuse of children is carried out in the institution by the same motives, as well as carrying out psychological or physical harassment, punishment or other inhuman treatment or abuse of children (Article 9). Fines are also anticipated for the manager of the institution for this offense from EUR 500 to EUR 1000 in denar counter value, as well as for the employees at the institution if they: physically punish a child, or psychologically harass him/her (Article 9).

The same Article 42 of the Constitution guarantees protection of children and minors, or more precisely paragraph 1 of this Article prohibits the employment of a

person less than 15 years of age, paragraph 3 ensures special protection at work for minors, and paragraph 4 does not permit employment of minors in jobs harmful to their health and morality.

The Law on Labour Relations provides for prohibition of jobs which are considered dangerous or harmful to the health of workers younger than 18 years, i.e., Article 173 stipulates that for workers who have not yet turned 18 years of age, the employer cannot force them to perform hard physical work, work carried out underground or under water, working with sources of ionising radiation and other things that can harm and have an increased risk of affecting the health and development with regard to their psychological and physical development.

Within the revision of the Law on Labour Relations pursuant to the TWINNING PROJECT - Review of the National Labour Legislation (see Response to Article 7 paragraph 1) an amendment is proposed to Article 18 which provides for the employer to ensure the protection of young persons from economic exploitation and any job that can have detrimental impact on their safety, health, physical, psychological, moral or social development or jobs that may jeopardise their education.

Protection of children against human trafficking and forced work

With a view of the fight against human trafficking, in accordance with the obligations arising from the signing of the Palermo Convention and its additional protocols, in particular the Palermo Protocol for the prevention of human trafficking, a new article (Article 418-a) "Human Trafficking" was introduced in the Criminal Code of the Republic of Macedonia in 2002 ("Official Gazette of the Republic of Macedonia" No. 4/02) stipulating that human trafficking shall be incriminated as a separate and serious crime.

The Law Amending the Criminal Code ("Official Gazette of the Republic of Macedonia" No. 7/08) was adopted in January 2008, which supplements the Criminal Code with a new crime - 418-d "Trafficking of Minors". This Article provides a minimum sentence for the perpetrator of at least 8 years or 10 years in prison if they used force, threats, misleading or other forms of coercion to obtain consent of a person having control over another person (paragraph 2). The Article also provides for a minimum sentence of 8 years in prison for the user of sexual services or other exploitation of a juvenile person for whom he/she knows that he/she is a victim of trafficking (paragraph 3). The consent of the minor is irrelevant or is of no significance for the existence of the crime (paragraph 6). Furthermore, this Article anticipates confiscation of property, objects and vehicles that are used in perpetration of the act of trafficking with minors.

In September 2009, the Criminal Code was supplemented ("Official Gazette of the Republic of Macedonia" No. 114/09) and according to Article 418, every official who, in performing his service, perpetrated an act related to human trafficking shall be punished with at least 10 years of prison.

The issue of the protection of children victims of trafficking for the first time in the Republic of Macedonia was addressed in the Law on Families ("Official Gazette of the Republic of Macedonia" No. 84/08) in 2008 and a new chapter V-a was added

to it - "Custody of Minors Victims of Trafficking" consisting of new Articles, 177-a, 117-b, 177-c, 177-d, 177-e, 177-f, 177-g, 177-h, 177-i, 177-j, 177-k and 177-l, 177-m, 177-n, 177-o and 177-p. They envisage taking measures to protect the person, rights and interests of the child and appointing a guardian.

Article 177-a defines the age of a child-victim of human trafficking, i.e. it is a child who is a minor of up to 18 years of age, who with or without his/her consent, in any way, became a victim of human trafficking for exploitation. In case of uncertainty about the age of the victim and when there are reasons to believe that the person is a child, he/she shall be considered a child until such a time when the age is confirmed and he/she shall be subjected to measures of care provided to child victim of human trafficking.

Article 177-b states the urgency of the procedure by the appropriate and competent Social Work Centre. Whenever it receives notification from the Ministry of Interior that a minor-victim of human trafficking has been identified, it immediately takes measures to protect the person, rights and interests of the child and places him/her under custody. A person who is trained to work with child-victims of trafficking shall be appointed as guardian of a minor-victim of human trafficking.

Article 177-c specifies the duties of the Social Work Centre, such as:

- to cooperate with the Ministry of Interior, the Public Prosecutor, the guardian, the family, the parents and other authorities, establishments, institutions and individuals who can assist in achieving the best interests of the child;
- to assess the suitability of the family;
- to monitor the child's behaviour;
- to provide expert assistance to the family and the child; and
- to undertake all measures that are considered to be in the best of interest of the child.

The subsequent Article 177- d specifies the institutions with which the guardian of the child victim of human trafficking needs to co-operate in performing his/her duties for the protection of the person, the rights and the child's interests.

Article 177-e specifies that the duties of the guardian of a minor-victim of human trafficking is to take care of the child as a parent for the personality, rights and interest of the child under guardianship, especially:

- to keep the child's identity as a secret; and
- to keep the family's identity as a secret.

Upon the protection of the child the guardian of the child-victim of human trafficking is obliged to:

- provide health and psychological-social assistance and protection for the child;
- accompany the child to the safe fostering place;
- provide the child with full and timely legal assistance and protection;
- take out personal documents for the child;

- make sure the child receives all the information in his/her native language;
- assist in the process of discovering and returning the child to his/her family or returning the child to his/her country of descent;
- take measures for continuing education;
- be in constant contact with the Social Work Centre;
- regularly submit reports about the undertaken measures; and
- take other measures of protection of the personality, the rights and interests of the child, always directed by the best interests of the child.

Article 177- f specifies that the guardian of the child-victim of human trafficking, only with approval of the competent Social Work Centre, in addition to the duties referred to in Article 177-d of this Law, can:

- accommodate the child with another parent, another person or an establishment;
- change the place of residence of the child;
- return the child to his/her native family;
- return the child to his/her native country;
- provide health and psychological-social assistance; and
- take measures and make decisions, that are of significance to the life, health and personality of the child.

Article 177-g stipulates that the child-victim of human trafficking shall have the authorisations established in Article 162 when he/she turns 15 years of age.

In terms of the rights to employment or carrying out activities of a sole proprietor the child-victim of human trafficking who is a foreigner in the Republic of Macedonia shall be subject to the provisions of the Law on Employment and Work of Foreign Citizens.

The minor referred to in paragraph 1 and paragraph 2 of this Article must notify the guardian about issues relating to the choice of employment and about his/her every movement.

Article 177-h anticipates that if the child-victim of human trafficking is a citizen of the Republic of Macedonia and his/her family lives on the territory of the Republic of Macedonia, the competent Social Work Centre in co-operation with the Ministry of Interior, is obliged to locate the family and to assess the suitability of the family, with a view to returning the child to the family.

If the child-victim of human trafficking is a foreign citizen, the Social Work Centre, in co-operation with the competent authorities, shall locate the family and in consultation with the competent services of the country of citizenship of the child, shall take measures for the protection of the personality, rights and interests of the child and shall prepare the child to be returned to such a country.

Article 177-i prescribes that if on the basis of the assessment referred to in paragraph 1 of Article 177-h, the competent Social Work Centre establishes that the return of the child does not place the child's health and life at risk and it is in the best interest of the child, it shall return the child back to his/her family immediately.

If on the basis of the assessment referred to in paragraph 1 Article 177-h, the Social Work Centre establishes that the return of the child to his/her family places the child's health and life in danger or that it is not in the best interest of the family, or rather the child, it shall find another temporary place of accommodation.

If due to the inability to find a family, death of the parents, and involvement of the parents in the criminal act of human trafficking or any other reasons, it is not possible for a child to be returned to his/her family, the Social Work Centre is obligated to immediately take care of the child.

The accommodation referred to in paragraph 2 and 3 of this Article shall be provided until such a time that the reasons for which the child was not returned to his/her family are eliminated, i.e. until such a time that the parents of the child or his/her relatives that would want to take care of him/her are located, or until it has been established that the parents are not involved in any crime.

Upon elimination of the reasons referred to in paragraphs 2 and 3 of this Article, the child shall be immediately returned to his/her family.

Pursuant to Article 177-j, the competent Social Work Centre, whenever it has knowledge that there is a danger for a child to become involved in human trafficking or any other forced work, while it is under the guardianship of the family, it shall take an ex-officio decision for supervision of the right to exercise parent guardianship in respect to all of children or in respect to some or one of them.

The Social Work Centre shall adopt an ex officio decision for permanent supervision over the carrying out of parenthood rights even in the cases when the child-victim of human trafficking is returned to his/her native family.

The duration of the supervision on the exercise of parenthood rights referred to in paragraphs 1 and 2 of this Article, shall be ongoing until such a time that the reasons upon which it was set, but not longer than one year.

According to Article 177-k, if the Social Work Centre gains knowledge that the parents had participated in the involvement of the child in human trafficking or any other forced work, it shall take away the child from the parent or parents on the basis of an ex officio decision and shall entrust it to the guardianship and upbringing to the other parent, another person or establishment.

Article 177-l stipulates that the parent who had participated in any way in the inclusion of the child in human trafficking or in another form of forced work, after the requested opinion of the Social Work Centre, the right to parenthood shall be stripped with a court decision in a out-of-court procedure.

The parent may be stripped of parenthood rights in respect of all children or in respect of one of them.

Pursuant to Article 177-m, the guardian of a child-victim of human trafficking, is obligated to provide a report to the Social Work Centre about his/her work, once a week, as well as upon request by the Centre.

The guardian's report should show the care provided for the child, the child's needs, the actions taken, the state of health of the child, proposals for the improvement of the state of health, if required, the contacts with other authorities, if any, the problems with persons who had coerced the child to the act and other things, which can provide the complete picture of the state of the child and his/her needs.

Pursuant to Article 177-n, the assistance to a child-victim of human trafficking and to the family shall be provided regardless of faith, race, sex, national background or social origin, genetic characteristics, language, religion, psychological or physical capabilities, sexual orientation etc.

Article 177-o stipulates that the actions taken and assistance provided by the Social Work Centre and the guardian for the protection of the child-victim of human trafficking, shall be adjusted to the age of the child and his/her maturity to be able to comprehend the significance of the act and to be in the best interest of the child.

Pursuant to Article 177-p, the guardianship over the child-victim of human trafficking shall cease with the return of the child to his/her family, death of the guardian, death of the child-victim of human trafficking, at the request of the guardian or the parents, or by decision of the Social Work Centre.

Protection of children against sexual exploitation and pornography

The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse is directly related to the protection of children against all forms of exploitation and abuse. The Ministry of Justice initiated a procedure for ratification of this Convention in March 2010. Currently (on the basis of the Conclusion of the Government of the Republic of Macedonia No. 51-1584/1 of 23.03.2010), the Ministry of Foreign Affairs is obligated to implement ratification procedure of the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse by drafting a Law on Ratification thereof, which is currently under parliamentary procedure.

The Convention on Protection of Children against Sexual Exploitation and Sexual Abuse was opened for signing the Conference of the European Ministers of Justice, which was held in Lanzarote – Spain from 25 to 26 October 2007. The Republic of Macedonia signed the Convention on 26.10.2009. Until now, 36 countries have signed the Convention and 2 other countries have ratified it.

The objectives of the Convention are: to prevent and fight against sexual exploitation and sexual abuse of children; to protect the rights of the children-victims of sexual exploitation and sexual abuse; to promote domestic and international co-operation against sexual exploitation and sexual abuse of children.

The proposal for ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse corresponds to the commitment of the Government of the Republic of Macedonia for promotion and protection of children's rights via harmonisation of the national legislation with the international standards in the same area.

The information on the initiation of the procedure for ratification of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse was granted with a positive opinion by the Ministry of Labour and Social Policy, the Ministry of Interior, the Ministry of Foreign Affairs, the Secretariat for Legislation and the Secretariat for European Affairs.

This Convention does not affect the rights and obligations arising from other international instruments to which the contracting parties of this Convention are already contracting parties and which contain provisions on issues regulated by this Convention and which ensure higher level of protection and support to the children-victims of sexual exploitation and sexual abuse.

This Convention does not affect the rights and obligations arising from the provision of the UN Convention on the Rights of the Child and the extending protocol

on trafficking in children, child prostitution and child pornography and is intended to strengthen the protection provided to them and to develop and supplement the standards contained therein.

Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse corresponds to the commitment of the Government of the Republic of Macedonia for promotion and protection of children's rights via harmonisation of the national legislation with the international standards in the same area.

Namely, on 4 July 2007, the Assembly of the Republic of Macedonia passed the Law on the Rights of Minors ("Official Gazette" No. 87/07), signifying reform in the legislation of minors, since it integrates international standards for the rights of children, it places emphasis on preventive measures, and it incorporates provisions for protection of minors who are victims, in the procedures. The State Council for the Prevention of Juvenile Delinquency was established.

Furthermore, within the strategy for penal law reforms, the Ministry of Justice prepared a Draft Law on Criminal Procedure, whereas the Assembly of the Republic of Macedonia adopted the proposed amendments to the Criminal Code ("Official Gazette of the Republic of Macedonia" No. 7 of 15.01.2008 and No. 114 of 14.09.2009) on two occasions (on 4.01.2008 and on 10.09.2009). The main intention of the proposed amendments to the Criminal Code was further alignment with international standards in several areas among which are those provided in the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Moreover, the amendments of 2008 define the terms: "crime victim" and "child pornography". Therefore, "crime victim" means any person who has suffered harm, including physical or psychological injury, emotional suffering, property loss or other injury or threat of its fundamental freedoms and rights as a consequence of a crime. A child victim of crime shall mean a minor person up to the age of eighteen. This supplement also harmonises the Criminal Code with the Framework Decision of the Council of the European Union of 15 March 2001 on the status of victims in criminal procedure, as well as with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, according to which the term "child" shall mean any person under eighteen years of age.

"Child pornography" shall mean pornographic material that visually displays the obvious sexual acts with a minor, or obvious sexual acts with a person who appears as a minor, or realistic images showing apparent sexual acts with a minor.

The penalties are made more severe, therefore Article 188 of the Criminal Code was amended in the following manner: under "Sexual assault on a minor under the age of 14" in paragraph (4), the words: "at least five years" shall be replaced with the words: "at least ten years or lifelong prison term".

A new crime shall be introduced, therefore a new heading shall be introduced after Article 193, and a new Article 193-a, as follows: "Production and distribution of child pornography with the assistance of computer systems."

The amendments of 2009 to the Criminal Code, in accordance with the Convention, introduce the crime of "Sexual assault on a minor under the age of 14" (Article 188) and "Sexual intercourse by abuse of position" (Article 189) and such

acts stipulate mandatory imposition of a ban on performing a profession, activity or duties of the person sentenced to imprisonment of at least six months.

The provisions of the criminal act of "seducing and enabling sexual acts"(Article 192 of the Criminal Code) were amended in the manner that provides for criminal liability of a legal entity for perpetration of the act.

