

20240661473

ASSEMBLY OF THE REPUBLIC OF NORTH MACEDONIA

Pursuant to Article 75, paragraphs 1 and 2 of the Constitution of the Republic of North Macedonia, the President of the Republic of North Macedonia and the President of the Assembly of the Republic of North Macedonia hereby issue the following

DECREE ON THE PROMULGATION OF THE LAW ON JUSTICE FOR CHILDREN ⁽¹⁾

The Law on Justice for Children (*), adopted by the Assembly of the Republic of North Macedonia at the session held on 13 March 2024, is hereby promulgated.

No. 08-1946/1
13th March 2024
Skopje

President of the Republic of North Macedonia,
Stevo Pendarovski,
/hand signature/

President of the Assembly
of the Republic of North Macedonia,
Jovan Mitreski,
/hand signature/

LAW ON JUSTICE FOR CHILDREN ⁽¹⁾

**Section One
GENERAL PROVISIONS**

**Chapter One
Contents, objective and underlying principles**

1. Contents of the Law

Article 1

(1) This Law regulates the treatment of children at risk and children who have committed acts that are stipulated by law as criminal offences and misdemeanors, determines the conditions for the application of assistance and protection measures, educational and alternative measures and punishment of children and young adults, as well as the position, role and competence of the

¹ This law is harmonized with: Directive EU2016/800 of the European Parliament and of the Council on procedural safeguards for children who are suspects or accused persons in criminal proceedings and Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA.

authorities participating in the treatment of children and the implementation of educational and alternative measures and punishments.

(2) This law also regulates the measures of assistance and protection for child victims of actions that are legally defined as criminal offences, as well as for child witnesses, and the measures for the prevention of juvenile delinquency.

2. Objectives of the Law and its interpretation

Article 2

(1) The objectives of the law and its application are the realization of the priority interest and protection of children from crime, violence and any form of endangerment of their freedoms and rights and their proper development, the protection of children who are perpetrators of actions that are provided for by law as criminal offences and misdemeanors and from the recurrence of such acts, their socialization, upbringing and re-education, assistance and care for children and protection in the procedure before the court and before other bodies of their freedoms and rights guaranteed by the Constitution of the Republic of North Macedonia, the Convention on the Rights of the Child and other international agreements on the status of children, ratified in accordance with the Constitution of the Republic of North Macedonia.

(2) The provisions of this law should be interpreted and applied in the sense of the provisions of the international agreements ratified in accordance with the Constitution of the Republic of North Macedonia.

3. Underlying principles

Article 3

(1) The best interest of the child implies actions and decision-making where the interests of the child for their protection, education, re-education and proper growth and development and the effects that such actions or decision-making has on the child are of primary importance.

(2) The best interest of the child always prevails in the event of a conflict with other interests or material and procedural provisions.

(3) All specialized authorities covered by this law are obliged to pay special attention and make reasonable adjustments to the environment in the event of action against a child, in accordance with the provisions of this law, in order to ensure that the child participates in the procedure without unnecessary burdens, respecting the right to privacy and the protection of personal data.

Article 4

(1) A procedure involving a child is conducted in Macedonian language and its Cyrillic script.

(2) Provisions of a special law apply in a procedure involving a child.

(3) A child who is a foreign citizen deprived of liberty or detained, may file the submissions within the procedure in their own language, and in other cases, under the conditions of reciprocity.

Article 5

(1) The child has the right to be informed by all institutions that come into contact with them about their rights, including the duties and responsibilities prescribed by the Convention on the

Rights of the Child and other international instruments on the rights of the child, this law and other laws. The child has the right to receive information and instructions in a manner adapted to their age and maturity, as well as in culturally and gender sensitive manner.

(2) When a child at risk and in conflict with the law is being interrogated, and a child victim is being questioned, they have the right to be informed about their rights within such procedure and about the procedure itself.

(3) In every judicial and extrajudicial procedure in which the child participates, the child has the right to actively participate in decision-making regarding their life and to express their opinions.

