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European Social Charter (REVISED)

European Committee of Social Rights

Conclusions 2023

NORTH MACEDONIA

This text may be subject to editorial revision.

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts decisions.

Information on the Charter, the Committee, the national reports as well as the Statement of interpretation on Article 17 adopted by the Committee during the supervision cycle can be found in the General Introduction to all Conclusions.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report requested from the States Parties concerned the following provisions of the thematic group IV " Children, families and migrants ":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunity and treatment (Article 27),
- the right to housing (Article 31).

The reference period was from 1 January 2018 to 31 December 2021.

The following chapter concerns North Macedonia, which ratified the Revised European Social Charter on 6 January 2012. The deadline for submitting the 10th report was 31 December 2022 and North Macedonia submitted it on 27 March 2023.

The Committee recalls that North Macedonia was asked to reply to the specific targeted questions posed under various provisions (questions included in the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter). The Committee therefore focused specifically on these aspects. It also assessed the replies to the previous conclusions of non-conformity, deferral and conformity pending receipt of information (Conclusions 2019).

In addition, the Committee recalls that no targeted questions were asked under certain provisions. If, in its previous conclusion (Conclusions 2019), the Committee concluded that the situation was in conformity, there was no examination in 2023.

North Macedonia has not accepted the following provisions from the above-mentioned group: 7§5, 19§§2-4, 19§7, 19§§9-12, 27§§1-2, 31§§1-3.

The conclusions relating to North Macedonia concern 22 situations and are as follows:

- 9 conclusions of conformity: Articles 7§§2-4, 8§§2-3, 19§1, 19§5, 19§8, 27§3.
- 13 conclusions of non-conformity: 7§1, 7§§6-10, 8§1, 8§§4-5, 16, 17§§1-2, 19§6.

Conclusions and reports are available at www.coe.int/socialcharter.

Article 7 - Right of children and young persons to protection

Paragraph 1 - Prohibition of employment under the age of 15

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 7§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee has observed that many States’ legislation is in conformity with Article 7§1 of the Charter regarding the minimum age for employment. Nevertheless, the Committee is concerned about the situation in practice. There are data that suggest that in many countries there are significant numbers of children working illegally. However, there are few official data on the extent of the problem. Therefore, as targeted questions to the States, the Committee asked for information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. It also asked for information on the number of children actually working, as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally.

In its previous conclusion (Conclusions 2019), the Committee found that the situation was not in conformity with Article 7§1 of the Charter on the ground that, during the reference period, the daily and weekly working time for children under the age of 15 was excessive and therefore the work could not be qualified as light.

According to the report, in 2018, amendments to the Law on Labour Relations (Official Gazette of the Republic of Macedonia No 102/2018 of 29.06.2018) were drafted and adopted, which, inter alia, and in accordance with the conclusions of the European Committee of Social Rights, introduced amendments establishing additional protection for children under the age of 15 or children who have not completed compulsory education. Their working time was limited to two hours per day during which the child can perform activities regulated by law, whereby the maximum time worked per week was defined as not exceeding 12 hours per week. Working time during school holidays cannot exceed six hours per day, that is, it cannot exceed 30 hours per week, and two weeks of uninterrupted holiday must be provided.

In relation to the light work performed by children still subject to compulsory education, no complaints of violations were lodged with the Ombudsman of the Republic of North Macedonia, and no sanctions were imposed in the reference period in relation to light work performed by children still subject to compulsory education.

The State Labour Inspectorate did not find any violations in relation to the work of children in compulsory education.

Conclusion

The Committee concludes that the situation in North Macedonia is in conformity with Article 7§1 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that no targeted questions were asked for Article 7§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion (Conclusion 2019) the Committee found that the situation was in conformity with the Charter and asked that the next report provide information on the findings of labour inspectors with regard to the prohibition of employment of young workers under 18 in dangerous and unhealthy activities such as heavy physical activities, work under water, work with sources of ionizing radiation and other works that can harmfully affect health.

The Committee notes that the report does not provide this information. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter. Therefore, the situation is not in conformity with the Charter.

Conclusion

Due to the failure to provide the information the Committee concludes that the situation in North Macedonia is not conformity with Article 7§2 of the Charter. The following information is mission:

- the results of labour inspections with regard to the prohibition of employment of young workers in dangerous and unhealthy activities.

Article 7 - Right of children and young persons to protection

Paragraph 3 - Prohibition of employment of children subject to compulsory education

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that no targeted questions were asked for Article 7§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion (Conclusions 2019) the Committee found that the situation in North Macedonia was not in conformity with Article 7§3 of the Charter on the ground that during the reference period the duration of working time for children still subject to compulsory education was excessive and therefore the work could not be considered as light.

The Committee refers to its conclusion under Article 7§1 and considers that the situation has been brought into conformity with the Charter.

Conclusion

The Committee concludes that the situation in North Macedonia is in conformity with Article 7§3 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 4 - Working time

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that no questions were asked for Article 7§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§4 requires that the working hours of persons under 18 years of age are limited in accordance with the needs of their development, and particularly with their need for vocational training.

In its previous conclusion, the Committee found that the situation in North Macedonia was in conformity with Article 7§4 of the Charter (Conclusions 2019). Accordingly, there was no examination of the situation in 2023 and the Committee reiterates its conclusion of conformity.

Conclusion

The Committee concludes that the situation in North Macedonia is in conformity with Article 7§4 of the Charter.

Article 7 - Right of children and young persons to protection

Paragraph 6 - Inclusion of time spent on vocational training in the normal working time

The Committee takes note of the information contained in the report submitted by North Macedonia. It also takes note of observations submitted by the European Trade Union Confederation (ETUC).

The Committee recalls that no questions were asked for Article 7§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§6 requires that time spent on vocational training by young people during normal working hours must be treated as part of the working day (Conclusions XV-2 (2001), Netherlands). Such training must, in principle, be done with the employer’s consent and be related to the young person’s work. Training time must thus be remunerated as normal working time, and there must be no obligation to make up for the time spent in training, which would effectively increase the total number of hours worked (Conclusions V (1977), Statement of Interpretation on Article 7§6). This right also applies to training followed by young people with the consent of the employer and which is related to the work carried out, but which is not necessarily financed by the latter.

In the previous conclusion, the Committee found the situation in North Macedonia to be in conformity with the Charter, pending receipt of information on activities of the Labour Inspectorate concerning time spent on vocational training in normal working hours and on whether staffing levels and qualifications of Labour Inspectors are sufficient. The report does not provide any information in this respect.

Due to the failure to provide the requested information, the Committee concludes that the situation in North Macedonia is not in conformity with Article 7§6 of the Charter.

Conclusion

Due to the failure to provide the information listed below the Committee concludes that the situation in North Macedonia is not in conformity with Article 7§6 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter:

- activities of Labour Inspection;
- whether staffing levels and qualifications of Labour Inspectors are sufficient.

Article 7 - Right of children and young persons to protection

Paragraph 7 - Paid annual holidays

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that no targeted questions were asked for Article 7§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in North Macedonia was in conformity with Article 7§7 of the Charter, pending receipt of the information requested (Conclusions 2019).

The Committee asked for information on the activities of the Labour Inspectorate in relation to the paid annual holidays of young workers under 18 years of age and on whether staffing levels and qualifications of Labour Inspectors were sufficient. The report does not provide the requested information.

Due to the failure to provide requested information on the number and nature of violations detected, as well as the sanctions imposed for breach of the regulations regarding paid annual holidays of young workers under 18 years of age, the Committee concludes that the situation in North Macedonia is not in conformity with Article 7§7 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

Conclusion

Due to the failure to provide the information listed below, the Committee concludes that the situation in North Macedonia is not in conformity with Article 7§7 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- the number and nature of violations detected, as well as the sanctions imposed for breach of the regulations regarding paid annual holidays of young workers under 18 years of age.

Article 7 - Right of children and young persons to protection

Paragraph 8 - Prohibition of night work

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that no targeted questions were asked for Article 7§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in North Macedonia was in conformity with Article 7§8 of the Charter, pending receipt of the information requested (Conclusions 2019).