The act of "Displaying pornographic material to a minor" (Article 193 of the Criminal Code) was amended in the manner providing for responsibility and participation in pornographic performances. Furthermore, coercion of a minor to produce and record images and other items with pornographic content or for a pornographic performance is an incriminating act, while the perpetration of an act with a minor under 14 years of age shall be a qualified form. In addition, the Criminal Code also anticipates criminal liability of legal entities, as well as confiscation of objects used for committing the act or caused by its perpetration.

The act referred to in Article 193a has been renamed "Production and distribution of child pornography", and it anticipates more stringent sanctions and responsibility of legal entities. The execution of the act via a computer system or other means of mass communication is a qualified form for which tougher punishment is envisaged.

Chapter Nineteen of the Criminal Code, which includes crimes against sexual freedom and sexual morality has introduced a new crime of "Seduction for sexual intercourse or other sexual acts by a minor who has not yet reached the age of 14 " (Article 193b). Therefore, seduction of a minor for sexual intercourse or other sexual act or for production of child pornography and direct contact has been made with a minor with such intentions are considered to be incriminating acts.

Protection of children on street

With a view to combat the appearance of "children on street" the Ministry of Labour and Social Policy is realising activities and taking measures whose final objective is social inclusion of the children on street. Thus, the Law Amending the Law on Social Protection ("Official Gazette" No. 65/2004) first introduced the right to day care of children on street in a day-care centre for children on street. These day-care centres provide the children and the members of their families with the following: educational services, counselling service, cultural-entertainment and recreational activities. The expert personnel in the Social Work Centre undertakes measures for inclusion of the children in the educational process and other activities for the protection of the rights and interests of these children.

Article 140 of the new Law on Social Protection, adopted in July 2009 ("Official Gazette of the Republic of Macedonia" No. 79/09) systematizes the day-care centres for street children as establishments for realisation of extra-institutional protection.

By now, the Ministry of Labour and Social Policy has opened two day-care centres for children on street on the territory of the City of Skopje (Kisela Voda in 2005 and Avtokomanda in 2007) and one in the Municipality of Bitola in 2010.

Question 2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Undertaken measures to implement the legal framework

Protection of children against human trafficking

In 2004, a Subgroup to Combat Trafficking in Children was created within the National Commission for Combating Trafficking in Human Beings and Illegal Migration. The subgroup consists of representatives of: the Ministry of Interior, the Ministry of Labour and Social Policy, the Ministry of Education, the Deputy Ombudsman for Children's Rights, 2 NGO's "For a Happy Childhood" and "Open Gate" and international organisations: UNICEF, OSCE, ION and ICMPD.

The Subgroup prepared the first Action Plans for Combating Trafficking in Children for the period of 2006-2008, which the Government adopted in March 2006. In 2009, the first external evaluation of the contents and form of the Action Plan for Combating Trafficking in Children was made and on the basis of the established conclusions on the realisation of the activities anticipated in it, a decision was made to prepare a new one.

Thus, in 2009, the Subgroup prepared second Action Plan to combat child trafficking in Macedonia 2009-2012. This Action Plan represents a multidisciplinary scheme of measures to combat trafficking in children that includes: prevention, protection, rehabilitation - reintegration – repatriation, co-ordination with competent institutions and international co-operation.

The office of the National Referral Mechanism of Victims of Human Trafficking (NRM) started to operate in 2005 within the Equal Opportunities Sector in the Ministry of Labour and Social Policy. Within its competencies relating to the prevention and protection of victims of human trafficking the Coordination Office of NRM, in cooperation with the Social Work Centres ensure coordinated assistance and protection of the victims of human trafficking especially women and children. The Coordination Office of the NRM, i.e. the two employees and two trained social workers each from the 30 Social Work Centres (in 30 cities in the Republic of Macedonia) are available 24 hours a day on mobile phones and are in constant communication with the police and the NGO's and provide assistance and protection of victims of human trafficking via:

- initial assessment of the needs of the persons assumed to be victims of human trafficking, organisation and co-ordination of advisory assistance (intervention in a crisis, psychosocial support and counselling, food, medical assistance);
- referral to shelters for victims of human trafficking, the NGO "Open Gate" (which has signed a memorandum of cooperation) or the Reception Centre for Foreigners (managed by the police), a return to family or finding suitable accommodation;
- collection of necessary documentation to persons, personal documents, health cards and other documents.;

- co-ordination for protection (contacts with the family, appointment of a special guardian for minors, assessment of options for return to his/her family);
- informing the victims about their rights and status (legal assistance, information on legal provisions, representation);
- preparation and implementation of individual programmes for reintegration of children victims of human trafficking.

In 2007, the Ministry of Labour and Social Policy developed a general programme for reintegration of children victims of human trafficking. Based on this programme social workers develop individual programmes for each child separately in accordance with his/her individual needs and abilities.

The programme anticipates:

- therapeutic activities including: short term symptomatic therapy and long term (development) therapy;
- activities for realisation of the rights in the area of health, housing, legal and social assistance, education and employment;
- social-educational activities which anticipates two groups: with the child and his/her primary environment (parents/guardians of the child-victim of human trafficking, as well as "significant others") of the child.

Considering the fact that the success of these activities are necessary and appropriate spatial and technical conditions for work with victims of human trafficking, especially children, the Ministry of Labour and Social Policy in cooperation with the OSCE mission in the Republic of Macedonia and the UNICEF Office during 2006 and 2007, provided office furniture and equipment for 19 Social Work Centres and the office of the Association of Organisations of Social Workers in the Republic of Macedonia, where the office of the National Referral Mechanism functions.

Furthermore, the Ministry of Labour and Social Policy conducts continuous training to strengthen the capacities of relevant institutions involved in the referral mechanism for victims of human trafficking. With this in mind, it has conducted several trainings for social workers, the labour inspection, the police, journalists and non-governmental organisations.

Namely, in 2005, 58 social workers attended two training sessions (one basic training to combat trafficking and specialised training for work with victims of human trafficking and work with children victims of human trafficking).

In 2006, 58 social workers underwent training to work with children victims of human trafficking which included 20 inspectors from the MOI (detached for combating human trafficking, inspectors working on the problem of juvenile delinquency and domestic violence). Additionally, in 2006 training was provided to another 116 social workers, 96 persons from the expert professional teams, 20 people from the Commissions for Equal Opportunities for Women and Men in the local self-government units and 30 representatives of NGO's from different cities.

In 2007, for the implementation of the Programme for Resocialisation and Reintegration of Children Victims of Trafficking in Human Beings were held three two-day seminars in which 65 people were trained by: the Social Work Centres, the

social workers nominated to work on this issue, representatives from the Ministry at the local level as well as representatives of NGO's. A two-day seminar on "Role of the Social Work Centre in the Prevention and Protection of Victims of Trafficking" was provided for the 27 directors of the Social Work Centre. Basic training courses were organised on combating human trafficking for the purpose of labour exploitation for 67 inspectors from the State Labour Inspectorate from all cities in Macedonia. Additionally, two two-day seminars were also organised for 36 coordinators of the municipal organisations of the Red Cross from all cities in the Republic of Macedonia with a view to include them in the fight against human trafficking.

In 2008, two one-day seminars were held for journalists from print and electronic, national and local media and the spokespersons of the Ministry of Interior. The seminars were attended by representatives of 14 media outlets and 5 spokespersons of the Ministry of Interior or the SOI. On the topic: "Fight against Human Trafficking - Assistance and Support of the Victims of Human Trafficking". Two two-day advanced trainings were held for the strengthening of the capacities of the social workers for direct assistance and support of the victims of human trafficking, especially the children, interventions in crises, psychosocial support in accordance with international human rights standards. Participants of the seminar were representatives of the Social Work Centre and the nominated social worker who works on this issue and a representative-expert officer from the Custody Unit. A total of 53 persons participated in these seminars.

In 2009, in order to raise the capacities of the labour inspectors and social workers on the identification of human trafficking for the purposes of labour exploitation, the Ministry of Labour and Social Policy in co-operation with the State Labour Inspectorate and the OSCE Mission in Skopje delivered training on the identification of cases of human trafficking for the purposes of labour exploitation. The following were trained at the four training sessions: 40 labour inspectors, 42 social workers and 12 representatives of NGOs. In co-operation with the IOM, during the months of November and December 2009, the legal representative of the NRM held 8 training courses on technical assistance which was attended by 274 border police officers.

In November 2007, the Ministry of Labour and Social Policy, via its NRM Office and with the assistance of the OSCE, began implementing the media campaign to raise the awareness about the risks and dangers of human trafficking under the motto "**It's simple...**" The target group of this campaign were young people, vulnerable groups (single mothers, victims of family violence, financially insecure people, and children) from urban and rural environments, as well as all the citizens in general. The campaign also involved preparation and distribution of print material, posters, leaflets, t-shirts, stickers and calendars. A banner was placed on the website On.Net (<http://www.on.net.mk>) as a link to the website of MLSP containing information on protection against human trafficking. Stickers were affixed in restaurants and the bars with a warning message. A TV film clip was produced and it was aired on the national and local TV stations. The media campaign terminated in March 2008.

With a view to intensifying the cooperation with other NGO's, the signing of memoranda of cooperation, implementation of joint activities and designing future activities aimed at strengthening the capacities of the NGO's, the Coordination Office of NMU prepared analysis of the conditions and capacities of NGO's working in the area of combating human trafficking in the period of 2007.

The analysis was made on the basis of a structured questionnaire. The questionnaire was completed by 16 non-governmental organisations which approximately or completely have committed to the fight against human trafficking, especially in women and children. Out of all the NGO's that completed the questionnaire only 5 NGO's are not registered in the Register of the Ministry of Labour and Social Policy. Namely, six of these NGO's are members of the Secretariat for the Fight against Human Trafficking and Illegal Migration. The aim of the analysis is to give a clearer picture about the NGO's working in the fight against human trafficking. The analysis represents the basis for creating policies for cooperation with NGO's, joint actions and developing programmes for their strengthening as an important tool in the development and realisation of human rights and freedoms. According to the data from the questionnaire, in the section on organisational structure and conditions in which they operate, an expressed quantitative value is expressed about the Assembly as the highest authority of an NGO, while the executive body, though with little quantitative capacity, has an expressed influential character. The NGO's do not have sufficient premises of their own (especially the local NGO's), they are usually beneficiaries of rooms provided for use free-of-charge and the second option is that they use rented rooms. Regarding the issue of technical equipment and what kind of equipment they have at their disposal, it may be noted that in most organisations there are basic satisfactory standards for work, highlighting the need for vehicles and cameras. Regarding the status of the people involved in the NGO's and the level of activity, it has been established that most of the people are unemployed, and those engaged in the projects are active volunteers or appointed persons on the basis of a honorarium. The number of people engaged on honorariums in the NGO's is from 3 to 5 or over 5 persons. The level of action of the NGOs is mainly local, with tendency of having its range of acting decreased. This establishes that it is the weakest or the least influential at the regional and international level. The types of training are different. They are mostly related to raising awareness especially among the younger population and strengthening the capacity of institutions that have tactile elements with the issues of human trafficking.

During the course of 2007, the Standard Operating Procedures for dealing with victims of trafficking were prepared and adopted by the Government of the Republic of Macedonia. The Standard Operating Procedures (SOPs) were established in order to provide assistance and protection to all victims of trafficking through a comprehensive approach based on the human rights of the victims and they contain specific measures relating to children victims of human trafficking. With a view to implement the SOP's in 2008, several seminars were held which were attended by representatives of all governmental and non-governmental institutions in Macedonia involved in the fight against human trafficking and they should be applied in practice. The seminar was attended by 100 representatives from:

- The Ministry of Interior: the Sector for Trafficking and Smuggling of Migrants; the Witness Protection Sector; the Border Affair Sector and the Transit Centre which is under its jurisdiction; the Sector for International Police Cooperation, and the Sector for Foreigners;
- The Ministry of Labour and Social Policy the National Referral Mechanism; and the Social Work Centres;
- the Judiciary and the Public Prosecution;

- the Ministry of Justice
- the Non-Governmental Organisations: "Open Gate" and "For a Happy Childhood".

In June 2009, the Law on Social Protection ("Official Gazette of the Republic of Macedonia" No. 79/09) was adopted, in which a provision was introduced (Art. 26 and Art. 31) enabling protection to the victims of human trafficking and the formation a Centre for Victims of Human trafficking (Article 132).

The drafting of bylaws and other internal documents necessary for the establishment of this centre is currently underway. "The Rulebook on Norms and Standards for Premises, Equipment, Personnel and Resources required for the Establishment and Commencement of Operations of Social Care Centre for Victims of Human Trafficking" ("Official Gazette of the Republic of Macedonia" No. 100/10 of 23/07/2010) has been prepared.

In order to intensify the fight against trafficking in people, as well as with children, in April 2009, the Republic of Macedonia ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

Child protection against sexual abuse and paedophilia

As a special measure, in November 2008, the Government of the Republic of Macedonia adopted the Action Plan on Prevention and Combating Sexual Abuse of Children and Paedophilia 2009-2012. This document provides for a set of inter-departmental and coordinated measures at the level of prevention and protection against and treatment of sexual abuse of children and paedophilia in the Republic of Macedonia, as well as inclusion of all relevant institutions and non-governmental organisations on central and local level. For the purposes of effective and coordinated implementation of the Action Plan, a National Coordination Body has been established which is composed of representatives of all relevant ministries and non-governmental organisations.

Activities which are taken in accordance with the aforementioned Action Plan:

- conducting a research and analysis of the situation with sexual abuse of children and paedophilia in the Republic of Macedonia realised with financial assistance of UNICEF's Office in the Republic of Macedonia,
- national SOS line has been opened for reporting cases of sexual abuse of children and paedophilia which operates and is managed by the non-governmental organisation - the First Children's Embassy in the World "Megjashi",
- part of the employees at the social work centres were given the opportunity to attend training sessions for early detection of children who are victims of sexual abuse and paedophilia, as well as training sessions intended for journalists in respect of adequate informing in cases of sexual abuse of children and paedophilia,
- in the course of 2009, activities were taken for the adoption of a Journalists Code when Informing in Cases of Sexual Abuse of Children and Paedophilia. The adoption of this type of Code was proposed by the

journalists themselves during the two three-day training sessions for journalists held in June/July 2009 by the First Children's Embassy in the World - Megjashi, with financial assistance of the Ministry of Labour and Social Policy.

The preparation of a Protocol on Treatment in Cases of Sexual Abuse of Children and Paedophilia in order to standardise the practice of all competent bodies and non-governmental organisations working in this field is in the pipeline with participation of all the line ministries, institutions and non-governmental institutions.

Also, the publishing of a notice for launching an Internet page for reporting cases of sexual abuse of children is underway and it shall be administered by a non-governmental organisation and financed by the Ministry of Labour and Social Policy.

Protection of the children on street

In the course of 2009 and 2010 the Ministry of Labour and Social Policy in cooperation with UNICEF's Office in Skopje and the OSCE Mission realised a Project for Improved Social Protection of Children on Street named "Children at Risk - Braking Up the Circle of Social Exclusion of the Children in the Republic of Macedonia" with emphasis on Roma children.