Article 6

A child over 14 years of age cannot be imposed a sanction for an action that, before it was committed, was not stipulated by law as a criminal offence or misdemeanor and for which no sanction was prescribed by law or by an international agreement ratified in accordance with the Constitution of the Republic of North Macedonia.

Article 7

(1) Child victims of acts that are legally defined as criminal offences have the same rights as adult victims before, during and after the completion of the criminal procedure, as well as the special rights recognized by the Convention on the Rights of the Child and other international agreements ratified and in accordance with the Constitution of the Republic of North Macedonia.

(2) Child victims of acts that are legally defined as criminal offences and child witnesses enjoy enhanced protection and support from all institutions, authorities and individuals in the child justice system, in order to reduce the negative consequences of the criminal offences on them and to prevent the negative impact of the actions of the institutions on the proper development of the child and to encourage them to seek protection before a competent court.

Article 8

(1) A child over 14 years of age, in the informal proceedings of the competent authorities and services, as well as within the court procedure, is guaranteed the same rights as adult defendants in criminal or misdemeanor proceedings, as well as the special rights recognized by the Convention on the Rights of the Child and other international agreements ratified in accordance with the Constitution of the Republic of North Macedonia, in all phases of the procedure and in the imposition and execution of any sanction or measure stipulated by this Law.

(2) A child cannot be considered to be in conflict with the law until such fact has been determined by a final court decision.

(3) In the course of actions of the court and other institutions in the application of the provisions of this Law, their most important objective is to serve the best interests of the child.

(4) Public statements about ongoing procedures given by state authorities, the media and other entities, must not violate the rights of the child, the child victim and the injured party or the judicial independence and impartiality.

Article 9

(1) During the application of this law, the court and other institutions, respect and ensure the rights of the child without any discrimination based on race, skin color, origin, national or ethnic origin, sex, gender, sexual orientation, gender identity, being a member of a marginalized group,

language, citizenship, social origin, education, religion or religious belief, political belief, other belief, disability, age, family or marital status, property status, health status, personal status and social status or any other basis established by law or by an international agreement ratified in accordance with the Constitution of the Republic of North Macedonia of the parent/s or guardian or family members of the child.

(2) During the application of this law, the court and other institutions take all necessary measures to ensure the protection of the child from all types of discrimination or sanctions or other restrictions of rights on the grounds provided for in paragraph (1) of this Article, as well as to provide assistance and protection to all children in need, including migrant children, refugee children and asylum seekers, unaccompanied children, homeless children and street children.

Article 10

(1) The child has the right to a defense attorney from the first action taken on grounds of suspicion that the child had committed an act that is determined as a criminal offence by law, without any unnecessary delay following deprivation of liberty and in all stages of the court proceedings.

(2) As a rule, the defense attorney is selected from the electronic system with a directory of attorneys, maintained by the Bar Association of the Republic of North Macedonia, and updated at least three times a year or upon proposal of the Ministry of Justice of the Republic of North Macedonia.

Article 11

(1) No child may be subjected to torture or other cruel, inhumane or degrading treatment or punishment.

(2) The child always has the right to enhanced protection from torture or other cruel, inhumane or degrading treatment or punishment.

Article 12

A child is detained and imposed the measure of detention is applied only as a last resort in the procedure and only under the conditions and for the period of time determined by this Law.

Article 13

Any action taken by the court and other institutions with respect to a child in the application of the provisions of this Law should be undertaken expeditiously and without any unnecessary delay, in order not to harm the interests of the child.

Article 14

The child or its legal representative has the right to receive written instructions on their rights and be orally informed about the course of the proceedings and the right to file a complaint and petition for the protection of rights before the Ombudsman and before other authorities and institutions that have the competences to ensure the rights of the child.

Article 15

The application of the measures and sanctions established by this law and the treatment of a child are subordinated to the interest of protection, education, re-education and proper development of the child.

Article 16

(1) The actions of the court and other institutions in the application and execution of sanctions and other measures should be adapted to the age, personality and needs and interests of the child.