The Committee asked for information on the activities of the Labour Inspectorate concerning possible illegal involvement of young workers under 18 years of age in night work as well as on whether the staffing levels and qualifications of labour inspectors were sufficient. The report does not provide the requested information.

Due to the failure to provide requested information on the number and nature of the violations detected, as well as of the sanctions imposed for breach of the regulations regarding prohibition of night work for young workers under 18 years of age, the Committee concludes that the situation in North Macedonia is not in conformity with Article 7§8 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

Conclusion

Due to the failure to provide the information listed below, the Committee concludes that the situation in North Macedonia is not in conformity with Article 7§8 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- the number and nature of the violations detected, as well as of the sanctions imposed for breach of the regulations regarding prohibition of night work for young workers under 18 years of age.

Article 7 - Right of children and young persons to protection

Paragraph 9 - Regular medical examination

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that no targeted questions were asked for Article 7§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in North Macedonia was not in conformity with Article 7§9 of the Charter on the grounds that a full medical examination of young workers of under 18 years of age at recruitment was not guaranteed by national laws or regulations; and that the interval between the medical examinations for young workers during employment was too long (Conclusions 2019).

The Committee notes that the legal provisions referenced in the report formed the basis for its previous conclusion of non-conformity (Conclusions 2019), which is, therefore, reiterated.

Conclusion

The Committee concludes that the situation in North Macedonia is not in conformity with Article 7§9 of the Charter on the grounds that:

- a full medical examination of young workers of under 18 years of age at recruitment is not guaranteed by national laws or regulations;
- the interval between the medical examinations for young workers of under 18 years of age during employment is too long.

Article 7 - Right of children and young persons to protection

Paragraph 10 - Special protection against physical and moral dangers

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 7§10 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

Previously, the Committee deferred its conclusion (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of deferral and the targeted questions.

Protection against sexual exploitation

The Committee has previously asked for updated information on measures taken to combat the sexual exploitation of children, including information on a National Action Plan to combat it (Conclusions 2019).

In the targeted questions, the Committee asked for updated information on measures taken to strengthen the protection of children, including migrant, refugee and displaced children, from sexual exploitation and abuse (in particular, in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.

The report states that, during the reference period, legislation has been amended to bring it into line with the UN Convention on the Rights of the Child. Training sessions were organised. Procedural protection rights in all phases of court proceedings have been envisaged for child victims. There is a National Strategy (2020-2025) and an Action Plan (2020-2022) for the prevention and protection of children against violence.

In reply to the targeted question, the report states that unaccompanied children are placed under the guardianship of social workers who are in charge of the full protection of the registered children. In addition to the services provided by social workers and psychologists, counselling and information services are also available.

Protection against the misuse of information technologies

In the targeted question, the Committee asked for information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

Due to the failure to provide the requested information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming), the Committee concludes that the situation in North Macedonia is not in conformity with Article 7§10 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

Protection from other forms of exploitation

Previously, the Committee asked for updated information regarding the number of children victims of trafficking and measures taken to combat the trafficking of children. It also requested to be informed of the measures taken to protect and assist children in vulnerable situations, with particular attention to children in street situations and children at risk of child labour, including those in rural areas (Conclusions 2019).

The report states that the Ministry of Labour and Social Policy continued to cooperate and coordinate on this issue with social workers, labour inspectors, the Ministry of Interior, the Centre for persons victims of human trafficking and with the NGOs. In order to improve the process of identification and protection, five mobile teams were set up in 2018 to identify vulnerable categories of citizens, including the victims of human trafficking. The Centre for victims of human trafficking is a safe place to stay. Between 2018 and 2022, 29 child victims of human trafficking have been identified.

The report states that in 2019, eight teams were set up and they discovered 248 street children. Moreover, field teams visit the homes of the children's families and inform the parents of their rights, duties, the services offered by the State and connect them with the relevant institutions and bodies that provide further assistance and support.

The report further states that the Ombudsman noted that the country still did not have accurate statistics on the number of street children, including child beggars, and it was necessary to develop a National Strategy for street children.

Covid-19

In the context of the Covid-19 pandemic, the Committee asked for information on the impact of the pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms.

The Committee recalls that Article 7§10 of the Charter guarantees protection against sexual and other exploitation of children as well as protection against the misuse of information technology and social media (for the purposes of online bullying, child pornography, grooming, harassment, etc.), which is particularly pertinent in view of the acceleration of digitalisation and online activity brought about by the pandemic (Statement on Covid-19 and social rights, 24 March 2021).

The report states that the Ministry of Labour and Social Policy, in cooperation with the Ministry of Health, developed appropriate protocols to minimise the risks of Covid-19 in residential homes and specially adapted housing units for persons with disabilities.

Conclusion

Due to the failure to provide the information listed below, the Committee concludes that the situation in North Macedonia is not in conformity with Article 7§10 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

List of questions/Information missing: on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

Article 8 - Right of employed women to protection of maternity

Paragraph 1 - Maternity leave

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that no targeted questions were asked in relation to Article 8§1 of the Charter, only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children, families and migrants").

In its previous conclusion (Conclusions 2019), the Committee found that the situation was in conformity with Article 8§1 of the Charter, pending receipt of information on whether maternity benefits could also be combined with other benefits; on whether interruptions in employment records were taken into account in determining maternity benefits and on the right to any kind of benefits for employed women who did not qualify for maternity benefit during maternity leave.

Right to maternity leave

The Committee had previously concluded that the situation in North Macedonia was in conformity with the Charter on this point. Therefore, there was no examination of the situation in 2023 and the Committee reiterates its previous conclusion.

Right to maternity benefits

The Committee has previously asked whether maternity benefits could also be combined with other benefits; whether interruptions in employment records were taken into account in determining maternity benefits and on the right to any kind of benefits for employed women who did not qualify for maternity benefit during maternity leave (Conclusions 2019).

In response, the report states that the amount of the salary compensation during pregnancy, childbirth, and maternity leave is 100% of the base (i.e. of the average monthly amount of the salary paid in the last twelve months before the occurrence of the case for which the right to the compensation is being exercised).

According to Eurostat data, the median equivalised annual income was €2,983 in 2020, or €248.6 per month. 50% of the median equivalised income was €1,491.5 per annum, or €124.3 per month. However, the report does not provide any information concerning the minimum wages or the minimum levels of maternity benefits.

Due to the failure to provide the requested information on the minimum wage or the minimum level of maternity benefits; whether interruptions in employment records are taken into account when calculating qualification periods and on the right to any kind of benefits for employed women who do not qualify for maternity benefit during maternity leave, the Committee concludes that the situation in North Macedonia is not conformity with Article 8§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the right to paid maternity leave.

The Government indicated that during the Covid-19 pandemic, no changes were made regarding the right to "maternity" leave, in particular no reduction of the duration or salary compensation.

Conclusion

Due to the failure to provide the information listed below, the Committee concludes that the situation in North Macedonia is not in conformity with Article 8§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- the minimum wages or the minimum level of maternity benefits;
- whether interruptions in employment records are taken into account when calculating qualification periods;
- on the right to any kind of benefits for employed women who do not qualify for maternity benefit during maternity leave.

Article 8 - Right of employed women to protection of maternity

Paragraph 2 - Illegality of dismissal during maternity leave

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that no targeted questions were asked in relation to Article 8§2 of the Charter only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group “Children, families and migrants”).

As the previous conclusion found the situation in North Macedonia to be in conformity with the Charter (Conclusions 2019), there was no examination of the situation in 2023. Therefore, the Committee reiterates its previous conclusion.

Covid-19

The Committee asked whether the Covid-19 crisis had had an impact on the possibility of dismissing pregnant employees and those on maternity leave; it also asked whether there had been any exceptions to the ban on dismissal during pregnancy and maternity leave during the pandemic.

The report states that the Covid-19 crisis has had no impact on the possibility of dismissing pregnant employees and those on maternity leave, or on the exceptions to the ban on dismissal during pregnancy and maternity leave.

Conclusion

The Committee concludes that the situation in North Macedonia is in conformity with Article 8§2 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 3 - Time off for nursing mothers

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that no questions were asked for Article 8§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group Children, families and migrants”).