The objective of this project is to develop services and programmes for children who live and work on the street and for their families by promoting their social inclusion in these social services. Also, the Project contributed towards meeting the goals provided for in the Strategy for Roma Inclusion and the Action Plan adopted by the Ministry of Labour and Social Policy for the period between 2005 and 2015.

The focus of this project was to support the Government in the development and extension of the network of Day Care Centres for Children on Street (precisely for Bitola), the development of standards, procedures and methodological instructions for work with children on street and the strengthening of the institutional and human capacities of the Social Work Centres.

A Protocol on Treatment of Children on Street between the Institutions of the Republic of Macedonia has been prepared as part of the project. It has been tested in three municipalities in the Republic of Macedonia and it was officialised later.

Also, in cooperation with the PI Social Activities Bureau, a revised methodological guidance for acting in cases of children on street by the professional workers at the social work centres has been prepared (December 2009).

UNICEF's Office in Skopje in cooperation with the Ministry of Labour and Social Policy provided for the full equipment of a Day Care Centre for Children on Street in the municipality of Bitola which was opened in September 2010. It also supported the work of the mobile teams for children on street in the municipalities of Bitola and Prilep in 2009 whose main task was the detection of children on street in these two municipalities, identification and conversation with the families of the children and preparation for referral to a Day Care Centre for Children on Street. In addition, a Programme for Continuous Training of the Employees at the Day Care Centres for Children on Street has been developed as part of the Project and an international expert has been engaged for its development.

Furthermore, opening of a counselling centre for children and families at risk of domestic violence is planned in cooperation with UNICEF's Office. Therefore, an

international consultant is elected who should prepare a programme for work, standards and manner of financing of this counselling centre.

The Ministry of Labour and Social Policy got involved in the realisation of the project "Thematic Meetings of the Local Councils for Prevention regarding the Roma Safety Issues". The Project was implemented in the period between April and July 2010. The focus of the Project is set on the children on street who are potential victims of human trafficking, victims of various types of abuse (physical, psychological, sexual) and very often they are exposed to the risk of drug and psychotropic substance abuse. As part of the Project, meetings were held in 17 municipalities in the Republic of Macedonia in which the problem with children on street is widely present. All meetings were attended by the Mayors of the municipalities, the representatives of the Ministry of Interior, the Ministry of Labour and Social Policy, the Ministry of Defence, the Ministry of Justice - Directorate for Personal Identification Records, the Ministry of Health, the Public Prosecutor's Office and the representatives of associations of citizens and religious organisations. They all analyse the problem from their perspective and give proposals on how to overcome it, thus improving the protection of the children on street.

Furthermore, in order to provide better social protection of children on street, a Project has been realised (April - December 2010) with support of the OSCE Mission in the Republic of Macedonia, named "Children on Street and Fight against Human Trafficking". The objective of the Project is to increase the capacities of the state-employed social workers in their efforts to identify and help the children on the street and to combat child trafficking with the purpose of labour exploitation by preparing a Programme for Field Social Work, promoting it and practically applying it on field.

In order to provide birth certificates for the children who are not enlisted in the registry of births, an operational work group has been established which is composed of representatives of the Ministry of Labour and Social Policy, the Ministry of Interior and the Ministry of Justice - Directorate for Personal Identification Records and which reviews the lists of children submitted by the social work centres and makes efforts for identifying these children and enlisting them in the registry of birth.

Question No. 3. Please provide pertinent figures, statistics and other relevant information, if appropriate.

Pertinent figures, statistics and relevant information

In the course of 2008 the National Referral Mechanism of Victims of Human Trafficking has conducted a telephone survey in order to study the awareness of the Macedonian citizens about the issue with human trafficking in the Republic of Macedonia. The survey was conducted using a standardised questionnaire and on a representative sample of 1022 respondents of the population of the Republic of Macedonia. At the same time, the demographic data regarding the population have been retained, for example: sex, age, education, ethnic affiliation, place (rural or urban environment) and region. Most of the respondents, or 50.9%, said that the children are a category at highest risk of trafficking and most of the time they are the victims of human trafficking. The next category at risk are the women between the age of 18 and 35 with 38.9% and the women above the age of 35 who most of the

time are connected to forced labour, as well as, the men. The public was informed about the results of the survey by the Minister of Labour and Social Policy through the media during a public debate.

For the year of 2007 the office of NRM has registered 37 cases of trafficking in humans beings that have been studied by the social workers. 30 of the cases involved minors: 6 or 16%, were between the age of 8 and 14, 24 or 65%, were between the age of 15 and 18, 4 or 11%, were between the age of 19 and 22 and 3 or 8% were between the age of 23 and 26. They were all female. 16 out of the total number of victims, or 43%, were from Roma ethnic background, while 10 of the victims, or 27% were from Macedonian ethnic background. 8 of the victims, or 22%, were from Albanian ethnic background and 3 of the victims, or 8%, were from Turkish ethnic background. In 62% of the cases the victims of human trafficking were from urban background, while in 35% of the cases the victims were from rural background.

In 2007, 13 people were referred to the shelter for victims of human trafficking. An assessment of families is performed for 4 of the girls and the opportunities for them returning to their families in the Republic of Macedonia have been determined. 4 of the girls have received a direct assistance and are included in the Programme for resocialisation and reintegration which is financially supported by IOM. 7 children-foreign citizens who were accommodated in the Transit Centre for Foreigners were appointed a temporary guardian who took care of their interests until the return in their home countries.

In the course of 2008, 11 minor Macedonian nationals and 3 minor foreign nationals were registered as victims of human trafficking. The age limit is between 8 and 17 years. All the minors were appointed a temporary guardian.

The legal advisor at the Office of the National Referral Mechanism was appointed as a special guardian in the course of 2008 and in the Primary Court Skopje 1 - Skopje he/she represented 9 minors who were victims of human trafficking. The court proceedings in the Primary Court Skopje 1 are terminated. The sentences for the accused are between 4 and 7 years imprisonment. Decisions were also made on compensation claims. The accused are required to pay the compensation and to compensate for intangible damage in the amount between 200,000.00 and 500,000.00 denars.

In 2009 the Office of NRM and the competent social work centres acted in providing assistance and support to 8 persons, 6 of who were juvenile and were referred to a shelter for human trafficking victims. Also, during 2009, the social work centres appointed a temporary guardian to 4 juvenile foreign nationals who were accommodated in the Transit Centre for Foreigners.

In 2009, the legal advisor has worked with 2 minor victims for whom court proceedings are underway. In December 2009, the legal representative of the NRM acted in front of the investigative judge at the Primary Court Skopje 1 as a representative of a human trafficking victim in a case involving the criminal act of trafficking in minors 418-d paragraph 1 of the Penal Code of the Republic of Macedonia.

In 2010 the Office of NRM and the competent social work centres acted in providing assistance and support to 4 minors. Court proceedings are underway in which the legal representative of NRM represents the interests of the minors.

Article 8

The right of employed women to protection

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.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General legal framework

In order to provide protection for the maternity of the female workers before and after the childbirth, the Law on Labour Relations, i.e., Article 165, 166, 167, 168 and 170 guarantee the protection of leave of absence due to pregnancy, childbirth and parenthood. It also guarantees the return to work following a leave of absence due to pregnancy, childbirth and parenthood, extension of the leave of absence due to pregnancy, childbirth and parenthood, as well as leave of absence due to parenthood of the father or child's foster.

The Law (Article 165) stipulates that the female worker in the course of pregnancy, childbirth and parenthood has the right to paid leave in duration of 9 months (or 40 weeks).

The Law offers the possibility for this type of leave of absence, on grounds of a finding by a competent healthcare body, to be used by the female worker 45 days before delivery, but it must be 28 days before delivery. Apart from that, this right is also guaranteed to a female worker who has adopted a child and it is valid until the child reaches 9 months of age and in case she has adopted two or more children, it is valid until the children reach one year of age. Furthermore, the female worker who adopts a child has the right to a paid leave during the period of adaptation of the child in accordance with the regulation on family.

The Law offers a possibility (Article 167) in case when the female worker does not exercise the right to leave of absence due to parenthood, the right to be exercised by the father or the child's foster.

The Law determines the possibility for return to work even before the expiry of the legally determined period of leave. In this case, apart from the right to salary, the female worker has the right to salary compensation due to pregnancy and parenthood in the amount of 50% of the determined compensation sum according to the health care regulations.

In the course of leave of absence due to pregnancy, childbirth and parenthood and leave of absence due to care and protection of the child (Article 170 of the Law on Labour Relations) the female worker has the right to salary compensation. The amount of the salary compensation is determined by the Law on Health Insurance ("Official Gazette of the Republic of Macedonia" No. 25/2000, 34/2000, 96/2000,

50/2001, 11/2002, 31/2003, 84/2005, 3 7/2006, 18/2007, 36/200, 82/2008, 98/2008, 06/2009, 67/2009 and 50/2010).

In accordance with Article 14 of the Law on Health Insurance, the right to salary compensation during the leave of absence due to pregnancy, childbirth and maternity can be exercised by the insurers from Article 5, paragraph 1, items 1, 2 and 3 of this Law. The compensation from paragraph 1 of this Article is paid for the days for which salary is given and in duration determined with the regulations on labour relations. According to this Law, the insurance is compulsory for the following persons:

- Worker employed by a legal entity, self-employed person, institution, other legal entity performing activity of a public service, state body and body of a local self-government unit and the city of Skopje;
- Citizen of the Republic of Macedonia who is employed at foreign and international bodies, organisations and institutions, at foreign diplomatic and consular missions and in the personal service of a foreign subject on the territory of the Republic of Macedonia, unless otherwise determined by an international agreement;
- Self-employed person.

The basis for calculation of the salary compensation is the average monthly amount of the paid salary for which the compulsory health insurance contribution for the last 12 months before the emergence of the case upon which the right to compensation is obtained is paid.

In accordance with Article 17 of the same law, during the leave of absence due to pregnancy, childbirth and maternity, the female worker is eligible for compensation in amount of 100% of the salary compensation basis determined in accordance with Article 16 of this law.

Pursuant to the Law on Health Insurance, the right to salary compensation is exercised within the administrative procedure which is initiated upon request to the regional branch of the Health Insurance Fund of Macedonia which as a first-instance body makes a decision on the submitted complaint, while competent for making second instance decisions is the Ministry of Health. An administrative dispute can be initiated against the final decision of the Minister of Health.

The funds obtained by exercising the right to a compensation salary are paid at the expense of the Health Insurance Fund of Macedonia. As of 01.01.2012 the funds shall be provided by the Budget of the Republic of Macedonia through a competent body.

Within the review of the Law on Labour Relations and in accordance with the TWINNING PROJECT - Review of the National Labour Legislation (see the answer on Article 7&1), amendments have been made on Article 165 with three new paragraphs. These stipulate that in case when the female worker gives birth before 28, that is, 45 days (in cases of a finding by a competent health care body), the parental leave shall commence at the day of birth of the child.

The amendments on the Law provide for a duty of the female worker to announce to the employer the period of commencement and termination of the leave

30 days before the commencement, that is, the termination of the period of parental leave.

The amendments on the Law provide for a minimum period of 45 days within which the female worker is not allowed to return to work.

The Law guarantees the right of the worker to return to work after the period of parental leave on the same work position where she worked before, and if not possible, the worker should be given a similar work position.

In order to protect maternity, the Law on Child Protection ("Official Gazette of the Republic of Macedonia" No. 98/2000 and 17/2003) provided the right to assistance for a newborn child supplies, i.e. "baby package", which as a right was provided for the first-born child only and was awarded as a supplies package (package of products) for the newborn child. The contents of the package were determined by the Minister of Labour and Social Policy. The Law determines the amount of the assistance for the newborn child, i.e. the value of the "baby package", to 25% of the average salary in the Republic of Macedonia in the first half of the previous year. The amendments on the Law on Child Protection from 2004 provide this right in the form of a compensation for a first-born child, and the amendments from 2005 introduce the material census (in 2008, a sum between 176.55 and 4,060.65 denars was paid depending on the average monthly income of the family).

In order to give its support to the demographic development of the Republic, the State adopted a Strategy on Demographic Development of the Republic of Macedonia in accordance to which it incorporated appropriate amendments on the laws and through which financial assistance was provided that would aid the birth rate growth in the context of supporting the family and the family values.

The right to assistance in the form of supplies for a newborn child which was awarded for a first-born child only and with the application of a property census (in accordance with the amendments on the Law on Child Protection ("Official Gazette of the Republic of Macedonia" No. 113/05) from 01.01.2009 and in accordance with the amendments on the Law on Child Protection ("Official Gazette of the Republic of Macedonia" No. 98/08) it is being provided as "One-off Financial Assistance for a Newborn Child" and was awarded to the family for a first, second and third newborn child without applying the material census, as well as for an adopted child.

Only one of the parents, citizen of the Republic of Macedonia with permanent residence in the Republic of Macedonia is eligible for a one-off financial assistance for a newborn child that was born on the territory of the Republic of Macedonia.

The amount of the one-off financial assistance for a newborn child is 30% of the average net salary in the Republic of Macedonia during the previous year (4,828.40 denars).

The amendments on the Law on Child Protection ("Official Gazette of the Republic of Macedonia" No. 83/09) provide for the right to a one-off financial assistance for a newborn child to be provided to the family for a first-born child without applying the material census, as of 11 July 2009.

The amount of the one-off financial assistance for a newborn child is equal to 4,829 denars and it is being adjusted to the growth of the living costs for the previous year published by the State Statistical Office in January and referring to the current year, in accordance with the amendments on the Law on Child Protection ("Official Gazette of the Republic of Macedonia" No. 156/09).

Question 2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Undertaken measures to implement the legal framework

The penal provisions from the Law on Labour Relations, i.e. Article 264 provides for a fine in the amount of EUR 15,000 in denar counter value for an offence committed by an employer and EUR 10,000 in denar counter value for an offence committed by an employer - natural entity, if the right to special protection is not given, i.e. if the right to a leave of absence in duration of 9 months incessantly is not given and if the right to a leave of absence in duration of one year incessantly is not given in case when more children are born at once. The same fine is imposed in cases when a commencement of a leave of absence due to pregnancy, childbirth and parenthood is not provided 45 days before delivery, and mandatorily 28 days before delivery, as well as in cases of child adoption until the child reaches 9 months of age, that is, one year if more than one child is adopted. Apart from that, a fine in an amount of EUR 7,000 is imposed on the Director, i.e. other responsible person at the employer's.

The same fines are stipulated for an employer - legal entity, an employer - natural entity and a director.