(2) When applying the measures and sanctions in the procedures established by this Law, a child over 14 years of age may be deprived of or restricted certain rights only to an extent that corresponds to the achieved level of development of their personality and their need to eliminate the conditions that influence them to commit acts that the law defines as criminal offences or misdemeanors.

Article 17

When deciding on the application of measures and sanctions determined by this Law, priority is always given to the preventive, protection and educational measures.

Article 18

The measure or sanction imposed on a child over 14 years of age should be appropriate to their personality, the seriousness of the act that is legally defined as a criminal offence or misdemeanor and the consequences thereof, the need for their upbringing, re-education, education and development, in order to ensure and protect the best interests of the child.

Article 19

(1) For an action of a child over 14 years of age, which is legally defined as a criminal offence or misdemeanor, the competent authorities and institutions, as a rule, do not initiate court proceedings in order to avoid the harmful impact on the child.

(2) Court proceedings, as a rule, against a child over 14 years of age are initiated if the child has committed an action which is provided by law as a criminal offence or misdemeanor for which a sentence of imprisonment of three years or a more severe penalty is imposed or in a case where the purpose of the measures or sanctions determined by this law cannot be achieved without court proceedings.

Article 20

(1) The procedure against a child is conducted and the sanctions established by this Law are imposed only by a competent court.

(2) Other measures provided for by this Law may also be imposed by other specialized bodies.

4. Meaning of terms and expressions

Article 21

The following expressions used in this Law have the following meanings:

- A child is any person under the age of 18,

– A child at risk is any child who has reached the age of five and has not reached the age of 18 with a disability, a victim of violence, educationally and socially neglected, who is in a situation where it is difficult or impossible for the parents or guardian to perform their educational functions, who is not included in the education and upbringing system, involved in begging, vagrancy or prostitution, who uses or consumes drugs and other psychotropic substances and precursors or alcohol, and who, due to such conditions, is or may come into contact with the law as a victim or as a witness to an act that is legally defined as a misdemeanor or an action that is legally defined as a criminal offence,

– A person whose age cannot be determined with certainty is also considered a child at risk until their age is determined,

– A child at risk under 14 years of age is any child who, at the time of committing an act that the law defines as a criminal offence punishable by a fine or imprisonment for over three years, or an act determined by law as a misdemeanor, has reached the age of five and has not reached the age of 14,

– A child at risk aged 14 to 18 is any child who, at the time of committing an act determined by law as a criminal offence punishable by a fine or imprisonment of up to three years, or an act determined by law as a misdemeanor, has reached the age of 14 and has not reached the age of 18,

– A child at risk aged 14 to 16 is any child who, at the time of committing an act determined by law as a criminal offence punishable by a fine or imprisonment of up to three years, or an act determined by law as a misdemeanor, has reached the age of 14 and has not reached the age of 16,

– A child at risk over 16 years of age is any child who, at the time of committing an act that the law defines as a criminal offence punishable by a fine or imprisonment for over three years, or an act determined by law as a misdemeanor, has reached the age of 16 and has not reached the age of 18,

– A child victim is any child under the age of 18 who has suffered harm, including physical or mental injury, emotional suffering, material loss or other injury to or infringement of rights and interests as a consequence of an act committed that is determined by law as a criminal offence.

– A person whose age cannot be reliably determined is also considered a child victim if there are reasons to believe that they are a child victim,

– Family members of the child victim whose death occurred as a consequence of the criminal offence and who suffered damage as a consequence of the child victim's death are also considered victims,

– A child at risk, a child in conflict with the law or a child victim is also a child who promotes, accepts, supports, justifies, advocates for and participates in acts of radicalization, violent extremism and terrorism, severe forms of violence, mass migration movements, xenophobia and other severe forms of extremism,

– A young adult is a person who, at the time of conviction for an act determined by law as a criminal offence, has reached the age of 18 and has not reached the age of 21,