As the previous conclusion found the situation in North Macedonia to be in conformity with the Charter (Conclusions 2019) there was no examination of the situation in 2023.

Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in North Macedonia is in conformity with Article 8§3 of the Charter.

Article 8 - Right of employed women to protection of maternity

Paragraph 4 - Regulation of night work

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§4 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation was in conformity with Article 8§4 of the Charter (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.

The Committee recalls from the previous conclusion (Conclusions 2019) that where night work poses a risk to a pregnant woman, a woman who has recently given birth or is nursing the employer must transfer the employee to daytime work or if this is not possible the employee must take leave as long as necessary for the protection of her health.

As regards whether women reassigned to another post or on leave have the right to continue to receive their previous salary, the report simply states that the Ombudsman has received no complaints regarding loss of wages because of changes in working conditions, reassignment to another post no as regards entitlement to paid leave in cases where alternative employment is not possible.

The Committee recalls from previous conclusions (Conclusions 2019) that legislation does not expressly provide that the women concerned have the right to the same salary when they have been transferred to another post or when their working conditions have been adjusted, but that according to the previous report they continue to do so.

The Committee recalls its Statement of Interpretation on this issue (2019); employed women during the protected period may not be placed in a less advantageous situation, also with regard to their income, if an adjustment of their working conditions is necessary to ensure the required level of the protection of health. It follows that, in the case a woman cannot be employed in her workplace due to health and safety concerns and as a result, she is transferred to another post or, should such transfer not be possible, she is granted leave instead, States must ensure that during the protected period, she is entitled to her average previous pay or provided with a social security benefit corresponding to 100% of her previous average pay.

The Committee consider that this principle should be enshrined in legislation or guaranteed by collective agreement. It therefore finds that the situation is not in conformity with the Charter on this point .

No information is provided as regards the situation of women who are obliged to take leave. Due to the failure to provide the requested information, the Committee concludes that the situation in North Macedonia is not in conformity with Article 8§4 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

Conclusion

The Committee concludes that the situation in North Macedonia is not in conformity with Article 8§4 of the Charter on the ground that pregnant and nursing women who cannot perform night work and are transferred to an alternative post are not entitled to 100% of their previous salary.

Due to the failure to provide the information listed below the Committee concludes that the situation in North Macedonia is not in conformity with Article 8§4 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

Information missing:

- whether where transfer to daytime work is not possible pregnant women, women who have recently given birth or are breastfeeding are entitled to take leave due to the risks posed by night work and are entitled to receive 100% of their previous salary.

Article 8 - Right of employed women to protection of maternity

Paragraph 5 - Prohibition of dangerous, unhealthy or arduous work

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation was in conformity with Article 8§5 of the Charter pending receipt of information requested (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the information previously requested and the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave and women concerned retain the right to return to their previous employment once their condition permits.

The Committee recalls from previous conclusions that if the occupational risks to the health of a pregnant woman, a woman who has recently given birth or is nursing cannot be eliminated the employer must transfer the employee to alternative work or if this is not possible the employee can be exempted from work for as long as necessary to protect her health and the health of her child. The Committee previously asked for confirmation that no loss of pay resulted from the changes in the working conditions or reassignment to a different post and that in case of exemption from work related to pregnancy and maternity the woman concerned was entitled to paid leave.

The report states that the Ombudsman has received no complaints regarding loss of wages due to changes in working conditions, reassignment to another post nor as regards entitlement to paid leave in cases where alternative employment is not possible.

The Committee recalls from previous conclusions (Conclusions 2019) that legislation does not expressly state that the women concerned have the right to the same salary when they have been transferred to another post or their working conditions have been adjusted, it is applied in practice.

The Committee recalls its Statement of Interpretation on this issue (2019); employed women during the protected period may not be placed in a less advantageous situation, also regarding their income, if an adjustment of their working conditions is necessary to ensure the required level of the protection of health. It follows that, in the case a woman cannot be employed in her workplace due to health and safety concerns and as a result, she is transferred to another post or, should such transfer not be possible, she is granted leave instead, States must ensure that during the protected period, she is entitled to her average previous pay or provided with a social security benefit corresponding to 100% of her previous average pay.

The Committee consider that this principle should be enshrined in legislation. Therefore it finds that the situation is not in conformity with the Charter on this point.

Furthermore it is not clear whether a women obliged to take paid leave receives an amount equivalent to 100% of their previous salary. Due to the failure to provide the requested information the Committee concludes that the situation in North Macedonia is not conformity with Article 8§5 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

Conclusion

The Committee concludes that the situation in North Macedonia is not in conformity with Article 8§5 of the Charter on the ground that pregnant women, women who have recently given birth or are nursing, whose ordinary employment has been deemed unsuitable due to their condition and who are transferred to alternative employment are not entitled to 100% of their previous salary.

Due to the failure to provide the information listed below the Committee concludes that the situation in North Macedonia is not in conformity with Article 8§5 of the Charter. The Committee considers that this failure to provide information amounts to a breach by Macedonia of their reporting obligations under Article C of the Charter.

Information missing:

- whether pregnant women, women who have recently given birth or are breastfeeding obliged to take leave due to the risks posed by their work are entitled to receive 100% of their previous salary.

Article 16 - Right of the family to social, legal and economic protection

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee points out that, in the context of the current examination cycle, it has asked States to respond to a number of targeted questions relating to Article 16 of the Charter, as well as, where appropriate, to previous conclusions of non-conformity, deferral or conformity pending information (see the appendix to the letter by which the Committee requested a report on the implementation of the Charter with regard to the provisions of the thematic group "Children, families and migrants").

In its previous conclusion, the Committee considered that the situation in North Macedonia was not in conformity with Article 16 of the Charter on the grounds that:

- the length of residence requirement for nationals of States Parties lawfully resident in the territory for eligibility to family benefits was excessive;
- family benefits did not ensure economic protection of a significant percentage of families by appropriate means.

The Committee's assessment will therefore focus on the information provided in the report in response to the finding of non-conformity and the targeted questions.

Legal protection of families

Rights and obligations, dispute settlement

- **Rights and obligations of spouses**

In its previous conclusion (Conclusions 2019), the Committee asked to clarify the situation in respect of child marriages, the equality of spouses in law and in practice, in particular as regards the ownership, administration and use of property, during marriage and in case of divorce, in the light of the Concluding Observations expressed in 2018 by the United Nations Committee on the Elimination of Discrimination against Women (CEDAW - for more details, see the previous conclusion). In the meantime, the Committee reserved its position on this point.

In response, the report states that the Family Law regulates relationships within marriage and the family, as well as certain forms of special protection for the family. According to Article 16, the legal age for marriage is 18. However, the competent court may authorise out of court the marriage of a person who has reached the age of 16 if it considers that the person has reached the physical and mental maturity necessary to exercise the rights and obligations arising from marriage, and after prior advice from a medical institution and assistance from a social welfare centre. The Committee notes the activities of the social welfare centres aimed at eradicating child marriages, the number of which has decreased from 164 in 2014 to 63 in 2021. In addition, the report states that divorce proceedings and the division of property in the event of divorce are carried out by the competent courts, which rule on the basis of the specific features of each case.

- **Mediation services**

In its previous conclusion (Conclusions 2019), the Committee asked whether the mediation and conciliation procedure was mandatory.

Due to the failure to provide requested information, the Committee concludes that the situation in North Macedonia is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

Domestic violence against women

The Committee notes firstly that North Macedonia has ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which entered into force in North Macedonia in July 2018.

In its previous conclusion (Conclusion 2019), the Committee requested that the next report provide comprehensive and updated information on all aspects of domestic violence against women and related convictions, on the use of removal measures, on the implementation of existing measures, as well as on their contribution to combating these forms of violence, particularly in the light of the CEDAW observations. In the meantime, it reserved its position on this subject.

In addition, in a targeted question, the Committee requested updated information on measures taken to reduce all forms of domestic violence against women, including information on incidence and conviction rates.

In response, the report states that a national action plan for the implementation of the Istanbul Convention was prepared in 2018 for the period up to 2023, in order to plan all the necessary activities. A coordinating body for the implementation of the Istanbul Convention has been set up, chaired by the Minister of Labour and Social Policy.