In accordance with the measures of the Government of the Republic of Macedonia for promoting the penal policy and improving the business climate in the Republic of Macedonia, appropriate amendments were made on the part referring to the penal provisions and on the Law on Labour Relations (see answer on Article 7 & 1). Thus, the amendments on the Law on Labour Relations ("Official Gazette of the Republic of Macedonia" No. 76/2010), that is, Article 265 provides for a fine in the amount of EUR 3,000 in denar counter value for an offence committed by an employer- legal entity and EUR 2,000 in denar counter value for an offence committed by an employer- natural entity if the right to special protection is not given in accordance with the Law on Labour Relations, that is, if the right to a leave of absence in duration of 9 months incessantly is not given and in cases when more children are born at once, if the right to a leave of absence in duration of one year incessantly is not given. The same fine is imposed in cases when a commencement of a leave of absence due to pregnancy, childbirth and parenthood is not provided 45 days before delivery, and mandatorily 28 days before delivery, as well as in cases of child adoption until the child reaches 9 months of age, that is, one year if more than one child is adopted. Apart from that, a fine is provided for if a leave of absence is not provided during pregnancy and childbirth if the female worker gives birth before the determined period, if no cessation and usage of the unused part of the leave of absence is provided in case the child is admitted for care and treatment at a health care institution. Apart from that, a fine in an amount of EUR 1,000 is imposed on the Director, that is, other responsible person at the employer's.

Question 3. Please provide pertinent figures, statistics or any other relevant information in order to demonstrate that the level of maternity benefit is adequate.

Pertinent figures, statistics and relevant information

Salary compensations for parturient women

Year	Women who have given birth	Salary compensation in %
2005	22.967	100
2006	22.786	100
2007	22.903	100
2008	23.167	100
2009	23.910	100

Source: State Statistical Office.
Natural flow of the population, 2009.

The amount of the salary compensation calculated according to Article 16 of the Law on Health Insurance ("Official Gazette of the Republic of Macedonia" No. 84/2005, 119/2005, 37/2006, 18/2007, 36/2007, 82/2008, 98/2008, 06/2009, 67/2009 and 50/2010) cannot be higher than the amount of two average monthly net salaries in the Republic of Macedonia in the previous year, three average monthly salaries in 2012 and four average salaries after 2012.

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.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General legal framework

In order to enable the exercise of the right of the employed women to protection, the Law on Labour Relations (Article 101) prohibits the act of dismissal during pregnancy, childbirth and parenthood, as well as during leave of absence due to child care and using a leave of absence by the father, as well as, by the foster of the child.

Question 2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Undertaken measures to implement the legal framework

The penal provisions from the Law on Labour Relations, i.e. Article 264 provides for a fine in the amount of EUR 15,000 in denar counter value for an offence committed by an employer and EUR 10,000 in denar counter value for offence committed by an employer - natural entity if the employment contract is terminated during pregnancy, childbirth and parenthood, as well as, during leave of absence due to child care and use of leave of absence by the father, as well as, by the foster of the child. Apart from that, a fine in an amount of EUR 7,000 is imposed on the Director, i.e. other responsible person at the employer's.

The same fines are provided for an employer - legal entity, an employer - natural entity and a director.

In accordance with the measures of the Government of the Republic of Macedonia for promoting the penal policy and improving the business climate in the Republic of Macedonia, appropriate amendments were made on the part referring to the penal provisions and on the Law on Labour Relations (see answer of Article 7&1).

Thus, the amendments on the Law on Labour Relations ("Official Gazette of the Republic of Macedonia" No. 76/2010), that is, Article 265 provides for a fine in the amount of EUR 3,000 in denar counter value for an offence committed by an employer - legal entity and EUR 2,000 in denar counter value for an offence committed by an employer - natural entity if the employment contract is terminated

during pregnancy, childbirth and parenthood, as well as during leave of absence due to child care and use of leave of absence by the father, as well as, by the foster of the child. Apart from that, a fine in an amount of EUR 1,000 is imposed on the Director, that is, other responsible person at the employer's.

Question 3. Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Pertinent figures, statistics and information

The Ministry of Labour and Social Policy addressed the trade unions in writing in order to obtain data in respect of the occurrence of employment contract termination during pregnancy, childbirth and parenthood, as well as, during a leave of absence due to child care and use of the right to a leave of absence by the father, as well as, by the foster of the child. However, the trade unions had no such information meaning that there were no such occurrences.

Article 8§3

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

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General legal framework

The Article 171 of the Law on Labour Relations provides for the employed female worker who is a nursing mother to be given enough time to breastfeed the child after the termination of the period of leave of absence due to pregnancy, childbirth and parenthood until the child reaches one year of age. This right can be exercised by the mother during the working hours for a time period of an hour and a half each day. The daily break is also calculated in this time period.

Question 2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Undertaken measures to implement the legal framework

The State Labour Inspectorate during its regular inspections controls the exercise of the right of the nursing mothers to daily breaks and no breach of law has been detected.

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.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General legal framework

In accordance with Article 131 of the Law on Labour Relations, the female worker in the field of industry and civil engineering may not work night shift if the work in this period disables her from having rest in duration of at least seven hours in the time interval between 22:00 and 05:00 the next day. This prohibition does not refer to a female worker who has special authorisations and responsibilities or who performs works connected to health, social and other protection of workers. In exceptional cases, it might be required that the female worker does night shift when it is necessary for the work that has been ceased by a force majeure to continue or when it is necessary for the damage of raw or other materials to be prevented. The female worker might be required to do night shift when it is being necessitated by extremely serious economic, social and other conditions provided that the employer obtains the consent of the state administrative body competent for labour matters for introduction of such a task.

In order to limit the negative effects, the Law on Labour Relations (Article 164) prohibits night shift and overtime work of a female worker during pregnancy and parenthood until the child reaches the age of 1 year. A possibility is offered for a female worker who has a child between the age of one and three to work night shift and overtime, as well as a worker-parent who has a child not older than seven years of age or a seriously ill child, or physically or psychologically handicapped child or who lives alone with the child and takes care of its upbringing and protection, but only after written consent is obtained from the worker her/himself. This right can be exercised also by a worker-father of a child who takes care of a child in case of death of the mother or abandonment of the child, but it must be based on an opinion of a competent medical commission.

The Law (Article 160) protects the female workers from performing underground work in mines. The prohibition does not refer to female workers performing managerial functions who as part of their professional education must spend certain time period as interns performing underground works and in cases when the employees at the health and social services must perform underground work in the mines which does not include physical effort.

Question 2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Undertaken measures to implement the legal framework

The State Labour Inspectorate regularly controls the work of the employers in the industrial sector. Thus, in 2005 a total of 2148 inspection supervisions have been performed, in 2006 the number of supervisions was equal to 2899, in 2007 it was equal to 3177, in 2008 it was equal to 4207 and in 2009 the number of inspection supervisions performed in the industrial sector was equal to 3916.

In the industrial sector, night shift is done by women in ready-made clothing factories in cases when there is a need for the work process to be ended or in cases when there is an increased volume of work. Measures shall be taken in accordance with the Law if breach of Law is established in respect of female staff doing night shift in the industrial sector. In case of established breach of Law in respect of female staff doing night shift in the industrial sector, the labour inspectorate by issuing a decision orders the employer to fix the irregularities that have been determined. The violation of Article 131 of the Law on Labour Relations from 2005 provides for a fine in the amount between 100,000.00 and 200,000.00 denars for an employer-legal entity and a fine in the amount between 7,000.00 and 10,000.00 denars for the person in charge at the employer's. The amendments on the Law from August 2008 for this type of offence provide for a fine in amount of EUR 8,000 in denar counter value for the legal entity and a fine in amount of EUR 1,000 in denar counter value for the person in charge at the employer's. With the amendments on the Law of December 2008 the fine provided for this type of offence is increased and it amounts to EUR 15,000 in denar counter value for the employer-legal entity and to EUR 7,000 in denar counter value for the person in charge at the employer's.

In 2005, the State Labour Inspectorate performed 33 regular inspection supervisions in the mining sector. In 2006 a total of 36 regular inspection supervisions were performed. In 2007 this number was 80, in 2008 63, while in 2009 there were 121 regular inspection supervisions. These inspection supervisions have established that there was no female staff engaged in underground works in the mines except in cases comprised with Article 160, paragraph 2 of the Law on Labour Relations for which this prohibition does not apply.

Article 17

The right of mothers and children to social and economic protection

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.

Question 1. Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

General legal framework

The protection of children in the Republic of Macedonia represents an organised activity of public interest which is executed within the Ministry of Labour and Social Policy. The starting grounds for protection of the children are incorporated in the constitutional norms which determine the provision of special care and protection to the family and children (Article 40, 41 and 42 of the Constitution of the Republic of Macedonia). These constitutional determinations for protection of the children are operationalised through the existent legal regulations, primarily through the Law on Child Protection, but also through other laws which regulate this matter, like the laws in the field of social protection, education, health care, labour relations etc.

The Law on Child Protection is the basic system law regulating the system, organisation and manner of provision of child protection. According to this Law, child protection was defined as “an organised activity based on children's rights, as well as on the rights and duties of the parents and the state in the planning of the family, the provision of conditions and living standards suitable for the physical, psychological, emotional, moral and social development of the children and the responsibility of the state in creating conditions for practicing a humane population policy, provision of suitable financial assistance to the parents in accordance with the opportunities of the state for maintenance, raising, care and protection of the children and organising and providing the development of institutions and services for child protection”, however, in 2009 an intervention was made in Article 2 of the Law and the definition for child protection was made more precise: “an organised activity based on children's rights, as well as on the rights and responsibilities of the parents for planning the family and of the state and the local self-government units for leading a humane population policy.”

It introduces a new approach in defining child protection having in regard the fact that not only the state, but also the local-self governments units are included in

the system and organisation of child protection care. These functions are performed in accordance with the financial standing of the parents for maintenance, upbringing, care and child protection as well as in accordance with the possibilities that the state and the local self-government unit can offer in the organisation and provision of the development of institutions and services for child protection.

The provision of child protection and protection of its rights includes: the parents, the family, the guardians of the child and the fostering family, as well as the children institutions, the educational, social, health and cultural institutions and individuals, the state and local self-government institutions and the public organisations and other physical and legal entities whose activities are connected to providing support and assistance to the children.

The protection of children is executed by providing certain rights and forms of child protection.

The forms of child protection in accordance with the Law are the following:

- care and education of preschool age children;
- rest and recreation of children; and
- other forms of protection.

In accordance with the Law on Child Protection, the care and education of preschool age children is organised and executed at public and private children institutions - kindergartens. The care and education of preschool age children is a form of a child protection which as an activity is organised with the purpose of accommodation, stay, care, education, upbringing, sport and recreation activities as well as cultural and entertaining activities for improvement and protection of health and for boosting the intellectual, emotional, physical, mental and social development of the child until the age of 7, that is, until the inclusion in the primary education processes.

For the children who are not included in the care and education processes of the kindergartens, other part-time extra institutional forms of care and education can be organised in accordance with this Law. The extra institutional forms of care and education represent short programmes in duration of three hours per day and which can include: games, game activities, creative workshops, children's workshops in the field of culture and art and sport activities intended for children between the age of three and the age for entering primary school, which are organised and executed by the public kindergartens.

In accordance with the primary education reforms adopted by the Parliament of the Republic of Macedonia in September 2004 ("Official Gazette of the Republic of Macedonia" No. 65/04) which entered into force on 1 September 2005, with the amendments on the Law on Child Protection decisions have been adopted by which the children at the age of six are to attend the preparatory year in primary education which is mandatory, and adequate amendments have been made on the provisions of the Law on Child Protection according to which the maximum age for attendance of a kindergarten is the age of six when the child is to be included in the primary education process. This has also imposed the need for adjusting the groups in accordance with these changes, that is, the group above 5 years of age until 7 years of age is determined from the age of 5 to the age of 6, that is, until the enrolment in primary school.

For practical application of the Law, as well as according to the experience of other states, the Law was amended in order to improve the arrangement of the programmes pursuant to the duration of the stay of the children in the kindergartens, the age of the children and the execution.

The kindergarten, in accordance with the duration of the programme, organises:

- Full-day stay;
- Half-day stay;
- Shortened programmes;
- Pilot programmes; and
- Extra institutional forms of child activities.

The kindergarten can also organise a programme for children involving extended stay in accordance with the needs and the working hours of the beneficiaries of these services.

In accordance with the Law on Child Protection, the public kindergarten can organise temporary home care for children which shall be performed by the permanent staff of the kindergarten, as well as by engaged external associates and professional workers. There is also a possibility for the kindergarten to organise certain services which are part of its activity in other spatial conditions (primary school, hospital, house of culture, local community and other institutions, in the home of the parents) as well as to provide certain services which are part of the activities of the kindergarten to children and families in accordance with this Law.

In case there is no public kindergarten near the place of residence, or the kindergarten has no capacity for enrolling more children and the parents are interested in enrolling a certain number of children, the kindergarten is given the opportunity to organise some of the services which are part of its activity in other spatial conditions in accordance with the Ministry of Labour and Social Policy.

The work in the kindergarten is organised in groups depending on the age of the children where each group includes a number of children which is determined by law:

- | | |
|---|-------------------|
| 1) At the age up to 12 months | 6 to 8 children |
| 2) At the age between 12 months and 18 months | 8 to 10 children |
| 3) At the age between 18 months and 2 years | 10 to 12 children |
| 4) At the age between 2 years and 3 years | 12 to 15 children |
| 5) At the age between 3 years and 4 years | 15 to 18 children |
| 6) At the age between 4 years and 5 years | 18 to 20 children |
| 7) At the age between 5 years and 6 years | 20 to 25 children |

Depending on the age of the children, there is a possibility for a heterogeneous and a combined group to be established, and also a group with children with impediment in their development (with moderate impediment in the development) can be established. Furthermore, children between the age for enrolment in a primary school and the age of 10 can be admitted.

In order to support the parents, i.e. mothers, in accordance with the Law on Primary Education ("Official Gazette of the Republic of Macedonia" No. 103/08) an extended programme is being implemented in the primary education. The extended programme includes organised acceptance and protection of the pupils one hour before the beginning and one hour after the termination of the regular classes. Moreover, organising an extended stay is allowed for pupils from first to third grade, that is, from first to fifth grade.

In order to improve the financial standing of the family and the implementation of the provision for compulsory education various measures have been taken: free transport, free schoolbooks, free accommodation and food for the pupils attending a school on a location other than their place of residence.

The Programme of Conditioned Compensation for Secondary School Pupils enabled the children of welfare users who do not receive child benefit to receive conditioned compensation, that is, the mother or the holder of the right to social financial assistance on behalf of the child.

In accordance with the provisions of the Law Amending the Law on Child Protection ("Official Gazette of the Republic of Macedonia" No. 65/04) adopted with the set of laws on decentralisation from the Operative Programme for Decentralisation, normative conditions were created for devolving the activities on local level determined by the Constitution of the Republic of Macedonia and the Law on Local Self-Government. According to the stated provisions, transfer of the competencies in the field of child protection should have been done within 90 days the latest from the day of the establishment of the municipal councils and the council of the city of Skopje following the conducting of the next local elections in accordance with the Law on Local Elections. The local elections took part in March 2005.