– Measures means measures of assistance and protection determined by law that do not consist of depriving and restricting the liberties and rights of children due to an action stipulated by law as a criminal offence or misdemeanor or a state of risk that can be applied to the child, the parent(s), or the guardian by a court or other authorities specified by this Law,

– A sanction is a legal consequence of an action determined by law as a criminal offence or misdemeanor, which consists of assistance and protection or restriction or deprivation of certain liberties and rights of a child aged 14 to 18 due to an action determined by law as a criminal offence or misdemeanor, which is imposed by a court in a procedure established by this Law,

- The competent authorities are judge for children, council for children, criminal council for children,
- Other specialized bodies are: the centers for social work, the Public Prosecutor's Office, the Ministry of Interior, the Ministry of Education and Science, the Ministry of Health, probation services, institutions for the execution of sanctions for children, the State Council for Juvenile Delinquency Prevention, municipal councils for juvenile delinquency prevention and the Ombudsman of the Republic of North Macedonia and
- A family is a living community of parents and children and other relatives, if they live in a joint household.

Section Two TREATMENT OF CHILDREN

Chapter Two Assistance and protection measures

1. Exclusions of sanctions stipulated by this Law

Article 22

A sanction prescribed by this Law cannot be imposed on a child who, at the time of committing the act, which is determined by law as a criminal offence or misdemeanor, has not reached the age of 14.

Article 23

The measures of assistance and protection provided by law, which are in the best interest of the child and his or her upbringing and development, are applied to a child at risk under 14 years of age and a child at risk over 14 years of age.

Article 24

(1) Assistance and protection measures are applied to a child at risk under 14 years of age and a child at risk over 14 years of age only if the Center for Social Work (hereinafter: the Center) assesses that the state of risk affects the development of the child's personality and their proper upbringing.

(2) The measures referred to in paragraph (1) of this Article may also be applied to the parent(s) or guardian, if they have neglected or abused their rights or duties in relation to the protection of the child's personality, rights and interests.

Article 25

Assistance and protection measures are the measures established by law in the areas of education, health, social security, family and other forms of protection.

2. Treatment of a child at risk under 14 years of age

Article 26

(1) For an action of a child at risk under 14 years of age, which is determined by law as a criminal offence punishable with a prison sentence of over three years, the Ministry of Interior submits a notification to the Center, and when other persons participated in the commission of the criminal offence for whom a procedure may be conducted before a court, and for the action of a child at risk over 14 years of age, which is determined by law as a criminal offence punishable with a prison sentence of over three years or a fine, the Ministry of Interior submits a notification to the Center and to the competent public prosecutor. For other situations of risk, the Ministry of Interior, school or other institution where the child is cared for, as well as the parent(s) or guardian of the child, notify the Center.

(2) The ministry of Interior submits a written notification to the Center containing personal data about the child at risk under 14 years of age and about the parent(s) or guardian, the committed act and the relevant circumstances of the act. In urgent cases, the notification may be communicated by telephone, and then the written notification is to be submitted later.

(3) The Center takes action upon the notifications received from the Ministry of Interior referred to in paragraph (2) of this Article, the Public Prosecutor's Office, school or other institution where the child at risk up to 14 years of age is accommodated and educated, from the parent(s) or guardian of the child, the injured party and from another person.

(4) The Center, the Ministry of Interior and the school or other institution where the child at risk under 14 years of age is accommodated are obliged to inform each other about the behavior of the child at risk under 14 years of age, as well as about all other circumstances that are considered a state of risk according to the law.

(5) The Center may also establish a state of risk based on own information.

(6) The notifications received from paragraph (2) of this Article are registered in the Register of notifications received for children at risk under 14 years of age, which are kept at the Centre. The Register contains data received through notifications from the Ministry of Interior, the Public Prosecutor's Office, school or another institution where the child at risk under 14 years of age is accommodated and educated, as well as from the parent(s) or guardian of the child, the injured party and another person, and is kept as classified information in accordance with the regulations relating to classified information and the protection of personal data.

(7) The form and content of the Register from paragraph (6) of this Article, as well as the manner of its keeping, are prescribed by the Minister of Labor and Social Policy.