The report also states that Act No. 24/2021 on the protection and prevention of violence against women and domestic violence was adopted in January 2021. The Committee takes note of the regulations adopted in 2021-2022 to implement the law.

The Committee notes that the number of victims of domestic violence was 1,531, comprising 1,161 women and 121 children, in 2020 and 1,608, including 1,119 women and 215 children, in 2021. Perpetrators of domestic violence numbered 1,338 in 2020 and 1,396 in 2021. In 2020, the centre for victims of domestic violence received 114 victims, including 50 women and 64 children, and 58 in 2021, including 34 women and 24 children. In 2021, 1,223 applications for temporary measures of protection against domestic violence were submitted to the civil court by the social work centre (1,042 in 2020); and 1,015 temporary measures of protection against domestic violence were ordered by a civil court (858 in 2020).

The report states that in 2020, 174 proposals for a removal order ("a ban on coming within 100 metres of the residence, school, place of work or a certain place regularly visited by another family member") were submitted to the court, and 135 were imposed by the court (259 and 176 respectively in 2021).

The Committee notes the public-awareness campaigns on gender-based violence against women and domestic violence, launched in 2022 (outside the reference period).

Social and economic protection of families

Childcare facilities

In its previous conclusion (Conclusions 2019), the Committee asked that the next report contain updated information on childcare facilities, including the proportion of children aged 0-6 attending such facilities and the cost of childcare to parents.

In response, the report indicates that at the end of 2022 (outside the reference period), 81 nursery schools were opened, accommodating more than 36,000 children, including 10,101 children aged 0-3 and 26,007 children aged 3-6. According to the 2021 census data, there were 75,433 children aged 0-3 and 65,003 children aged 4-6. In view of the above, the Committee understands that less than 50% of all eligible children actually attended a nursery school.

Due to the failure to provide requested information on the cost of childcare for parents, the Committee concludes that the situation in North Macedonia is not in conformity with Article 16

of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

Family benefits

Equal access to family benefits

In a targeted question, the Committee asked whether a condition of length of residence was imposed on nationals of other States parties legally residing in the country in order to be entitled to family benefits.

In its previous conclusions (Conclusions 2019 and 2015), the Committee found that the situation was not in conformity with the Charter on the ground that equal treatment of nationals of other States Parties regarding the payment of child benefit was not ensured due to the excessive length of residence requirement.

The report does not contain any information on this point. The Committee therefore reiterates its previous conclusion of non-conformity on this point.

Level of family benefits

In its previous conclusions (Conclusions 2019 and 2015), the Committee considered that the situation was not in conformity with Article 16 of the Charter on the ground that family benefits did not ensure the economic protection of a significant percentage of families by appropriate means. It requested information on the percentage of families receiving child benefit.

In addition, among the targeted questions it asked, the Committee requested information on the amounts paid in family benefits as well as the adjusted median income for the reference period. It also asked whether family or child benefits were subject to a means-test and, if so, what percentage of families were covered.

The Committee points out that family benefit must be such as to provide a significant number of families with sufficient extra income. Adequacy is assessed with respect to the monthly median equivalised net income as calculated by Eurostat.

The Committee notes from Eurostat data (published on 17 March 2023) that the median equivalised income stood at €262 in 2020.

In response, the report explains the reforms that took place during the reference period in the areas of social protection and childhood. The new Social Welfare Act, adopted in May 2019, changed the structure of eligibility for financial assistance for families by increasing the amount of social assistance so that it reaches the level of guaranteed minimum assistance for households at risk due to material insecurity. In addition, the Child Protection Act, as amended in 2019, reformed the child benefit system in order to eradicate child poverty and ensure equal access to benefits for households receiving guaranteed minimum assistance and for those whose income exceeds the minimum wage. The Committee notes that there are two types of family benefits: the dependent child allowance and the education allowance. According to MISSCEO, both are paid for children attending school up to the age of 18.

The Committee notes that after the reform, the number of child benefit recipients increased from 6,924 children in April 2019 to 48,800 in 2021. However, the report does not contain a percentage of families receiving child benefit. The Committee considers that the situation is not in conformity with Article 16 of the Charter on the ground that family benefits do not cover a significant number of families.

The report contains no figures on family benefits. However, the Committee notes from MISSCEO data that in 2021, the amount of the benefit depends on the number of children and their age:

- For children of pre-school age, the monthly amount is MKD 1,224 (€20) for one child and MKD 1,938 (€31) if there are several children;

- For school-age children, the monthly amount is MKD 1,020 (€16) for one child and MKD 1,632 (€26) if there are several children.

As for the education allowance, the Committee notes from MISSCEO data that in 2021, the amount of the education allowance is MKD 714 (€11) per month for a child in primary education (aged 5 to 15) and MKD 1,020 (€16) per month for a child in secondary education (aged 15 to 18).

The Committee notes that child benefit represents 6.1% and 7.6% of median equivalised income. Consequently, they constitute a sufficient income supplement.

Measures in favour of vulnerable families

In its previous conclusion (Conclusions 2019), the Committee requested information on the implementation of the Strategy for Roma Families and on measures to support single-parent families.

The report indicates measures taken to improve education and employment for Roma, such as exempting them from preschool fees, hiring mediators for primary education, providing support for parents of children outside the school system, regularising undeclared work, setting up information centres, adopting a law for people not registered with the civil registry and accommodating 13 families in temporary accommodation. The government is also adopting a new strategy for Roma inclusion 2022-2030, with action plans.

The report adds that the Government has reformed the Child Protection Act 2019 to provide better economic protection for single parents and their children. The reform increased the threshold and amount of child benefit for households with children under the age of 18, and removed the eligibility restriction for those in work or receiving unemployment benefit. The reform also introduced an education allowance for households with children in mainstream primary or secondary education, and set the same threshold and scale as the child allowance. A coefficient of 1.2 was applied to both allowances for single parents, which means that they have a higher income ceiling and a higher amount of allowance than other households with the same number of members.

Among the targeted questions it asked, the Committee asked what measures had been taken to ensure that vulnerable families could meet their energy needs, in order to guarantee their right to housing of an adequate standard (which includes access to essential services).

The report states that the Government has taken a number of measures to address the energy needs of vulnerable families, such as increasing the amount of financial assistance during the winter months, providing support to mitigate the impact of the economic and energy crisis and the price shock, and introducing a new way of adjusting pensions, which has helped pensioners cope with rising energy prices and the economic and energy crisis.

Among its targeted questions, the Committee asked whether there were plans to maintain or withdraw any specific temporary measures put in place to provide financial support to vulnerable families during the covid-19 pandemic and, if withdrawn, what effect this should have on vulnerable families.

According to the report, the Government supported wage contributions, employment, domestic consumption and tourism, and paid compensation to people who lost their jobs as a result of the pandemic. These subsidies were financed from the budget of the Republic of North Macedonia as part of the government programme P1-Measures to deal with the Covid-19 crisis. The report also states that the Government simplified access to guaranteed minimum assistance, extended the deadlines and lifted the conditions for granting various forms of monetary assistance and education allowance, provided exceptional financial support and energy assistance to various categories of citizens, dematerialised services to facilitate communication in the social protection system and exempted a parent from work when he/she had a minor child requiring care at home. These changes and legal measures were adopted

in 2020 and 2021, in response to the Covid-19 pandemic, to support and protect families, children, pensioners, artists and other vulnerable groups.

Housing for families

In its previous conclusion (Conclusions 2019), the Committee asked that the next report indicate whether the legal framework for evicting tenants who do not qualify for social housing rental contracts was in conformity with Article 16 of the Charter. The Committee recalled that, in order to be in conformity with the Charter, the legal protection of persons threatened with eviction must include:

- the obligation to consult the parties concerned in order to find alternatives to eviction;
- the obligation to adopt measures to re-house or financially assist the persons evicted in case of an eviction justified by the public interest;
- the obligation to set a reasonable period of notice before eviction;
- access to legal remedies;
- access to legal aid;
- compensation in case of illegal eviction;
- prohibition of evictions at night or in winter.

The Committee asked that the next report contain information on all the above points. In the meantime, it reserved its position (Conclusions 2019).