The Programme for Development and Execution of Child Protection for 2005 ("Official Gazette of the Republic of Macedonia" No. 8/05) determines the realisation of the decentralisation for protection of children as a strategic activity.

In accordance with the Working Programme of the Government of the Republic of Macedonia for 2005 determined by the Detailed Plan for Transfer of Competencies, the Government of the Republic of Macedonia adopted the following: Decision on Determining the Network of Public Institutions for Children - Kindergartens ("Official Gazette of the Republic of Macedonia" No. 28/2005) adopted on the session of the Government of the Republic of Macedonia held on 25.04.2005; Decision on Transferring the Foundation Rights and Responsibilities to the Existent Public Institutions for Children- Kindergartens, to the municipalities and to the municipalities within the city of Skopje and transferring the rights to possession of the facilities ("Official Gazette of the Republic of Macedonia No. 51/05), adopted on the session of the Government of the Republic of Macedonia held on 22.06.2005. and Regulation on the Methodology for Allocation of Earmarked Grants to the Local Public Institutions for Children - Kindergartens by Municipalities ("Official Gazette of the Republic of Macedonia" No. 30/05).

Within the Republic of Macedonia there is a network of public institutions for children - kindergartens determined by the Decision of the Government of the Republic of Macedonia, published in the Official Gazette of the Republic of Macedonia No. 28/2005 and as of 1 July 2005, in accordance with the provisions in

the amendments on the Law on Child Protection adopted in September 2004 with a deferred application in 2005, in accordance with the Law, with a Decision of the Government of the Republic of Macedonia the foundation rights and responsibilities and the right to possession have been transferred to the municipalities.

Within the Republic of Macedonia there is a network of 51 public institutions for children - kindergartens allocated in 40 municipalities according to the headquarters of the institution comprised of 181 facilities. The facilities providing care and education to preschool age children are located in 48 different municipalities and in the period between 2005 and 2008 they had a capacity for enrolment of 23,439 preschool age children, while in 2009, with the establishment of another kindergarten as public municipal institution in the municipality of Ilinden, this capacity has been increased for 60 more places (which enables a coverage of 15% of the population of children at this age - 164,000 children). All the records on national level in respect of the kindergartens and the coverage of children are kept by the Ministry of Labour and Social Policy and the information on the population of preschool age children is obtained from data gained from the State Statistical Office on request of the MLSP.

The foundation rights and obligations for 51 public institutions for children-kindergartens (PI - NS) from 84 municipalities on the territory of the Republic of Macedonia, as of 1 July 2005, have been transferred to 40 municipalities.

Care and education of preschool age children is provided in 48 municipalities: 40 municipalities with municipal public institutions for children - kindergartens (PI - NS), 7 municipalities with organisational form - facility within PI - NS whose quarter is on the territory of another municipality; 1 municipality - in other spatial conditions within a PI - NS whose headquarters are on the territory of another municipality.

In 2009, care and education of preschool age children is provided in 51 municipalities: 41 municipalities with municipal public institutions for children - kindergartens, 7 municipalities with organisational form - facility within the PI - NS whose headquarters are on the territory of another municipality; 3 municipalities – in other spatial conditions within a PI - NS whose headquarters are on the territory of another municipality. With the purpose of increasing the coverage of preschool age children, activities are underway for the implementation of the strategic determinations of the state in cooperation with the local self-government units and the Association of Local Self-Government Units for establishment of new kindergartens (the following activities are underway: construction of new kindergartens, reconstruction and extension of the existent facilities as well as adaptation of other space for kindergartens, i.e. facilities for kindergartens).

The local community participates in the coverage of part of the costs for the stay of the children at the kindergartens with funds in the form of block subsidies or earmarked grants provided by the Budget of the Republic of Macedonia, while the other part of the costs is at the expense of the parents whose children are beneficiaries of the services of the public institution for children.

The amount of the fee paid by the parents whose children are beneficiaries of the services of a nursing school is the following:

- For a full-day stay 1,490.00 denars

- For a half-day stay
 - Snack inclusive 599.00 denars
 - Combined meal inclusive 806.00 denars
 - Snack not inclusive 298.00 denars

- Other forms of stay
 - Care in duration of 1 hour 65.00 denars

The aforementioned fee amounts paid by the parents have not been changed since 2004.

The monthly cost price for the stay of the children in kindergartens calculated in accordance with the normative, measures and criteria for determining the monthly cost price (for March 2004) is equal to 4,696.61 denars.

From these calculations we can see that in the total costs for stay of the children in kindergarten which amount to 4,696.61 denars, the parents participate with a sum of 1,490.00 denars, while the Ministry of Labour and Social Policy, i.e. the state covers a sum of 3,206.60 denars.

In accordance with the Law on Child Protection, professional supervision is performed on the professional work of the kindergarten (Article 120 of the Law). The supervision on the professional working determines whether the professional work for executing child protection is based on modern, scientific and professional methods and is achieving this level of activity and whether it is organised in the most efficient manner and fit for purpose. Supervision on the professional work implying care, stay, food provision, as well as, measures and activities for improvement and maintenance of health and for boosting the intellectual, emotional, physical, mental and social development of the child until the age of 6, that is, until the enrolment of the child in primary school, is performed by the Ministry of Labour and Social Policy. The supervision on the execution of the educational work is performed by the Ministry of Education and Science, while the supervision on the professional work involving the provision of health care is performed by the Ministry of Health.

The Ministry of Labour and Social Policy via the Republic Institute for Household Promotion performs professional supervision in the kindergartens in accordance with the agreement concluded with the Ministry of Labour and Social Policy with a determined dynamics for performance of supervision and providing professional assistance to the staff in 9 (nine) kindergartens each month. The Ministry of Labour and Social Policy regularly submits a report to the Government of the Republic of Macedonia in respect of the supervisions performed and the situation determined on site.

In accordance with the Constitution, the Republic of Macedonia provides special protection to children, especially to children without parents and parental care. The forms and modes of protection are regulated in the Law on Family via the methods of guardianship and fostering and the Law on Social Protection via institutional and extra institutional children care.

The Law on Family stipulates that the rights and duties of the parents towards the children regarding their upbringing, care, support and education are equal regardless of the fact whether the children were born in or out of wedlock.

In accordance with the Law on Family, special protection is provided to children without parents and parental care in the process of adoption in order for them to be able to live and grow in a natural family surrounding. Amendments were made this year on the Law on Family providing for the selection of an adoptive parent and the selection of the Adoption Commission Members to be done electronically with the objective of reducing the influence of the human factor to minimum.

In accordance with the Law, the process of adoption is done in secret. Bearing in mind the social and cultural level of the citizens and the traditional way of living, we consider that the conditions are not favourable enough for amending the provisions referring to the secrecy of adoption. However, it does not mean that any discrimination is made in respect of the relations between parent and children, as well as, in respect of the exercise of the rights and duties of parent and children, regardless of the fact whether the children were born in or out of wedlock or were adopted. The adoption, according to the Law, forges relations same to the ones obtained by birth, that is, the adopted children are given the same rights as the children born in wedlock.

Article 40 of the Constitution of the Republic of Macedonia provides for an obligation of the state to provide special care and protection to children without parents and parental care. The form of protection is determined by the Law on Family (guardianship and adoption) and by the Law on Social Protection regulating the forms of protection of children without parents and parental care (institutional and extra institutional care, benefits and other forms of social protection).

The selection of the mode and form of protection of the child without parents or parental care is done by the authorised social work centre in accordance with the age, needs and interests of the underage child.

Extra institutional care and protection is executed by accommodation in a fostering family. The statistical data for the last five years (see answer on question No. 3) indicate that this form has a tendency of growth.

The criteria for a selection of a fostering family, the type and number of beneficiaries who can be accommodated in one fostering family and the kind and volume of services in the field of social protection that can be provided to the accommodated person are regulated by the *Rulebook on Selection of a Fostering Family, the Type and Number of Beneficiaries who can be accommodated in One Fostering Family and the Kind and Volume of Services in the Field of Social Protection that can be provided to the Accommodated Person* ("Official Gazette of the Republic of Macedonia" No. 54/10). Before the adoption of this Rulebook, the Rulebook on Criteria for Selection of a Fostering Family, the Type and Number of Beneficiaries who can be accommodated in One Fostering Family, the Kind and Volume of Services in the Field of Social Protection that can be provided to the Accommodated Person, the Amount of the Benefit for Accommodation Costs and the Benefit for Care ("Official Gazette of the Republic of Macedonia" No. 63/06) was in force. In accordance with that Rulebook, the following criteria were observed in the process of selection of a fostering family: the age of the adoptive parents, the level of education, the health condition, the moral eligibility, the financial standing and the housing conditions.

Institutional care and protection of children without parents and parental care is executed in the following institutions: PI Institution for Infants and Toddlers – Bitola

where underage children between the age of 0 and 3 years are being accommodated, PI Institution for Children "11 Oktomvri" - Skopje where juvenile children between the age of 3 and 18 are being accommodated. With the establishment of a Small Group Institution another alternative for care of children without parent and without parental care has been developed. The Small Group Institution was opened on 20.11.2008 in Berovo and 5 children without parents and parental care have been accommodated.

The institutions for accommodation of children without parents and parental care and the fostering families provide care for the children (housing, food, clothes, care) until the emergence of favourable conditions for their return, i.e. until they are ready for an independent life and fit for work, if there are no possibilities for care to be provided in another way.

Supervision on the care of children without parents is performed by the authorised social work centre, while the parties and all citizens who are not satisfied with the care of some minor child or have other information regarding the conditions offered by the fostering families or the institutions, have the right to lodge a complaint to the Ministry of Labour and Social Policy. The Ministry of Labour and Social Policy performs supervision on the lawfulness of the provisions contained in the Law on Social Protection, as well as, inspection supervision on the implementation and application of the laws and other regulations in the field of social protection by the social protection institutions, other legal and physical entities performing work in the field of social protection as a professional activity.

Child protection is also executed by the authorised social work centre as a body responsible for guardianship and a body with public authorisations. The social work centre protects the rights and interests of the child in its entirety, at any time when it is required with the need for protection of the personality, rights and interests of the child. In accordance with the Law on Family (Article 84 and 92) the social work centre performs supervision on the exercise of the parental right as well.

The following situations can be deemed as a neglect or heavy violation of the parental right:

- In cases when the parent practices physical or emotional violence upon the child;
- In cases when the parent abuses the child (performs sexual assault on the child);
- In cases when the parent forces the child to perform work which does not correspond to its age;
- In cases when the parent allows the child to consume alcohol, drugs and other psychotropic substances;
- In cases when the parent induces the child into socially unacceptable behaviour (to begging and other antisocial comportment, in cases she/he does not take care of the child and as a result of it the child drops out of the educational process etc.);
- In cases when the parent leaves the child and does not take care of it; and
- In cases when the parent in another manner violates the rights of the children.

The social work centre performs supervision on the parental right by taking the following measures:

- Warns the parents of the shortcomings in the upbringing and development of the child and helps them develop and bring up the child in the right manner and can refer them only or along with their child to visit a counselling centre or other health care, social or educational institution which can give them the advice needed;
- It can adopt a decision for a permanent supervision on the exercise of the parental right regarding all children or in respect of only one of the children;
- Upon a decision, it can take away the child from one of the parents and award its care and education to the other parent, to another person or to a relevant institution in case when the parents, that is, the parent with whom the child lives neglects the child itself in respect of care and education or in case the correct development and upbringing of the child is seriously put into jeopardy;
- Can adopt a decision for restricting the right to maintain personal relations and direct contact with the child to the parent who more than three months has not provided maintenance to the child and this measure shall be effective for as long as the parent does not fulfil his/her duties towards the child;
- Can adopt a decision for restricting the right to maintain personal relations and direct contact with the child to the parent the child is not awarded to for care and upbringing in cases when she/he fails to observe the decision of the social work centre for more than three times incessantly with no reasonable grounds;
- In cases when there is a reasonable doubt for abuse it can require the parents to submit a report on the manner of administration of the property of the child and can require the court, because of protection of the property interests of the child, to adopt a decision by which the parents would have the role of a guardian in respect of the administration of the property of the child.

The parent who abuses the parental right or seriously neglects the execution of her/his parental duties after having obtained an opinion by the social work centre is stripped off the exerting her/his parental right by a decision adopted by the court in non-trial procedure in respect of all children or in respect of some of them. A procedure for stripping of the parental right can be initiated by the other parent, by the social work centre or by the public prosecutor.

The social work centre in the execution of its authorisation as a guardianship body is obliged to take care of the child after its accommodation in a fostering family or social care institution. A separate programme is prepared for each child, thus planning the measures for child protection that ought to be taken and the way they ought to be implemented. The professional team which is part of the programme should determine the dynamics of monitoring the case by regular visits of the child at the place of accommodation, should make contact with the school in order to have a follow-up of the educational process, should be in contact with the family doctor

regarding the health condition of the child and should take other necessary measures for monitoring the development and education of the child. When it is determined that the foster does not take good care of the child or that the child does not feel well, a decision is being made for a change of family or another form of child protection is determined.

Violence within the family, which is deemed as violation of the basic human rights, is treated with the measures for preventive acting and protection against the consequences of domestic violence contained in the Law on Family and the Law on Social Protection. A relevant framework for preventive action and efficient treatment of the consequences of domestic violence is regulated by the amendments on the Law on Family from 2004, 2006, and 2008. The amendments on the Law on Social Protection from 2004 and the adoption of the National Strategy for Protection against Family Violence 2008 – 2011 of April 2008 finalise the civil and legal system for protection of family violence victims, including children.

1. Law on Family

This regulation establishes the term of office of the Domestic violence Victims Social Work Centres and the court action for pronouncing provisional protection measures.

Whenever the Social Work Centre becomes aware that there is any type of violence in the family and that there is a serious danger to the life and health of a member of the family, it undertakes the following protection measures:

- providing necessary accommodation for the violence victim, that may last for six months at the most, with the possibility of continuation for another six months;
- providing adequate healthcare;
- providing adequate psychosocial intervention and treatment;
- referring them to an adequate counselling centre;
- if the family has a child attending regular education, it provides help for the continuation of the regular education;
- notifying the law enforcement body;
- providing any type of legal aid and representation;
- initiating proceedings before the competent court;
- when necessary, it submits a request to the court for pronouncing a provisional protection measure; and
- undertaking other measures that it deems necessary for resolving the problem.

The Centre compulsory undertakes protection measures when the domestic violence victim is a minor or a person whose working ability has been taken away.

The Social Work Centre obtains the findings for committed domestic violence from the citizens, official and legal entities, that are obliged to submit a notification immediately.