Article 27

(1) Within a period of maximum 15 days from the date of receipt of the notification or other information, and in cases where there is a threat to the person, rights and interests of the child, maximum 36 hours, the Center summons the child at risk, the parent(s) or guardian, for an interview, and initiates a confidential procedure to determine the factual circumstances of the specific event or the state of risk. If, despite proper delivery, the interview cannot be conducted due to the absence of the child and the parent(s) or guardian, the Center notifies the competent public prosecutor.

(2) The interview is conducted by a professional worker from the Center, in separate rooms. The standards for arranging the separate rooms are prescribed by the Minister of Labor and Social Policy.

(3) In cases where the action of a child at risk under 14 years of age is determined by law as a criminal offence punishable by imprisonment for more than five years, in cases of a criminal offence in the area of domestic violence, bodily harm, and when, according to the assessment of the professional worker from the Center, there is a threat to the child's person, rights, and interests, it is mandatory for a lawyer to be present at the conversation, who provides legal assistance.

(4) The lawyer provides legal assistance referred to in paragraph (3) of this Article in the procedure before the Center, which consists of attending interviews, submitting legal opinions and, depending on the circumstances of the case, attending meetings for the purpose of implementing the individual plan. For the legal assistance provided, within 15 days from the date of the last action taken, the Center prepares a confirmation of the actions taken by the lawyer, as the basis for the lawyer to submit a bill of costs to the Center and to the parent(s) or guardian.

(5) The costs of legal assistance from the lawyer referred to in paragraph (4) of this Article, as a rule, are reimbursed by the parent(s) or guardian of the child when they have chosen the lawyer themselves. When the parent(s) or guardian of the child are unable to reimburse the costs of legal assistance from a lawyer because they earn a total monthly income lower than the last published average net salary in the Republic of North Macedonia, the Center appoints a lawyer *ex officio* from the electronic system with a directory of lawyers, which is maintained by the Bar Association of the Republic of North Macedonia.

(6) It is considered that the parent(s) or guardian are unable to reimburse the costs of legal assistance from the lawyer referred to in paragraph (5) of this Article if they submit a certificate from a competent authority or organization within maximum 15 working days from the day the lawyer was summoned to the Center. Otherwise, it is considered they are able to pay the costs of the lawyer's legal assistance.

(7) The costs of legal assistance from the lawyer provided *ex officio* referred to in paragraph (5) of this Article are borne by the budget of the Ministry of Labor and Social Policy.

(8) The Center adopts a decision on payment of legal assistance provided by the lawyer referred to in paragraphs (4) and (5) of this Article within seven days from the day of submission of the bill of cost referred to in paragraph (4) of this Article and submits it to the Ministry of Labor and Social Policy and to the lawyer within three days from the day of adoption of the decision.

(9) The Ministry of Labor and Social Policy makes the payment upon the decision referred to in paragraph (9) of this Article within eight days from the date of the decision becoming legally effective.

(10) When a guardian is appointed *ex officio*, the Center makes a decision on payment of the legal assistance provided by the lawyer referred to in paragraph (5) of this Article and effectuates the payment.

(11) The lawyer's fee for the provided legal assistance referred to in paragraph (5) of this Article is calculated in accordance with the Fee Tariff of the Bar Association of the Republic of North Macedonia.

Article 28

(1) The lawyer is obliged to provide a legal opinion on the case in writing within seven days from the date of the interview.

(2) The legal opinion referred to in paragraph (1) of this Article should contain, in particular, a description of the action considered a criminal offence and the factual and legal elements of the case.

(3) If the lawyer does not provide a legal opinion within the period referred to in paragraph (1) of this Article, the Center notifies the Bar Association of the Republic of North Macedonia and, in

order to achieve the best interests of the child, appoints a lawyer *ex officio* from the electronic system with a directory of lawyers, which is maintained by the Bar Association of the Republic of North Macedonia.