Due to the failure to provide requested information, the Committee concludes that the situation in North Macedonia is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

In addition, in its previous conclusion (Conclusions 2019), the Committee requested that the next report include figures on the overall availability (demand and supply) of the different types of housing support (subsidised rent, social housing allowance and social rented housing/social flats).

In addition, in a targeted question, the Committee asked States that had not accepted Article 31 of the Charter to provide updated information on the availability of adequate and affordable housing for families.

According to the report, the Government has launched a major project for the provision of social housing: the Housing Project for Socially Vulnerable Groups F/P-1674. This project, with a total cost of 50.7 million euros, is financed 50% by the budget of the Republic of North Macedonia and 50% by a loan from the Council of Europe Development Bank. The aim is to build blocks of flats for the socially disadvantaged and other vulnerable groups in several towns across the country between 2009 and 2025. The report lists the categories of citizens eligible for social housing, as well as the criteria for assessing and allocating flats. In addition, the report contains further information on the number of social flats allocated and rented, and the monthly rent.

Due to the failure to provide requested information on the overall availability (demand and supply) of the various types of housing assistance (subsidised rental contracts, social housing allowance and social housing), the Committee concludes that the situation in North Macedonia is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

In its previous conclusion, the Committee asked for information on the measures taken to improve the housing situation of Roma families, particularly with regard to the living conditions of Roma in unauthorised settlements and their access to social housing. In the meantime, it reserved its position on this point (Conclusions 2019).

The report mentions actions taken to improve the housing situation of Roma families, such as the legalisation of informal settlements and the provision of social housing. It refers to the implementation of the regional methodology for mapping Roma slum areas, which provides the baseline data needed to develop and monitor housing policies.

Due to the failure to provide specific information on the living conditions of Roma in informal settlements, including access to basic services and infrastructure, drinking water, sanitation, the Committee concludes that the situation in North Macedonia is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

In its previous conclusion (Conclusions 2019), the Committee referred to its Interpretative Comment on the rights of refugees under the Charter (Conclusions 2015). In this connection, it referred to the report of the fact-finding visit of the Special Representative of the Secretary General of the Council of Europe for Migration and Refugees to Greece and "the former Yugoslav Republic of Macedonia" from 7 to 11 March 2016 (26 April 2016). This report mentions severe overcrowding in one of the camps for refugees and migrants transiting through the country (Tabanovce, near the Serbian border) during the refugee crisis. The Committee therefore requested that the next report provide information on the accommodation and housing conditions of refugee families.

The report states that the Government is drafting a new Housing Act which will include a special section on social housing. It adds that people with international protection status will be able to receive housing assistance from the Centre for Social Work or the Ministry of Labour and Social Policy. The report stresses that temporary transit centres at borders are not intended for long-term stays and that they have sufficient space for people on the move.

Conclusion

The Committee concludes that the situation of North Macedonia is not in conformity with Article 16 of the Charter on the grounds that :

- equal treatment of nationals of other States Parties regarding the payment of family benefits is not ensured due to the excessive length of residence requirement;
- family benefits do not cover a significant number of families.

Due to the failure to provide the information listed below, the Committee concludes that the situation in North Macedonia is not in conformity with Article 16 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

Information missing:

- the obligatory nature of the mediation and conciliation procedure;
- the cost of childcare facilities for parents;
- the percentage of families receiving child benefit;
- the legal framework applicable to evictions of tenants who do not qualify for social housing rental contracts;
- figures on the overall availability (demand and supply) of the different types of housing support (subsidised rental, social housing allowance and social rented housing/social flats);
- the living conditions of Roma in informal settlements (access to basic services and infrastructure, drinking water, sanitary facilities, etc.).

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 1 - Assistance, education and training

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§1 and asked States to provide, in the next report, information on measures taken to reduce statelessness; to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation; to reduce child poverty; combat discrimination and promote equal opportunities for children from particularly vulnerable groups; and on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

Previously, the Committee deferred its conclusion (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of deferral, the targeted questions and the general questions.

The legal status of the child

The Committee has previously asked whether there were any restrictions to the right of adopted children to know their origins (Conclusions 2019).

In the general questions, the Committee asked for information on measures taken by the State to reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth). It also asked for information on measures taken by the State to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation.

The report states that data on adoptions are an official secret but the relevant legislative provisions may be amended in the future. The Committee recalls that in principle, the child has the right to know their origins (Conclusions XV-2, France).

In reply to the general questions, the report states that birth registration and statelessness are ongoing issues in the Roma community. The Law on Unregistered Persons No. 42/2020 gives unregistered persons access to healthcare, social protection, education and employment. This law is an *ad hoc* solution because its target group is 650 persons, including 423 Roma who have already started the birth registration procedure. According to the latest data, out of 650 persons, 320 persons have so far been issued with a birth certificate.

Child poverty

In the general questions, the Committee asked for information on measures to reduce child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing, etc.); to combat discrimination and promote equal opportunities for children from particularly vulnerable groups, such as ethnic minorities, Roma children, children with disabilities and children in care.

The report states that all the households who receive a guaranteed minimum income, as well as households that generate a minimum income from wages, are entitled to claim child benefit

and education allowance. Single parents receiving guaranteed minimum assistance and whose children are cared for in kindergartens are entitled to participation in the costs for care and upbringing of their pre-school age children.

The report also states that the Ministry of Labour and Social Policy is implementing the “Free children’s holiday and recreation service” project; children from families at social risk and those receiving special benefits can use this free service during summer and/or winter breaks.

The report states that, under Article 12 of the Child Protection Law, all forms of discrimination are prohibited.

The Committee notes from EUROSTAT that 39.7% of children in North Macedonia in 2020 were at risk of poverty or social exclusion, a slight decrease in comparison with 2018, when the percentage was 42.2%. The Committee notes that the rates of children at risk of poverty or social exclusion are very high (in comparison, the EU average in 2020 was 23.4%) and considers that the situation in North Macedonia is not in conformity with Article 17§1 of the Charter on the ground that the rate of children at risk of poverty is too high.

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of state efforts to ensure the right of children and young persons to social, legal and economic protection under Article 17 of the Charter. Consistent with its approach in relation to the conceptualisation and measurement of poverty adopted by the Committee in terms of Article 30, the Committee’s consideration of child poverty for the purposes of Article 17 reflects an understanding of both income and multi-dimensional understandings of poverty (Statement of interpretation, 2013, Article 30). This understanding is reflected in the indicators and elements the Committee takes into account when assessing State Party compliance with Article 17. For the States that have not accepted Article 17, child poverty will be addressed under Article 30.

The EUROSTAT data and the EU-27 rate of children at risk of poverty or social exclusion is used as key point of reference and indicator of state compliance with Charter rights by the Committee. The Committee will also have regard to disimprovement in terms of the rate of children at risk of poverty or social exclusion in a State Party. Furthermore, the Committee also takes into account non-monetary measures adopted at reducing child poverty and social exclusion such as ensuring access to quality and affordable services in the areas of health, education and housing. When assessing State conformity with Article 17, the Committee will also take into account the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

Right to assistance

The Committee has previously asked for information on the proportion of unaccompanied minors for whom an asylum application was submitted and on the difference (if any) between the measures taken for children for whom an application had been lodged and those for whom no application had been lodged, in terms of accommodation, healthcare, psychosocial support, procedures for family reunification and education. It requested information on accommodation facilities for migrant children, whether accompanied or unaccompanied. The Committee also asked whether children in an irregular migration situation, accompanied by their parents or not, could be detained and, if so, under what circumstances. Finally, it asked whether North Macedonia used bone testing to assess age; if so, in what situations, and what potential consequences such testing could have (Conclusions 2019).

In the targeted question, the Committee asked for information on any measures adopted to protect and assist children in crisis situations and emergencies.

The report states that in order to ensure access to basic rights and services, asylum seekers have access to information, counselling and free legal assistance for all their needs related to access to rights and administrative procedures before the State institutions.