Court protection: The Social Work Centre submits a request for initiating a procedure for pronouncing a provisional measure for protection from domestic violence to the competent court, and that is compulsory for minors and persons who are legally incapable of work, whereas for adults and persons who are legally capable to work, this is done solely with the consent of the domestic violence victim. The Social Work Centre submits minutes to the request as well as a report on the undertaken actions, in which it can give a proposal for pronouncing a provisional measure. For the perpetrator of domestic violence the court may pronounce the following provisional measures:

- prohibition to make threats of committing domestic violence;
- prohibition of harassing, disturbing, telephoning, contacting or in any other way communicating with a member of the family, directly or indirectly;
- prohibition of approaching the residence, school and work place or a certain place that is regularly visited by another family member;
- to determine removal from the home regardless of the ownership, until the competent court adopts a final decision;
- prohibition of possessing firearms or any other weapon or these weapons to be taken away;
- to oblige the person to return the objects that were necessary for meeting the everyday needs of the family;
- to pronounce compulsory subsistence of the family;
- to order the defendant to visit an adequate counseling centre;
- to order compulsory treatment, if the person uses alcohol and other psychotropic substances or if the person has some disease;
- to oblige the person to compensate the medical and other expenses incurred from the domestic violence; and
- to pronounce any other measure that the court considers as necessary to ensure the safety and well being of the other members of the family;

The domestic violence charges to the Social Work Centre may be submitted by the spouse, parents or children or other persons living in marital or extramarital community or a joint household, ex-spouse or other persons that are in close personal relations towards whom domestic violence actions have been undertaken, regardless whether a lawsuit has been submitted in a criminal procedure.

Concerning the court decision for the pronounced provisional measures for protection from domestic violence, the Social Work Centre has the following competences:

- monitoring the execution of the pronounced measure and during the measure's implementation it notifies the court upon its request;
- it can submit a proposal to the competent court for revoking the pronounced measure and prior to the expiry of the deadline for which the measure has been pronounced, if it assesses that the measure has accomplished the objective for which it has been pronounced;

- it can submit a proposal for amending the pronounced measure or a proposal for its continuation, if it assesses that the pronounced measure is inappropriate or that it will achieve the requested results, but for this it is necessary that the measure lasts for a longer time period.

When implementing the protection measures the Social Work Centre cooperates with citizens, legal entities and organisations.

The Law also regulates the procedure for pronouncing provisional measures for protection from domestic violence, the composition of the court, the course of the hearing and the legal means against the court's decision.

Penalty provisions have been prescribed for the entities for which the law provides an obligation for compulsory reporting of domestic violence to the competent Social Work Centre.

In 2006 the amendments to the Law on Family have been adopted ("Official Gazette of the Republic of Macedonia" No. 33/06), regulating the specific competence of the individual institutions (Ministry of Interior, Ministry of Health and the courts) for executing the pronounced provisional protection measures.

In 2007 a Rulebook on the Manner of Implementation and Monitoring of the Pronounced Protection Measures of the Family and Victims of the Domestic Violence Undertaken by the Social Work Centres and on the Manner of Monitoring the Provisional Measures Pronounced by the Court ("Official Gazette of the Republic of Macedonia" No. 103/07), for the purposes of unifying the procedures of all Social Work Centres.

In 2008 the amendments to the Law on Family have been adopted harmonising the domestic violence definition with the Criminal Code, providing the opportunity for citizens' associations to ensure some of the protection measures of the domestic violence victims. The duty of notifying the institutions and authorities undertaking the actions for protection from domestic violence to the competent Social Work Centre is determined in 72 hours from the undertaking of the action. In addition, the amendments provide an additional opportunity for the victim apart from indirectly submitting a proposal through the Social Work Centre to the court for pronouncing a provisional protection measure, to submit this proposal directly by her/him.

2. Law on Social Protection

The amendments to the Law on Social Protection in 2004 ("Official Gazette of the Republic of Macedonia" No. 65/04), as new forms of extra-institutional protection, among other things envisage a Centre for Victims of Domestic Violence, which can be established as an institution for social protection or as an organisational part of an adequate institution. The Centre for Victims of Domestic Violence provides daily and temporary acceptance and fostering of these persons, which may last at the most six months with the possibility of continuation for another six months, providing counselling services, food-related services, daily stay, accommodation, hygiene maintenance and cultural and recreational activities.

Services for work with the domestic violence victims have been formed in the Social Work Centres.

A network of Shelters for Victims of Domestic Violence has been formed in six cities: Skopje; Bitola; Kochani; Strumica; Ohrid and Kumanovo.

The social protection system created grounds for different entities to appear as providers of certain social protection services. For the first time an opportunity has

been provided for citizens' associations from the social protection area to be registered in a register that is being kept by the Ministry of Labour and Social Policy, with the purpose of delegating certain social services to them with a partial financing by the Ministry. The procedure is implemented through a publication of a public call for competition and signing of a contract between the selected citizens' association and the Ministry of Labour and Social Policy. From the scope of social protection works, concerning the domestic violence, a citizens' association can be entrusted to perform a social service in a daily and temporary acceptance and fostering of the social protection beneficiaries in a daily centre for domestic violence victims.

The new text of the Law on Social Protection, prescribes that the citizens' associations can implement certain protection measures for the domestic violence victims, in compliance with the Law on Family.

The Ministry of Labour and Social Policy in cooperation with the Women's Association of Skopje has formed a National SOS Line for assistance of the domestic violence victims, representing a 24 hours service for information and help of the domestic violence victims, with the financial support of the Ministry.

With the purpose of strengthening the capacities of the expert persons acting in case of domestic violence, multi-sectoral trainings for work in the local community have been carried out (including 300 experts from the Social Work Centres, healthcare Institution, police, NGOs, legal authorities).

3. National Strategy on Domestic Violence

In the function of establishing a comprehensive and efficient system for protection and prevention against domestic violence in the Republic of Macedonia, a National Strategy on Protection against Domestic Violence 2008-2011 has been adopted on a Session of the Government of the Republic of Macedonia held on 15.04.2008.

The main strategic objective of this strategy is reducing the domestic violence phenomenon and improving the protection quality by systemic measures in the areas/domains of prevention, intervention, education, monitoring and inter-sectoral coordination, for the purposes of effective and efficient action for dealing with domestic violence by providing a uniform stance and approach.

The basic objectives of the strategy are the following:

- establishing and developing a multi-sectoral coordinated approach in the protection of the domestic violence victims;
- preventing the domestic violence phenomenon through the educational process;
- education of the professional structures;
- improving the protection system for the domestic violence victims;
- promoting the civil and legal protection system;
- promoting the criminal justice system of protection;
- establishing a system for keeping records and notification for the domestic violence cases by all the relevant institutions;
- establishing mechanisms for the implementation of the strategy.

For the purposes of realising all of these objectives a series of specific activities have been envisaged that need to be implemented pursuant to the determined dynamics of the same strategy within the period from 2008 up to 2011.

Moreover, in order to implement these objectives fiscal implications have been envisaged in the amount of 3,000,000 denars for 2008 and 6,000,000 for each following year, and a foreign financial support is envisaged for a part of the activities.

The Draft-Project of UNDP envisages covering a part of the established objectives in the National Strategy, and thereby it provides assistance in the promotion of the overall system for protection from domestic violence in the Republic of Macedonia.

The Law on Juvenile Justice was adopted by the Assembly of the Republic of Macedonia on 4 July 2007 and it represents a reform of the juvenile legislation of the Republic of Macedonia because it implements the international standards for juvenile justice, concerning: a principle of juvenile protection and his/her rights, socialization and restorative justice and prevention of the juvenile delinquency.

The last novelty regarding this law is the Draft Law Amending the Law on Juvenile Justice from June 2010 which currently is in parliamentary procedure. The Draft Law Amending the Law on Juvenile Justice contains 78 Articles and it is based on the principles on which the Law on Juvenile Justice is based, namely:

- principle of realising the best interest of the minor;
- socialisation and assistance when dealing with the minor; and
- prevention of juvenile delinquency.

Regarding the normative framework for the purpose of harmonization with the Law on Juvenile Justice the following laws have been adopted:

- Law on Amending the Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia" No. 67/09);
- Law on Amending the Criminal Code ("Official Gazette of the Republic of Macedonia" Numbers 37/96, 80/99, 4/2002, 43/2003, 19/2004, 60/2006, 73/2006, 7/2008 and 139/2008 and 114/09);
- The following by-laws deriving from the Law have been enacted:
 - Rulebook on the conditions, procedure and manner of issuing any withdrawal of the permit for execution of alternative measures;
 - Rulebook on the type and conditions for performing community service ("Official Gazette of the Republic of Macedonia" No. 118/08);
 - Rulebook on the form and contents and manner of keeping the register for application of the measures of help and protection of children and minors at risk; and

- Rulebook on the form and contents and manner of keeping the register for received notifications for children and minors at risk ("Official Gazette of the Republic of Macedonia" No. 136/08);
- regarding the standards, a Guidebook has been prepared as well as standards for the expert teams dealing with children at risk and minors who are perpetrators of crimes in the Social Work Centres in the Republic of Macedonia;
- for the purposes of monitoring the application of the Law on Juvenile Justice, registers have been prepared in which the Social Work Centres record the received notifications and measures of assistance and protection for the children.

The Ministry of Interior has carried out an analysis for the period of application of the Law on Juvenile Justice from 30.06.2009 to 31.10.2009 and it has indicated the following:

- actions have been taken in a large number of cases wherein the perpetrators of crimes are minors, minors who are victims of committed crimes and minors who have committed misdemeanours and
- the Basic Public Prosecutor's Office in Skopje has given recommendations to the sectors for interior and the police stations to adhere to the provisions from the Law on Juvenile Justice during all the official conversations with children and minors, whereby the presence of an attorney is compulsory, and when necessary the presence of an official person from the Social Work Centres and an educated police officer.

Regarding the difficulties and financial implications which the Social Work Centres encounter in the application of the Law on Juvenile Justice, the general assessment from the continuous contacts with the expert teams of the Social Work Centres as well as the processed data from the acting indicate that the Law is being implemented.

Certain weaknesses and difficulties have been noticed in the acting, which are dominantly located in the need of further legal regulation of the provisions from the Law on Juvenile Justice concerning the collection of funds for the provided legal aid for the child or minor in the acting of the attorneys before the Social Work Centres and the Ministry of Interior.

Having regard to the current situation with the application of the right of the child and minor to legal aid before the Social Work Centres, pursuant to Article 19 paragraph 4 of the Law on Juvenile Justice, the legal aid for the child i.e. the minor or major juvenile at risk is free of charge.

In addition, pursuant to Article 109 paragraph 2 of this Law: "For each deprivation of freedom of a minor under the conditions envisaged in the Law on Criminal Procedure, the authorized official persons of the Ministry of Interior are obliged to immediately notify the competent public prosecutor, the judge for minors, i.e. the investigative judge, the parents, the defence attorney determined by the minor or his/her parents and the Social Work Centre. If the minor or his/her parents

cannot hire a defence attorney, the officials from the Ministry of Interior will call a defence attorney from the list of attorneys submitted by the Bar Association. "

The findings of the Social Work Centres and Ministry of Interior in the practical application of these legal solutions indicate the following: Some of the attorneys do not respond to the invitation of the Social Work Centres for participation in a procedure, due to the non-regulation of the payment for their services, which indirectly influences the difficult meeting of the deadline for acting in 7 days and an unequal tariff of the services by the attorneys has been noticed.

The proposals for overcoming the situation which the competent institutions encounter in the implementation of the Law on Juvenile Justice, also refer to the need of: building and strengthening the inter-ministerial cooperation between the competent ministries and institutions, further staffing of the Social Work Centres and creating technical conditions for implementing the alternative measures, strengthening the budget resources for implementation of the Action Plan for juvenile justice, pursuant to the recommendations of the European Commission for further harmonisation of the legislation of the Republic of Macedonia with the *acquis communautaire* and building adequate resources for support and implementation of the local level through forming municipal councils for prevention of juvenile delinquency.

On the 149 session, the Government of the Republic of Macedonia adopted the Information on the initial findings from the application of the Law on Juvenile Justice. Simultaneously, by adopting the Information the Government has reached conclusions by which it obliges the Ministry of Justice to cooperate with the Ministry of the Local Self-Government and the Association of Local Self-Government Units, to undertake the necessary measures for establishing municipal councils for prevention of juvenile delinquency. Furthermore, the Ministry of Justice within its own budget resources has provided funds in the amount of 600,000.00 denars for the realisation of the State Council for the Prevention of Juvenile Delinquency Programme for 2010.

Having regard to these initial findings from the application of the Law with the proposals for their overcoming, the Ministry of Justice forms a working group for the purposes of drafting the amendments to the Law on Juvenile Justice that included the following: experts, judges, public prosecutors, representatives from the Ministry of Interior and the Ministry of Labour and Social Policy, the Bar Association of the Republic of Macedonia, the State Council for the Prevention of Juvenile Delinquency, the Public Institute for Social Affairs and UNICEF.

Thereby, within the process for preparation of the Draft Law Amending the Law on Juvenile Justice, the working group has taken into consideration the experiences in the application of the Law on Juvenile Justice by the Social Work Centres, courts, public prosecutor's offices as well as the Ministry of Interior.

These findings also determine the reasons for adopting the Law which, beside the aforementioned, particularly refer to the following:

the Social Work Centres refer that the provision of legal aid for the child by an attorney for the purpose of protection of their rights and interests in the procedure before the Social Work Centres regulated in Articles from 18 to 26 of the Law on Juvenile Justice should be limited only in cases where there is a high risk, and which is assessed by the Social Work Centre. This is due to fact that the protection of the rights and interests of the child and minor is within the competence of the Social Work Centres and it is regulated by the Law on Social Protection ("Official Gazette of

the Republic of Macedonia" No. 79/2009). Namely, the centres perform works of social protection and of the social protection implementation, as well as expert work, the centre among other competences regulated by the Law detects, monitors and studies social phenomena and problems, it performs direct insight for the purpose of determining the factual situation of the person or family, it prepares social protection plans and programmes and it applies and implements adequate shapes and forms of social protection and it directly helps the citizen or family. The centres, also, promote and undertake preventive actions in prevention and removal of the reasons for the occurrence of social risk position. The social prevention measures and activities help preventing the occurrence of social risks, performing early detection and early treatment of the citizen exposed to social risk, for the purposes of overcoming and alleviating the harmful consequences from the exposure to social risk. For the realisation of the social prevention, measures are being undertaken for preventing the occurrence of social risk for the citizen, family or group of people, particularly through the educational and counselling work, developing the self-assistance forms, voluntary work with personal engagement and application of other methods that correspond to the needs of the social protection beneficiaries. Pursuant to Article 136 under this Law in the realisation of the functions stipulated by this Law and the other regulations, the centre works with a citizen (child, adolescent, adult), a family or a group of citizens. Working with the citizens and family, the centre helps in resolving the life difficulties and problems in the individual living, partners relations, premarital relations and marital relations in the realisation of his/her protection, educational and reproductive function, promoting loving and responsible parenthood and planning of the family, protection of the victims of domestic violence and victims of human trafficking, providing other counselling services and services from counselling centres for issues that are significant for the development and socialization of the person and the realization and promotion of the family relations.