Article 29

(1) Within 30 days from the date of the interview with the parent(s) or guardian and the child at risk, and based on the collected reports and other data available to the Center, the professional worker referred to in Article 27, paragraph (2) of this Law, prepares an individual plan and implements it.

(2) In case of emergency, the Center takes measures to assist and protect the child at risk, in accordance with the Law on Social Protection and the Law on Family, before commencing the preparation of the individual plan referred to in paragraph (1) of this Article.

Article 30

(1) No later than 10 days from the date of adoption of the individual plan referred to in Article 29, paragraph (1) of this Law, the professional worker referred to in Article 27, paragraph (2) of this Law has a second interview with the parent(s) or guardian with whom the child at risk lives, in order to directly ascertain whether the parents or guardian can take care of the child and whether the reasons for the child's behavior and state of risk can be eliminated.

(2) The professional worker introduces the parent(s) or guardian to the individual plan for their active participation in the implementation of the assistance and protection measures and at the same time warns them of the further consequences of not cooperating with the Center. The professional worker meets with the parents or guardian at least once a month, and minutes are compiled for each meeting.

(3) Amendments to the individual plan are made depending on the success of the assistance and protection measures implemented or any new circumstances.

(4) The assistance and protection measures may last until the child reaches the age of 18.

(5) Supervision over the implementation of the individual plan is carried out by the public institution Institute for Social Activities.

Article 31

(1) In the case of a child at risk over 14 years of age, if the parent(s) or guardian do not implement the Center's individual plan, and the Center fails to implement it after all attempts, within seven days of the date of determination of such a circumstance, the competent judge for children is notified, and within three days of the date of receipt of the notification from the Center, the justice adopts a decision on the application of the assistance and protection measures contained in the individual plan, with specific instructions for the Center.

(2) The decision from paragraph (1) of this Article may also be adopted by the judge for children upon a proposal from the lawyer of the child at risk, the parent(s) or guardian.

(3) If the parent(s) or guardian do not act in accordance with the decision from paragraph (1) of this Article, the court notifies the public prosecutor to take further actions.

(4) If it is not possible to apply the assistance and protection measures contained in the Center's individual plan due to inaccessibility to the child and the parent(s) or guardian, the Center notifies the public prosecutor.

(5) The procedure before the public prosecutor continues after the circumstances referred to in paragraph (4) of this Article cease to exist.

Article 32

(1) If the act determined by law as a criminal offence or misdemeanor obtained the child at risk material benefits or caused damage to another person, the Center mediates between the child at risk and the parent(s) or guardian and the injured party for the purpose of mutual reconciliation and a promise not to repeat the act and for repayment of the material benefits or compensation for the caused damages.

(2) The mediation procedure may last a maximum of 30 days after the decision is made to initiate a mediation procedure.

(3) An agreement is prepared for the consent to reconciliation referred to in paragraph (1) of this Article, which is equivalent to an out-of-court settlement.

(4) If the mediation fails, minutes are compiled, stating the reasons why the mediation failed and it is submitted to the injured party. The injured party may, within 30 days from the date of receipt of the minutes, submit a proposal to initiate a special procedure for confiscation of property and proceeds prescribed by law from the person to whom the property or property benefits were transferred or a property-legal claim for compensation for the damage.

Article 33

(1) For the application of assistance and protection measures, the Center keeps internal records, and data from all centers are submitted to the Register for application of assistance and protection measures, which is maintained by the Ministry of Labor and Social Policy.

(2) After the child reaches the age of 18, the data from the records of the centers and from the Register referred to in paragraph (1) of this Article are destroyed.

(3) The degree of classification of the data for the application of assistance and protection measures is determined in accordance with the regulations on classified information.

(4) The form, content and manner of maintaining the Register for application of assistance and protection measures are prescribed by the Minister of Labor and Social Policy.

Article 34

Professional workers from the Center who act in accordance with the provisions of this Law are obliged to attend specialized training on children's rights and juvenile delinquency for at least five days during the year, in the country or abroad.