The report states that children without legal residence are not able to exercise their right to healthcare. However, if these children experience a life-threatening health problem, they will receive healthcare in the nearest health facility. Psychosocial support is available for children at the Reception Centre for Asylum seekers, as well as for children placed in foster families. The Committee has previously found the situation where medical assistance to children in an irregular migration situation is limited to situations that involve an immediate threat to life contrary to Article 17 of the Charter (International Federation of Human Rights Leagues (FIDH) v. France, Complaint No. 14/2003, decision on the merits of 8 September 2004, §§36-37). The Committee concludes that the situation in North Macedonia is not in conformity with Article 17§1 of the Charter on the ground that medical assistance to children in an irregular migration situation is limited to situations that involve an immediate threat to life.

Due to the failure to provide requested information on accommodation facilities for migrant children and whether children in an irregular migration situation could be detained, and, if so, under what circumstances, the Committee concludes that the situation in North Macedonia is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

The report states that North Macedonia uses bone testing to determine the age of a child.

The Committee notes that it has already stated that the use of bone testing to determine the age of unaccompanied foreign minors is inappropriate and unreliable (European Committee for Home-Based Priority Action for the Child and the Family (EUROCEF) v. France, Complaint No. 114/2015, decision on the merits of 24 January 2018, §113). In these circumstances, the Committee considers that the situation in North Macedonia is not in conformity with Article 17§1 of the Charter on the ground that bone testing is used to assess the age of children in irregular migration situation.

In reply to the targeted question, the report states that with regard to Covid-19, activities were undertaken to help, support and advise parents and guardians to raise children in a safe and caring family environment. A free telephone line was opened, the necessary support was provided for children from socially disadvantaged families. Day care centres for children with disabilities implemented an adapted psycho-social support programme.

The report also states that with regard to the protection of foreign children, a crisis mechanism has been established within the crisis management system.

Rights of children in public care

In its previous conclusion, the Committee asked about the criteria for the restriction of custody or parental rights and the extent of such restrictions. It also asked what procedural safeguards were in force to ensure that children were removed from their families only in exceptional circumstances. It further enquired whether national law provided for the possibility to lodge an appeal against a decision to restrict parental rights, to take a child into public care or to restrict the right of access of the child's closest family. The Committee considered that if this information was not provided in the next report, there would be nothing to establish that the situation in North Macedonia was in conformity with Article 17§1 of the Charter. The Committee also asked for information on the number of children placed in institutions, the number of children placed in family-type settings and the number of children placed in foster families, as well as information on trends in the area (Conclusions 2019).

The report states that the Family Law provides for the deprivation of parental rights if a parent abuses or grossly neglects the exercise of these rights following a notification from the social work centre, on the basis of a court decision, or in the context of extra-judicial proceedings.

The report further states that, with the implementation of the reform in the social protection system, the process of deinstitutionalisation was carried out, affecting several institutions in the country. From these institutions, 109 children were accommodated in 20 family-type

homes. At the same time, the foster care system is being strengthened, and three centres of support for foster families were opened to provide better support to 327 foster families in which more than 500 children were placed.

Due to the failure to provide requested information on whether national law provides for a possibility to lodge an appeal against a decision to restrict parental rights, to take a child into public care or to restrict the right of access of the child's closest family, on the number of children placed in institutions, the number of children placed in family type settings and the number of children placed in foster families, as well as information on trends in the area, the Committee therefore concludes that the situation in North Macedonia is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

Children in conflict with the law

The Committee has previously asked whether the maximum length of pre-trial detention was 90 days. The Committee also enquired why sentences for children could not be shorter than one year. It further asked whether children could be held in solitary confinement, if so, for how long and under what circumstances (Conclusions 2019).

Due to the failure to provide requested information on the maximum length of pre-trial detention and why sentences for children cannot be shorter than one year, the Committee concludes that the situation in North Macedonia is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach of their reporting obligations under Article C of the Charter.

The report states that children cannot be kept in solitary confinement. However, the Committee notes from other sources (UN Committee on the Rights of the Child, Concluding observations on the combined third to sixth periodic reports of North Macedonia, 20 October 2022) that it recommended to stop the practice of solitary confinement. Due to the failure to provide requested information under what circumstances and for how long children can be placed in solitary confinement, the Committee concludes that the situation in North Macedonia is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach of their reporting obligations under Article C of the Charter.

Conclusion

The Committee concludes that the situation in North Macedonia is not in conformity with Article 17§1 of the Charter on the grounds that:

- the rate of children at risk of poverty is too high;
- medical assistance to children in an irregular migration situation is limited to situations that involve an immediate threat to life;
- bone testing is used to assess the age of children in irregular migration situation.

Due to the failure to provide the information listed below the Committee concludes that the situation in North Macedonia is not in conformity with Article 17§1 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- on accommodation facilities for migrant children;
- on whether children in an irregular migration situation in could be detained, and, if so, under what circumstances;
- whether national law provides for a possibility to lodge an appeal against a decision to restrict parental rights, to take a child into public care or to restrict the right of access of the child's closest family;

- on the number of children placed in institutions, the number of children placed in family-type settings and the number of children placed in foster families;
- on the maximum length of pre-trial detention;
- why the sentences for children cannot be shorter than one year;
- under what circumstances and for how long children can be placed in solitary confinement.

Article 17 - Right of children and young persons to social, legal and economic protection

Paragraph 2 - Free primary and secondary education - regular attendance at school

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§2 and asked States to provide, in the next report, information on measures taken to introduce anti-bullying policies in schools; and on measures taken to facilitate child participation across a broad range of decision-making and activities related to education.

In its previous conclusion the Committee concluded that the situation in North Macedonia was not in conformity with Article 17§2 of the Charter on the ground that the net enrolment rate in secondary education was too low (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity, the targeted question and the general questions.

Enrolment rates, absenteeism and drop out rates

In the previous conclusion, the Committee concluded that the situation in North Macedonia was not in conformity with Article 17§2 of the Charter on the ground that the net enrolment rate in secondary education was too low (79.13% in 2015). The Committee asked that the next report provide up to date information on enrolment rates, absenteeism and drop out rates, as well as information on measures taken to address the issues related to these rates (Conclusions 2019).

The report does not provide the information requested. The Committee therefore reiterates its conclusion of non-conformity on the ground that the net enrolment rate in secondary education is too low.

Due to the failure to provide the requested information on enrolment rates, absenteeism and drop out rates, the Committee concludes that the situation in North Macedonia is not in conformity with Article 17§2 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

Costs associated with education

The Committee has previously noted that financial assistance is provided to support children from vulnerable families and that in 2016/2017, 4,000 children received such assistance. However, the overall number of children in mainstream secondary education was over 80,000 in 2016/2017; therefore, the number of children benefiting from this assistance was very low. The Committee asked for clarification of the situation as to what proportion of students received such financial assistance (Conclusions 2019).

The report states that in 2021, 28,814 pupils and students used their right to the school allowance.

Vulnerable groups

The Committee notes that where the States have accepted Article 15§1 of the Charter, the right to education of children with disabilities is dealt with under that provision.

The Committee has previously asked whether children in an irregular migration situation also had a right to attend compulsory secondary education and how many children in an irregular migration situation attended either primary or secondary school. It also asked whether children in an irregular migration situation in transit centres/camps were able to benefit from education and, if so, how and in what form this education was provided. It also wished to receive information on the number of Roma children attending special schools for children with disabilities as well as more specific information on the progress of their inclusion in mainstream education, i.e., the number of Roma children in compulsory primary and secondary mainstream education. It also asked what measures had been taken to ensure street children's right to education (in street situations) (Conclusions 2019).

The report states that the Roma community has the right to education at all levels, free of charge and under equal conditions. The measures taken after the end of the Roma Decade and during the implementation of the Roma strategy 2014-2020 led to the creation of several public policies to promote, develop and support Roma education at every level of education. The academic year 2021/2022 is the fourth year in a row when Roma children at social risk are enrolled in pre school education with exemption from fees. The report states that the number of enrolled Roma first graders in 2021 was 1,601.

The report further states that the Ministry of Education and Science is starting to implement the Roma Educational Mediators programme by hiring 20 local educational mediators in 16 municipalities.

The report states that 13 families (60 children) have been displaced and accommodated in temporary residences in Vizbegovo. Half of the children have been attending primary education classes in the regional primary school in Vizbegovo.