In order to improve the inter-ministerial cooperation and coordination when dealing with children at risk and minors who have committed crimes and misdemeanours:

- the Ministry of Labour and Social Policy has submitted a provision to the Social Work Centres, whereby they are obliged to organise regular meetings on a monthly level with the representatives of all state bodies on a local level that are competent for the implementation of the Law: the Social Work Centres, the Ministry of Interior, the basic public prosecutor's offices and the primary courts;
- meetings have been held with the representatives of the competent authorities of the Ministry of Interior on a level of the City of Skopje, the Basic Public Prosecutor's Office, the Primary Court Skopje I and the representatives of the Inter-Municipal Social Work Centre of the City of Skopje;
- a meeting has been held with the expert teams from seven Social Work Centres and two public institutions for social protection for the purposes of evaluating the implementation of the programme for the group work with the children's parents; and

- a working meeting has been held with the expert workers from 30 Social Work Centres for the purposes of unifying the keeping of the Register for received notifications for children and minors at risk.

Until now, the following measures of help and protection have been applied in the Social Work Centres of the Republic of Macedonia:

- first social service;
- help for the individual;
- help for the family;
- insight in the household;
- social prevention (educational and counselling work, developing self-assistance forms, voluntary work with personal engagement and free of charge);
- counselling work and work in a counselling centre;
- psychosocial and pedagogical intervention;
- providing adequate healthcare;
- interventions in the healthcare (reference to a mental health institution, reference to treatment);
- reference to an adequate counselling centre (reference to a counselling centre for narcotic prevention);
- warning the parents of the lack of child's education and development;
- assisting the parents through a group work;
- assistance in overcoming the disturbed family relations;
- supervision over the parental right;
- continuing the exercising of the parental right;
- putting under custody;
- accommodating the child with educational and social problems in a fostering family;
- assistance for continuing the full-time and part-time education;
- intervention in the school;
- realisation of a negotiation and settlement procedure;
- undertaking other measures deemed as necessary for resolving the problem;
- reference to an educational institution;
- re-socialisation assistance;
- assistance in job training;
- one-off financial assistance;

- assisting the family in acquiring the appropriate documentation;
- cooperation with NGOs; and
- other forms of assistance and protection.

The negotiation and settlement procedure is one of the novelties in the Law on Juvenile Justice, which represents an opportunity that the Social Work Centres can apply for the children and minors at risk that have committed crimes or misdemeanours, in the prevention part.

From the entry into force of the Law on Juvenile Justice, this procedure is implemented in two Social Work Centres:

- it has been successfully realized in PI ISWC Shtip, by the achieved agreement between the minor and the damaged and
- it has been realized in a legally determined deadline in PI ISWC Sv. Nikole, but no agreement has been reached.

In adaptation, the Social Work Centres, indicate that in practice the parents do not cooperate with the Social Work Centres in accepting and implementing the programme for measures and activities for the purposes of eliminating the reasons for the child's behaviour i.e. the minor and the risk situation, pursuant to Article 21 and 22 of the Law on Juvenile Justice. Due to those reasons, the Draft Law Amending the Law on Juvenile Justice introduces a mechanism that will be in function of their promotion for implementation of this activity.

The Basic Public Prosecutor's Office in Skopje indicated the need of amending the Law on Juvenile Justice, in the part of applying measures for help and protection, with the purposes of eliminating the irregularities regarding the qualification of the criminal offence which only the Public Prosecutor is authorised to determine.

Moreover, the working group assessed that the name of the educational measure referring to a disciplinary centre for minors is anachronistic and inadequate with contemporary trends particularly the fact that this educational measure is pronounced by the court when it is necessary to influence the personality and conduct of the minor through adequate short-term measures.

Concerning the provisions under the Articles from 72 to 78 of the Law on Juvenile Justice regulating the mediation, it was necessary to harmonise these provisions with the Law on Mediation ("Official Gazette of the Republic of Macedonia" No. 138/09).

Concerning the provisions from Article 109 of the Law on Juvenile Justice, regulating the detention and deprivation of freedom of a minor, it was necessary to harmonise them with the adequate provisions of the Law on Police ("Official Gazette of the Republic of Macedonia" Number 14/06).

The Law on Juvenile Justice is necessary to regulate: the conditions for termination of the term of office for a member of the State Council for the Prevention of Juvenile Delinquency as well as the right to compensation for the members of the Council.

On the basis of the aforementioned, the proposed amendments are in the function of more efficient application of the Law on Juvenile Justice, and thereby in the function of accomplishing the best interest of the child, as a basic principle of the Convention on the Rights of the Child.

Simultaneously, on 27 and 28 May, 2010, the Minister of Labour and Social Policy, Xhelal Bajrami, headed the delegation of the Republic of Macedonia on the 54th session of the Committee on the Rights of the Child, which was held in Geneva. The Second Periodic Report of the Republic of Macedonia was discussed for fulfilling the obligations from the Convention on the Rights of the Child and the initial reports for the optional protocols of the Convention. Namely, following the accession and ratification by the Republic of Macedonia of the Convention on the Rights of the Child in 1993, then the Optional Protocol on Trafficking in Children, Child Prostitution and Child Pornography in 2003, and the Optional Protocol on the Involvement of Children in Armed Conflicts in 2004, the provisions of these legally binding documents are incorporated into the national legislation.

Pursuant to the principles, an adjustment of the legal regulations of the Republic of Macedonia regulating the children's rights is carried out therein. In the preliminary conclusions, the representatives of the Committee on the Rights of the Child pointed out that the Law on Juvenile Justice contains the international standards for the rights of the child, but that further activities are necessary to improve the process of its implementation.

Pursuant to the Law on Juvenile Justice ("Official Gazette of the Republic of Macedonia" No. 87/2007), a sanction provided by this law cannot be applied for a minor who has not reached 14 years of age in the time of committing the act that is determined as a criminal offence or a misdemeanour according to the law. Measures of help and protection shall be applied for this minor.

The measures of help and protection determined by this Law can also be applied for a minor and major juvenile.

For an act that is determined as a criminal offence or a misdemeanour committed by minors pursuant to the law, the provisions of the Criminal Code are accordingly applied, as well as the provisions from the Law on Misdemeanours and other laws prescribing misdemeanours.

The special provisions that apply for the juvenile perpetrators of crimes shall be applied under the conditions envisaged in the provisions of the Law on Juvenile Justice and over the adults when they are on trial for crimes they had committed as minors; and by the exception over persons that had committed a criminal offence as younger adults.

Only educational measures can be pronounced against a minor juvenile for an act that is determined by law as a criminal offence.

Educational measures can be pronounced against a major juvenile for an act that is determined by law as a criminal offence, and by exception a punishment or an alternative measure may be pronounced.

A major juvenile can be exempted from a punishment under the general conditions determined by the Criminal Code.

The sanction that is pronounced against the minor should correspond to his/her personality, the severity of the act that is determined by law as a criminal offence or as a misdemeanour and its consequences, the need of his/her education, re-education, education and development, for the purpose of providing protection and for the best interest of the minor.

When the legal conditions are met, the competent court pronounces a sentence only if the pronouncing of an educational or alternative measure is not justified.

The competent court may pronounce a sentence that is consisted of deprivation of freedom only when the purpose of the educational measures, the punishment or alternative measures cannot be achieved by measures of help and protection.

If a more severe sanction or a sanction consisted of freedom deprivation is pronounced, the competent court particularly explains the reasons for its pronouncing.

The minor that is charged of a criminal offence or misdemeanour is entitled to a fair trial within a reasonable deadline, before an independent and impartial court established by law, with all the guarantees for the rights of the accused in a criminal procedure according to the Law on Criminal Procedure.

The procedure against minors is urgent and when there is a criminal offence it cannot last longer than one year and six months, except for crimes for which an imprisonment of at least four years is prescribed, when the procedure cannot last longer than two years.

When the minor is not available, in that case the deadlines cease to apply for the time during which the minor has been unavailable, but not longer than the year in which the perpetrator shall reach 27 years of age.

Only the public prosecutor is an authorized plaintiff in the procedure for criminal offences.

In all phases of the procedure there is a compulsory defence of the minor.

The court ex-officio appoints a defence attorney from among the attorneys, if the minor or his/her family or his/her custodian does not provide a defence attorney.

The court and other authorities participating in the procedure are obliged to provide protection for the privacy of the minor and his/her family.

The minor cannot be judged in his/her absence.

The juvenile delinquency judge carries out the preparatory procedure, adopts decisions pursuant to the Law on Juvenile Procedure and presides over the Juvenile Council.

The Juvenile Council of the Primary Court decides in first instance in the procedure for criminal offences.

The Criminal Juvenile Council, in the Primary Court, decides on the appeals against the verdicts of the juvenile delinquency judge.

The Juvenile Council of the Court of Appeals composed of a juvenile delinquency judge and two judges decides on the appeals against the verdicts of the Juvenile Council of the Primary Court.

The procedure against a minor for a criminal offence is initiated only upon a request of the public prosecutor.

For criminal offences for which prosecution is initiated upon proposal or a private lawsuit, the procedure can be initiated if within three months following the realization that an offence has been committed or that a perpetrator exists, the damaged has lodged a proposal for initiating a procedure before the competent public prosecutor.

The minor that has been summoned for the purpose of collecting information by the Ministry of Interior is carried out by submitting a written invitation to his/her parent or custodian. The conversation with the minor cannot last longer than four hours.

The authorized officials from the Ministry of Interior can detain the minor if there are grounds of suspicion that the/she has committed an act that is stipulated by law as a criminal offence for which prosecution is initiated ex-officio, if he/she has been

caught in the act of the offence, or when a warrant is issued against him/her for such an offence. The detention can last for 12 hours at the most.

The authorised officials from the Ministry of Interior can detain the minor that has been caught in the act of an offence against the public order and peace, and when the establishing of the public order and peace or elimination of the endangerment cannot be achieved in any other way or when he/she is under the influence of alcoholic, narcotics or psychotropic substances. The detention can last for eight hours at the most.

The juvenile delinquency judge can determine a measure of detention against a minor only upon proposal of the public prosecutor following a previously obtained opinion from the Social Work Centre.

A measure of detention can be determined for the minor only as a final measure for providing the minor's presence in the course of the procedure, if that cannot be achieved by any other measures stipulated by the Law on Criminal Procedure. The juvenile delinquency judge will particularly consider the conformity with the implementation of the detention measure, judging by the personality of the minor, the possible consequences of the detention over his/her personality and his/her proper development.

If the public prosecutor does not submit any proposal, the juvenile delinquency judge can reach a verdict determining a short detention, if the legal conditions for determining a detention have been met. The short detention can last 24 hours at the most. If within that deadline the public prosecutor does not submit a proposal for determining detention, the juvenile delinquency judge will reach a verdict for releasing the minor from detention.

Following the decision of short detention, the minor, his/her defence attorney and the public prosecutor are entitled to an appeal to the Criminal Juvenile Council of the Primary Court, which reaches a decision for the appeal within 24 hours.

The detention is determined by a decision of a juvenile delinquency judge and it can last for 30 days at the most.

Following the justified proposal by the juvenile delinquency judge, and following the obtained opinion from the public prosecutor and the Social Work Centre, the Juvenile Council of the Primary Court can extend the detention for another 60 days due to justified reasons.

If the detention has been determined only for the purposes of establishing the identity of the minor, the juvenile delinquency judge, i.e. the Juvenile Council is obliged to reach a decision for its revoking immediately once the identity has been established.

Immediately after the determining of a detention, the juvenile delinquency judge is obliged to inform the parents i.e. custodian and the Social Work Centre.

The deadline for an appeal is three days from the submitting of the decision for detention. The Criminal Juvenile Council of the Primary Court decides on the appeal against the verdict of the juvenile delinquency judge within three days of its submittal, whereas the Juvenile Council of the Court of Appeals decides on the appeal against the verdict of the Criminal Juvenile Council.

Question 2. Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Measures undertaken to implement the legal framework

In 2007 the Basis of the Program for Educational Work with Preschool Age Children in Public Kindergartens ("Official Gazette of the Republic of Macedonia" No. 125/2007) were adopted. They are prepared by the Bureau of the Education Development, and are adopted by the Minister of Labour and Social Policy by a decision. Their preparation is actualized by the new legal regulation for the protection of children, especially by the amendment of the Law on Protection of Children adopted in 2005. It is national document, harmonized with the modern social and democratic and plural movements in Macedonia, along with the Constitution of the Republic of Macedonia, as well as the Declaration and the Convention on the Right of the Child. The professional and scientific perception indicates to the fact that the first seven years of man's life are the basis of the upbringing and education of each individual. This programme document is based on the perceptions obtained from the analysis of the previous programme document, in which, besides the professional and scientific realisations for the intellectual, cognitive and physiological potentials of the child from 8 months to 5 years of age, the positive effects on the realisation of the "Step by Step" project are included, as well as the "Civil Education" projects. "Access to Visual Thinking" and "Inclusion of the Disabled Children in Regular Schools".

In 2009, a Rulebook on the Standards and Norms on Performing the Activity of a Kindergarten ("Official Gazette of the Republic of Macedonia" No. 35/2009) was adopted, in which the standards and the norms on performing an activity as kindergarten have been established in terms of the criteria for development of the institutions and the required number of group of children, appropriate conditions of the premises and sanitary and hygienic conditions, equipment and didactic means, professional and other workers and standards for the required working hours for the realisation of the activity – fostering, upbringing, educational and other activity for the kindergartens, as well as standards for children's diet. It creates more favourable conditions for the opening of private kindergartens, as well as kindergartens with smaller capacity which represents a positive opportunity for the smaller municipalities to establish kindergartens. In accordance with this rulebook, the activity of fostering of children can be organised in purpose-built facility, as well as in non-purpose-built facility which can be adapted for that purpose.

The created real preconditions along with the standards and norms for the establishment of kindergartens in smaller municipalities, enabled a municipal public institution for children – kindergartens to be established in 2009 in the municipality of Ilinden, and the procedure for the establishment of kindergartens is undergoing in the municipalities of Vevchani and Demir Kapija.

Standards for Early Education and Development of Children from 0 to 6 Years of Age have been adopted. This document promotes an innovative approach to encourage early education in little children. It is focusing on holistic approach i.e. all aspects of the development, it is focusing on the outcomes in order to encourage and use the entire potential for development of each child since the earliest age and are referring to all children regardless their physical capacities, ethnic affiliation,

cultural distinctions and social and economic status of the family. The application of the *Standards for Early Education and Development of Children from 0 to 6 Years of Age* will contribute to: increasing the coverage of children with different forms of early education and development, improving the quality of the early education and development among small children, reform of the system for early children development – new preschool programs, education and training of staff, preparation of materials for parents, monitoring of the achievement of small children.

Each year, on the proposal of the Ministry of Labour and Social Policy the Government of the Republic of Macedonia adopts the Programme for the Development of the Protection of Children, including the stipulated measures and activities for the protection and development which correspond to the strategic priorities of the Government and other positive legal regulations and conventions, as well as the Budget of the Republic of Macedonia.