Due to the failure to provide the requested information on whether children in an irregular migration situation also have the right to attend compulsory secondary education, how many children in an irregular migration situation attend either primary or secondary school, the number of Roma children attending special schools for children with disabilities, the progress of their inclusion in mainstream education, i.e., the number of Roma children in compulsory primary and secondary mainstream education, the measures taken to ensure street children's right to education, the Committee concludes that the situation in North Macedonia is not in conformity with Article 17§2 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

The voice of children in education

In the general questions, the Committee asked what measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children's specific learning environments).

Due to the failure to provide the requested information on measures been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education, the Committee concludes that the situation in North Macedonia is not in conformity with Article 17§2 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

Anti-bullying measures

In the general questions, the Committee asked what measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention.

Due to the failure to provide the requested information on measures taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention, the Committee concludes that the situation in North Macedonia is not in conformity with Article 17§2 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

Covid-19

In the context of the Covid-19 crisis, the Committee asked the States Parties to provide information on measures taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children).

The Committee recalls that under Article 17§2 of the Charter equal access to education must be ensured for all children during the Covid-19 crisis. In this respect, particular attention should be paid to vulnerable groups such as children from minorities, children seeking asylum, refugee children, children with disabilities, children in hospital, children in care, pregnant teenagers, children deprived of their liberty (Statement on Covid-19 and social rights, 24 March 2021).

The report states that a post-Covid-19 action plan has been developed for 15 municipalities, with the aim of providing support to children who did not benefit from quality teaching during the pandemic.

Conclusion

The Committee concludes that the situation in North Macedonia is not in conformity with Article 17§2 of the Charter on the ground that the net enrolment rate in secondary education is too low.

Due to the failure to provide the information listed below, the Committee concludes that the situation in North Macedonia is not in conformity with Article 17§2 of the Charter. The Committee considers that this failure to provide information amounts to a breach by North Macedonia of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- on enrolment rates, absenteeism and drop out rates;
- on whether children in an irregular migration situation also have the right to attend compulsory secondary education;
- how many children in an irregular migration situation attend either primary or secondary school;
- on the number of Roma children attending special schools for children with disabilities as well as more specific information on the progress of their inclusion in mainstream education, i.e., the number of Roma children in compulsory primary and secondary mainstream education;
- on measures taken to ensure street children's right to education;
- on measures taken by the State to facilitate child participation across a broad range of decision-making and activities related to education;
- on measures taken to introduce anti-bullying policies in schools.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 1 - Assistance and information on migration

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that no targeted questions were asked for Article 19§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions (2019)), the Committee deferred its conclusion, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of deferral.

Change in policy and the legal framework

In its previous conclusion, the Committee requested that the next report provide for a detailed description of the relevant legal provisions and reserved its position on this point (Conclusions 2019).

The report indicates that on 23 December 2021, the Assembly adopted the new Resolution on migration policies and the action plan for 2021-2025. The objective of the Resolution is to create institutional and other preconditions for the development of a sustainable and comprehensive framework for the management of regular and irregular external migrations, and to promote development in the country. The Resolution includes five strategic areas: support framework; reliable and relevant data on external migrations; management of regular migrations; control and management of irregular migrations; and building partnerships and international cooperation as well as a number of strategic objectives.

The report further states that the Law on Prevention and Protection against Discrimination adopted in 2020 (Official Gazette of the Republic of North Macedonia, No. 258 of 30 October 2020) provides the legal framework for the prevention and protection against discrimination, the forms and types of discrimination, the procedures for protection against discrimination, as well as the composition and work of the Commission for prevention and protection against discrimination. The objective of this law is to ensure the principle of equality and prevent and protect against discrimination in the exercise of human rights and freedoms.

Measures against misleading propaganda relating to emigration and immigration

In its previous conclusion, the Committee noted that a new Law on Prevention and Protection against Discrimination was underway, and the law should provide for the competences of a monitoring body, namely the Commission for Prevention and Protection against Discrimination (Conclusions 2019). The Committee reserved its position on this point (Conclusions 2019).

The report indicates that the Commission for Prevention and Protection against Discrimination keeps regular statistics and publishes them in the Annual Reports as well as on a quarterly basis. In 2021, the Commission for Prevention and Protection against Discrimination acted on 167 submitted petitions and found discrimination in 40 cases. The report further mentions that in 2021, in order to ensure higher level of accessibility and facilitate the procedure for submitting a complaint, the Commission established an electronic service "Report Discrimination" which is integrated within its official website.

The Committee notes from the Country report on non-discrimination 2022 of the European network of legal experts in gender equality and non-discrimination that the procedure before the Commission for Prevention and Protection against Discrimination is free of charge. The

entire duration of the procedure is set to last no more than 60 days. This may result in the Commission giving an opinion and recommendation. If the recommendation is not acted upon, the Commission must initiate a court misdemeanour procedure. The Committee also notes from the same report that litigation proceedings can be initiated before ordinary courts, based on the provisions of the Anti-Discrimination Law (Chapter V, Articles 32-40). The court proceedings have priority in the event of simultaneous procedures.

Conclusion

The Committee concludes that the situation in North Macedonia is in conformity with Article 19§1 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 5 - Equality regarding taxes and contributions

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that no targeted questions were asked for Article 19§5 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

As the previous conclusion found the situation in North Macedonia to be in conformity with the Charter (Conclusions 2019), there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Conclusion

The Committee concludes that the situation in North Macedonia is in conformity with Article 19§5 of the Charter.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 6 - Family reunion

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee points out that no targeted questions were asked in relation to Article 19§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current report cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee concluded that the situation in North Macedonia was not in conformity with Article 19§6 on the ground that family members of a migrant worker are not granted an independent right to remain after exercising their right to family reunion.

In the present conclusion, the assessment of the Committee will therefore concern the information provided by the Government in response to the previous conclusion of non-conformity and to other questions previously raised by the Committee

Scope

In its Conclusions 2015, the Committee took note that according to the Law on Foreigners, members of the family eligible for reunion are spouses, minor children of the foreigner, including adopted children. The minors must be younger than 18 years and unmarried. As an exception, the following groups may also be admitted through family reunion: relatives of the foreigner or the spouse in an ascending line when they are dependent upon them and do not have family support in the country in which they live; and children of the foreigner or the spouse who are over 18 years old, and due to their health condition are dependent; the parents of a minor, if that is in the best interest of the child. In its previous conclusion (Conclusions 2019), the Committee noted that a new Law on Foreigners was adopted in 2018 and asked whether the scope of the right to a family reunion changed under the new provisions and whether there are age, dependency, or other requirements for eligibility.

In reply, the report indicates that according to the Law on Foreigners, a foreigner who has been granted permanent or temporary residence in the republic of North Macedonia, for a period of one year, for the purposes of employment, scientific-research activity, traineeship, or a foreigner whose country of origin is the Republic of Macedonia, under certain conditions, shall be recognised the right to family reunification with the members of their nuclear family who are foreigners. Under Article 115 of the Law on Foreigners, members of nuclear family shall mean a person who is the spouse of the national, the minor children of the national, including adopted children, proven by a document from the country of origin where the adoption took place, the minor children including adopted children of the national, where the national has custody and the children that are dependent on them, and the minor children including adopted children of the spouse, where the spouse has custody and the children are dependent on them. According to the report, members of the nuclear family also include foreigners who are parental authorities of the national or his or her spouse, where they are dependent on them and do not enjoy proper family support in the country where they live, and the adult unmarried children of the national or his or her spouse, where he is she are objectively unable to provide for his her own needs on account of his or her state of health and parental authorities of a minor child, if this is in the best interest of the child.

Conditions governing family reunion

In its previous conclusion (Conclusions 2019), the Committee noted that the 2018 Law on Foreigners requires evidence of “stable and regular resources that are sufficient for

sustenance of the person and of his close family members who intend to stay in Macedonia.” Recalling that the level of means required by States to bring in the family or certain family members should not be so restrictive as to prevent any family reunion (Conclusions XVII-1 (2004), the Netherlands) and that social benefits shall not be excluded from the calculator of the income of a migrant worker who has applied for family reunion (Conclusions 2011, Statement of Interpretation on Article 19§6), the Committee asked how the means requirement is calculated and whether social benefits are taken into account.

In reply, the report refers to Article 72 of the Law on Foreigners which states that a temporary residence shall be granted for a foreigner if they are “in possession of sufficient means of subsistence, or their subsistence has been provided in another legal manner.” The report states that the required means for subsistence are not restrictive and do not exclude social benefits. No specific restrictions related to the amount of funds are applied, though the foreigner is required to submit proof that they have means of subsistence for the period for which temporary residence is requested and that the subsistence is provided in a legal manner (a statement from a bank account in the name of the foreigner, proof of an employment relationship - employment contract, confirmation from the employer and a confirmation from a competent authority that keeps records of employed persons; proof of monthly income that the applicant earns on other grounds or another document that proves that his support is provided in another legal manner).

In its previous conclusions (Conclusions 2019), the Committee noted that the Law on Foreigners requires a proof of accommodation for the migrant worker and their family members and asked for more information regarding the accommodation requirements in North Macedonia.

In reply, the report explains that the foreigner must secure accommodation or must have means for accommodation. The foreigner is obligated to submit proof of secured accommodation in the form of a notarised agreement for the lease, proof of ownership of an apartment or house if owned, or agreement/confirmation for the use of accommodations.

In its previous conclusions (Conclusions 2019), the Committee recalled that once a migrant worker’s family members have exercised the right to family reunion and have joined them in the territory of a State, they should have an independent right to stay in that territory (Conclusions XVI-1 (2002), Article 19§8, the Netherlands). The Committee noted that under the 2018 Law on Foreigners, family members’ permits remain contingent upon the right to stay of the migrant worker. Permanent stay may be granted in case the foreigner who applied for family reunion passes or the matrimony ceases after lasting for a minimum of three years. A temporary permit is not extended if the migrant worker and their close family members do not cohabit in a real matrimony or family union. Therefore, the Committee found Macedonia not in conformity with the Charter in this respect.

In reply, the report states that, according to Article 112 of the Law on Foreigners, “not later than after four years of residence, and provided that the family member has not been granted a residence permit for reasons other than family reunification referred to in Article 71 of this Law, the spouse or a child who has reached majority shall be entitled, upon application, if required, to an autonomous residence permit if they fulfil the requirements referred to in Article 72 of this Law”. In addition, in the event of widowhood, divorce, separation, or particularly difficult circumstances, an autonomous residence permit may be issued if temporary residence by virtue of family reunification had reached a duration of at least three years. Therefore, the Committee reiterates its conclusion of nonconformity in this respect.

Remedy

In its previous conclusion (Conclusions 2019), the Committee recalled that restrictions on the exercise of the right to family reunion should be subject to an effective mechanism of appeal or review which provides an opportunity for consideration of the individual merits of the case consistent with the principles of proportionality and reasonableness. It reiterated its previous

request for information about the availability of such a remedy in Macedonia. The Committee considered that should the next report not provide comprehensive information in this respect, there would be nothing to show that the situation was in conformity with the Charter on this point.

In reply, the report indicates that according to Article 137 of the Law on Foreigners, a foreigner shall have the right to appeal against the decision for revocation of permanent residence, within eight days from the receipt of the decision, before the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures. The report also indicates that an appeal shall postpone the enforcement of the decision, unless the foreigner presents a threat to public order, public policy, or national security. The decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures shall be issued within 30 days of the initial appeal. An administrative dispute against the decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures may be brought before a competent court.

Conclusion

The Committee concludes that the situation in Macedonia is not in conformity with Article 19§6 of the Charter on the ground that the family members of a migrant worker are not granted an independent right to remain after exercising their right to family reunion.

Article 19 - Right of migrant workers and their families to protection and assistance
Paragraph 8 - Guarantees concerning deportation

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee points out that no targeted questions were asked in relation to Article 19§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee deferred its conclusions, pending receipt of the following information: • How the principle of proportionality is ensured and whether a court gives a reasoned decision upon an appeal in expulsion cases; • whether a foreigner considered to constitute a risk to public health is offered treatment in practice before any decision on expulsion is issued.

In reply, the report indicates that the decision-making process shall take into account all aspects of the foreign citizens’ behaviour, as well as the circumstances and duration of his/her stay on the territory of the state. According to Article 149 of Law on Foreigners “the duration of stay of the foreigner in the Republic of North Macedonia, his or her age, personal, economic or other relations in the Republic of North Macedonia and the consequences resulting from the measure imposed to him or her or a member of his or her nuclear family legally staying in the Republic of North Macedonia shall be taken into account when deciding on expulsion of the foreigner from the Republic of North Macedonia.”

The report further indicates that a foreigner may initiate administrative dispute before a competent court in accordance with the Law on Administrative Disputes against the decision for expulsion. The initiation of an administrative dispute before a competent court shall not postpone the enforcement of the decision. The expulsion, the period within which the foreigner shall be obliged to leave the territory of the Republic of North Macedonia, as well as the period within which the foreigner is banned to re-enter the Republic of North Macedonia shall be affixed to the travel document of the foreigner, if they are in possession of one.

The report does not provide an answer to the Committee’s question on whether a foreigner considered to constitute a risk to public health is offered treatment in practice before any decision on expulsion is issued.

The Committee finds that under the Law on Foreigners, “threat to public health” shall mean any disease with epidemic potential as defined by the International Health Regulations of the World Health Organisation and other infectious diseases or contagious parasitic diseases if they are subject to protection provisions applying to the nationals of the Republic of North Macedonia. In addition, no expulsion order shall be issued, if the illness of the foreigner posing a risk to the public health occurred three months after the entry of the foreigner in the Republic of North Macedonia. The Committee also finds that according to Article 189 of the Law on Foreigners, health institutions who have admitted a foreigner for a medical treatment and who have established that the illness of the foreigner presents a threat to the public health shall be obliged to report the medical treatment of the foreigner to the Ministry of Interior within 24 hours from the admission of the foreigner. The Committee understands, on the basis of this provision, that the foreigner is offered treatment in health institutions before any decision on expulsion is issued.

Conclusion

The Committee concludes that the situation in North Macedonia is in conformity with Article 19§8 of the Charter.

Article 27 - Right of workers with family responsibilities to equal opportunity and treatment

Paragraph 3 - Illegality of dismissal on the ground of family responsibilities

The Committee takes note of the information contained in the report submitted by North Macedonia.

The Committee recalls that no targeted questions were asked for Article 27§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2019) found the situation in the Republic of North Macedonia to be in conformity with the Article 27§3 the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

Covid-19

In the context of the Covid-19 crisis, the Committee asked all States to provide information on

- whether the Covid-19 crisis had an impact on the prohibition of dismissal on the ground of family responsibilities and whether there were any exceptions to the prohibition of dismissal on the ground of family responsibilities during the pandemic and
- whether a ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the Covid-19 crisis.

In its reply, the report states that according to data available to the Government, during the Covid-19 pandemic, there were no wrongful terminations of the employment contracts for approved leave of absence due to an illness or injury, pregnancy, childbirth, care of a family member, parental leave, use of approved leave of absence, annual holidays, or other cases of protected leave defined by the Law on Labour Relations.

The report further states that during the pandemic, the Government adopted several packages of economic measures aiming both at support of the citizens and the economy. Such measures were the financial support to employers for payment of salaries, the subsidies of contributions for mandatory social insurance, measures for retaining jobs, measures for protecting categories of vulnerable citizens, as well as measures protecting the health and safety of workers. Since kindergartens and schools were closed, one of the first measures taken was the right to leave of absence from work for one of the parents of a child up to the age of 10. The State Labour Inspectorate issued inspection measures, warnings, and orders in relation to the remuneration of the workers who were using the government measure for exemption from work.

During the pandemic, the State Labour Inspectorate carried out a large number of extraordinary inspections related to termination of employment. In most cases, it found that the employers who were affected by the crisis did not extend fixed-term employment contracts, and these did not entail sanctions against employers.

Conclusion

The Committee concludes that the situation in North Macedonia is in conformity with Article 27§3 of the Charter.