In 2009, the Information on the Established Needs on the Construction and Opening of New Kindergartens in the Municipalities was adopted, which is prepared on the basis of the established needs of the municipalities for fostering of children in preschool age and the need for a construction of new facility or adaptation of another facility where fostering of children would be realised. A total of 23 municipalities expressed the need for a construction of new facilities for fostering and education of children. Eleven municipalities have shown an interest for the construction of an extension and superstructure of a facility within the frames of the existing kindergartens. Also, eleven municipalities expressed the need of the adaptation of another facility in the municipality.

The Government of the Republic of Macedonia has obligated the Ministry of Labour and Social Policy (MLSP) to inform the interested municipalities immediately after the entering into force of the Rulebook on the Standards and Norms for Performing the Activity of Kindergartens on how they could more precisely determinate the capacity of the kindergartens in the settlements which are within their competence based on the provisions of the rulebook, which has been realised by MLSP.

Each year, MLSP recognizes the needs on current and investment maintenance and construction investment (capital investments) according to previously expressed needs of the local self-government units and kindergartens and determines the priorities with the Programme.

Investment projects: The final phase for equipping the newly constructed facility for kindergartens in the municipality of Gjorche Petrov with a capacity of 140 children is underway. The facility is constructed by the government. Preparations for the construction of new facilities have been initiated in the municipalities: Aerodrom, with capacity of 180 children, Rosoman with capacity of 60 children, Saraj with capacity of 100 children and Lipkovo with capacity of 80 children. The financial means shall be provided by the government.

In order to create the necessary assumptions for the effective application of the Law on Juvenile Justice, on the session held on 12 February 2008, the Government adopted an Action Plan and budget framework for its implementation. The Law began to be implemented on 30 June 2009.

In order to monitor the implementation of the Action Plan, the Ministry of Justice held regular meetings with the Working Group consisting of representatives of the following institutions competent for the implementation of the Plan: the state administration bodies, PI Social Activities Bureau, judges and public prosecutors. the Directorate for Execution of Sanctions, Academy for Training of Judges and Public Prosecutors, Police Academy of the Republic of Macedonia, Association of Local Self-Government Units. The Action Plan on the Implementation of the Law on Juvenile Justice was realized with the support of UNICEF and OSCE. The Ministry of Justice has regularly informed the Government on the implementation of the Action Plan. In that sense, on the session held on 28.10.2008, the Government of the Republic of Macedonia adopted the Information on the Degree of Realisation of the Activities provided for in the Action Plan for October 2008 of the Ministry of Justice. Moreover, the competent institutions for the implementation of the Action Plan have been obliged to realise, i.e. intensify the envisaged activities in accordance with the determined terms and to allocate funds for their realisation.

In the course of 2009 – January, May and October – the Ministry of Justice, along with the relevant institutions, made an assessment of the implementation of the Action Plan for the period of January - May 2009 and June – October 2009.

On 23.04.2010 an update has been made of the Action Plan on the Implementation of the Law on Juvenile Justice, which is designed in accordance with the following determined components and objectives of the Project:

- building, promotion and implementation of the normative framework for the juvenile justice;
- strengthening of the institutional and human capacities for the implementation of the Law on Juvenile Justice (trainings, special capacities, equipment); and
- prevention of juvenile delinquency on local and national level (preparation of a Strategy and action plans on local level implementation, campaigns for raising the public awareness).

Simultaneously, within the frames of IPA - 2008 (instrument for pre-accession assistance) for the period of 2010-2012, Project for the Reform of the System for Juvenile Justice will be realized with a grant in the amount of EUR 800,000 (of which EUR 700,000 are IPA funds, and EUR 100,000 are UNICEF's funds).

In terms of strengthening of the capacity of the institutional and human resources for the implementation of the Law on Juvenile Justice, the priority activity is creation of resources in the social work centres by:

- creating conditions for performing the alternative measures; In this direction, an assessment has been made for 39 necessary persons performing the alternative measures for minors in the Republic of Macedonia. Training has been made of 30 professional workers from the social work centres in the Republic of Macedonia for the performance of alternative measures. The Directorate for Execution of Sanctions has concluded memorandums for cooperation with the public enterprises

functioning on a level of the city of Skopje upon which the alternative measure – community work can be realized. The list of public enterprises which the memorandums have been concluded with has been delivered to the Primary Court Skopje 1;

- establishment of premises for work with children in the social work centres; Within the frames of this Action Plan activity, an analysis has been made of the spatial conditions in 30 Social Work Centres (SWC) and in accordance with it, PI Social Activities Bureau has prepared Guidelines for the Establishment of Premises for Work with Children. The assessment of the spatial conditions in the Social Work Centres is underway for the purposes of the establishment of approximately 15 premises for work with children;
- an integral part of this activity is strengthening of the institutional performance of the educational measures for minors, which is realized by finding suitable location of the Educational-Corrective Institution Tetovo and opening of the Disciplinary Centre for Minors. In the last period the priority activity of the Ministry of Justice - Directorate for Execution of Sanctions was finding a solution and enabling appropriate spatial conditions in the Educational-Corrective Institution Tetovo.

In accordance with the recommendation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, due to the actuality and the need of immediate solving of the issues related to the functioning of the Educational-Corrective Institution Tetovo (ECI Tetovo) and accommodation of minors to whom a measure - referral to educational-corrective institution - a facility which corresponds to the modern standards for the execution of this measure has been imposed, the Ministry of Justice – Directorate for Execution of Sanctions has initiated the project "Reconstruction of Penitentiary and Educational-Corrective Institutions in the Republic of Macedonia", supported by a loan from the Council of Europe Development Bank, in the frames of which construction of new complex has been included for the needs of the Educational-Corrective Institution.

An Urban Project has been made and a location has been provided for the construction of EDI Tetovo in the place of Rudine, village of Volkovija, municipality of Brvenica. The construction should begin at the end of 2010/beginning of 2011.

Given that the procedure for the construction of new facility for EDI Tetovo is a long-term process which will last according to the timetable of the Project by the end of 2011/beginning of 2012, and the need for immediate transfer of minors from the facility of the Prison Skopje until the construction of the new Institution is necessary due to the aforementioned reasons, the Ministry of Justice – Directorate for Execution of Sanctions conducted activities for short-term solving of the issue. In this sense, Memorandum of Cooperation was signed between the Ministry of Justice – Directorate for Execution of Sanctions and the Ministry of Labour and Social Policy with which the Ministry of Labour and Social Policy cedes part of the appropriate

facilities of the Educational Institution “Ranka Milanovikj” in Skopje for the accommodation of protégés from this penitentiary institution.

For the purposes of the establishment of the Disciplinary Centre for Minors, adequate facility has been identified, basic trainings have been conducted for the professional staff by the PI Social Activities Bureau and the Programme for Work of the Disciplinary Centre has been prepared. The opening of the Disciplinary Centre is underway.

A premise has been accommodated and equipped for conversations with children victims and perpetrators of criminal offences, which is already functioning in the Sector for Interior in Veles.

Rulebooks on training of professionals working with minors have been prepared:

- Publication: “Restorative Justice” and “Comparative Analysis of the Conduct of Police Officers with Minors”. The analysis shall be basics for the preparation of Guidelines for the Conduct of Police Officers with Minors.
- Rulebooks and textbooks have been prepared and published. The Department of Social Work and Social Policy included the subject of juvenile justice in the curriculum and prepared textbook on the role of the social workers in the implementation of the Law on Juvenile Justice intended for students and a rulebook on practical work for students. A rulebook on the implementation of trainings of the police has been prepared.

Programme for Work with Minors in Penitentiary and Educational-Corrective Institutions has been prepared. In April 2010, working group has been formed which was established by experts and which works on the preparation of standardized programmes for specific treatment groups, including the Programme for Treatment of Convicted Minors. Following the preparation of the Programme, a Guidelines for the Programme Implementation will be prepared, which will be followed by Curriculum for Trainers and rulebooks on the implementation of trainings for the implementation of the Programme.

State Council for the Prevention of Juvenile Delinquency has been constituted, and the constitutive session of the Council was held on 27.11.2009, on which a president was elected which is member of the Council as representative of the non-governmental organisations and Council’s Rules of Procedures was adopted. The State Council for the Prevention of Juvenile Delinquency adopted Programme for the Work of the Council for the period of 2010-2014 and Annual Action Plan on the session held on 06.04.2010. During the previous work, the Council held thematic sessions whereupon it reviewed: the Report on the Situation with the Juvenile Crime submitted by the Basic Public Prosecutor’s Office in Skopje, the Information of the Ombudsman on the Occurrences of Physical, Psychological and Sexual Abuse of Children in the Institutions and the Annual Report of the Unit for Protection of Children and Youth within the frames of the Inter-Municipal Social Work Centre for the city of Skopje. The activities for adopting the National Strategy for the Prevention of Juvenile Delinquency are underway.

Instructive telegram has been prepared for the conduct of the inspectors and other police officers with minors – perpetrators of criminal offences in accordance with the Law on Juvenile Delinquency which has been delivered to all sectors for interior and police stations on the territory of the Republic of Macedonia.

An analysis has been made regarding the existing capacities, accommodation and adaptation of the premises of the Ministry of Interior for conducting conversations with child-victim and premises for a detention of minor perpetrators of criminal offences.

Question 3. Please provide pertinent figures, statistics or any other relevant information, in particular on the number of children placed with foster families and institutions, the number of children per unit in child welfare institutions; on the number and age of minors in pre-trial detention or imprisoned or placed in a disciplinary institution.

**Children in institutions for fostering and education - kindergartens
according to age**

Years	2005	2006	2007	2008	2009
Children up to 1 year of age	219	321	541	444	474
Children with 1 year of age	1153	1132	1339	1298	1439
Children with 2 years of age	2027	2170	2494	2776	2746
Children with 3 years of age	3423	3684	4440	4649	4937
Children with 4 years of age	3854	4254	4822	5303	5312
Children with 5 years of age	4584	4007	5948	6044	6350
Children with 6 years of age	5182	4688	906	1124	927
Children with 7 years of age	502	1247	-	-	-
Children over 7 years of age	23	22	-	-	-
Children over 6 years of age	-	-	74	73	28
Total number of children	20967	21525	20564	21711	22213

Source: State Statistical Office

Minor beneficiaries of social protection

Year	2005	2006	2007	2008	2009
Social work centres					
Forms of social protection					
Accommodation in other family	340	329	324	277	231
Accommodation in organisation for social protection	424	453	424	380	410
Accommodation in other organisations	87	106	71	39	59
Institutions for social protection					
Beneficiaries in organisations – institutions for accommodation of children without parents and parental care	250	264	280	253	257
Beneficiaries in bureaus, institutions for fostering and education of children and youth with educational and social issues	95	92	89	96	81

Source: State Statistical Office

Number of children accommodated in institutions

Years	2004	2005	2006	2007	2008	2009	April 2010
Institution for Infants and Small Children Bitola	120	99	103	106	100	98	95
Institution for Children "11 Oktomvri" Skopje	88	79	74	73	75	75	70
Small Group Institution - Berovo	-	-	-	-	5	5	5

Source: Public Institution for the Analysis of the Social Phenomenon and Issues and Promotion of the Social Activities - Skopje

Number of fostering families and fostered children

Years	2004	2005	2006	2007	2008	2009
Fostering families	93	103	118	124	131	140
Fostered children	153	256	179	193	185	219

Source: Public Institution for the Analysis of the Social Phenomenon and Issues and Promotion of the Social Activities - Skopje

Within the frames of the activity for the implementation of basic and specialized trainings for all professionals implementing the Law on Juvenile Justice (judges, public prosecutors, police officers, attorneys, employees in penitentiary institutions and inspectors in the Directorate for Execution of Sanctions for the purposes of surveillance of the legitimacy of the realisation of the alternative measures):

- Programmes have been prepared for training of: judges and public prosecutors, professionals in SWC, authorized officials in the Ministry of Interior, employees in penitentiary institutions, educational-corrective institutions and attorneys.

Based on the programmes the following has been realized:

- five two-days specialized trainings for the application on the Law on Juvenile Justice which covers more than 150 judges and public prosecutors. Regional conference for juvenile justice has been held, during which practices and experiences have been exchanged among the representatives from the Republic of Macedonia and several neighbouring countries;
- 12 trainings have been implemented for more than 200 attorneys. 9 of which have focused on the new role of the attorneys in the procedure for minors, and 3 specialized trainings have been dedicated to international principles for treatment of minors. The list of attorneys who have passed the training has been delivered to all competent institutions;
- 4 basic trainings have been realized for 80 police (uniformed) officers from the group for assistance, persons for reception, workers on duty and inspectors for prevention in terms of police authorisations upon treatment of minors. Fifty police officers – inspectors for juvenile delinquency and inspectors for general crime and prevention attended two specialized trainings;
- The specialization of professional teams from all SWC has continued upon which 90 experts have been trained on the standards for the treatment of children at risk and minor perpetrators of criminal offences;

Considered that the Law on Juvenile Justice began to be applied on 30 June 2009, for the purposes of monitoring of the implementation of the objectives of the Law, the Ministry of Justice began with an Analysis of the Implementation of the Law.

In this sense, the Ministry of Justice referred to the Ministry of Labour and Social Policy, and the Ministry of Interior submitted an application for obtaining right to examination of the application of the Law on Juvenile Justice by the social work centres and eventual difficulties and financial implications which the social work centres and the authorised officials in the Ministry of Interior face with upon the application of the Law with proposals for their overcoming.

The Ministry of Labour and Social Policy performed initial considerations, upon which the obtained data received from the social work centres show the following:

- based on the established registers for received notifications for children and minors in the period from 30.06.2009 to 22.09.2009 a total of 327 notifications have been registered, and
- according to data submitted by all social work centres in the period from 30 June to 30 September 2009, a total of 1337 measures for support and protection of 342 children and minors at risk have been applied within the system for social protection.

In terms of the prevention, on the 16 November, the Assembly of the Republic of Macedonia adopted a Decision on the Election of 15 members of the State Council for the Prevention of Juvenile Delinquency.

Trainings of professional teams from 13 social work centres and two institutions for social protection have been conducted for group work with parents of the children at risk and minor perpetrators of criminal offences.

With the entry into force of the Law on Juvenile Delinquency, since 01.07.2009, a total of 2202 notifications have been received in all 30 social work centres in the Republic of Macedonia, which are tidily registered in the Registry for Received Notifications for Children and Minors at Risk.

Of the total number of received notifications, 67 were submitted by a school, 715 by the Ministry of Interior, 736 by the public prosecution, 530 by the court, 13 by the misdemeanour court, 16 by parents, 5 by other institutions and 5 applications were submitted by citizens.

It has been established that the received notifications refer to a total of 1287 minors, of which 318 are children at risk and 960 are minor and major juvenile persons at risk – perpetrators of criminal offences.

Measures for assistance and protection have been applied to 624 of the total number of minors, which are in the area of education, health protection, social, family and other forms of protection.