Section Three

SANCTIONS FOR CRIMINAL OFFENCES AND MISDEMEANORS

Chapter Three

General rules for sanctions imposed on children

1. Validity of provisions on actions determined by law as criminal offences or misdemeanors

Article 35

(1) For an act determined by law as a misdemeanors or criminal offence, committed by children, the provisions of the Criminal Code apply accordingly, as well as the provisions of the Law on misdemeanors and other laws that prescribe acts that are determined by law as misdemeanors.

(2) The special provisions that apply to child perpetrators of criminal acts apply under the conditions provided in the provisions of this Chapter also to adults when they are tried for acts that are determined by law as criminal offence that they committed as children and, as an exception, to persons who committed a criminal offence as young adults.

2. Sanctions imposed on children and their purpose

Article 36

A child aged 14 to 16 may be sentenced to only educational measures for an act that is determined by law as a criminal offence.

A child aged 16 to 18 may be sentenced to educational measures for an act that is determined by law as a criminal offence.

By way of exception to paragraph (2) of this Article, a child aged 16 to 18 may be sentenced to a security measure or alternative measure.

A child aged 16 to 18 may be released from punishment under the general conditions set forth in the Criminal Code.

Confiscation of property and proceeds and objects obtained through acts that are determined by law as criminal offences and misdemeanors of children is carried out in accordance with the general conditions set forth in the Criminal Code.

Article 37

The purpose of sanctions is to ensure upbringing, re-education and proper development by providing protection and assistance to children by supervising them, providing them with professional training and developing their personal responsibility.

Article 38

The sanction imposed on the child should be appropriate to their personality, the seriousness of the act that is legally defined as a criminal offence and misdemeanor and the consequences thereof, the need for their upbringing, re-education, education and development, in order to ensure and protect the best interest of the child.

When the legal conditions are met, the competent court imposes a penalty only if the imposition of an educational or alternative measure is not justified.

A penalty consisting of deprivation of liberty may be imposed by the competent court only when the purpose of the educational measures, penalties or alternative measures cannot be achieved by measures of assistance and protection.

If a sanction consisting of deprivation of liberty is imposed, the competent court specifically explains the reasons for its imposition.

Chapter Four

Educational measures

1. Types of educational measures

Article 39

(1) A child over the age of 14 may be imposed the following educational measures for an act that is legally defined as a criminal offence:

- reprimand or referral to a Children's Center,
- enhanced supervision by the parent(s) or the guardian, a specialized foster family or by the Center for Social Work and
- institutional measures: referral to an educational institution or a correctional home.

(2) Measures of reprimand or referral to the Children's Center are imposed on the child referred to in paragraph 1 of this Article when there is no need for permanent educational measures, and the characteristic of the committed action is provided by law as a criminal offence of recklessness or negligence.

(3) Measures of enhanced supervision are imposed on the child referred to in paragraph (1) of this Article when there is a need to undertake measures for upbringing, re-education or treatment with supervision, and their complete separation from their previous environment is not necessary.

(4) Institutional measures are imposed on the child referred to in paragraph (1) of this Article when there is a need for permanent measures of upbringing, re-education or treatment and their complete separation from their previous environment for a period not longer than five years, but at most until the child reaches the age of 23.

Article 40

When selecting the educational measure, the court takes into account the child's age, the degree of their psychophysical condition, inclinations, the motives that led to the act, the previous upbringing and educational status, the environment and circumstances where they lived, grew up and developed, the gravity of the act committed, whether the child had previously been sentenced to an educational measure or a prison sentence for children, and all other circumstances that influence the determination of the type of educational measure to achieve its goal, as determined by law.

1.1. Education measures of reprimand or referral to a Children's Center

Reprimand

Article 41

(1) The educational measure of reprimand is imposed if merely reprimanding the child for the committed act is sufficient.

(2) When issuing a reprimand, the child is informed of the harmfulness of their action and is warned that in the event of its repetition, another sanction may be imposed in accordance with the law.

Referral to a Children's Center

Article 42

- (1) The court imposes the educational measure of referral to a Children's Center when it is necessary to exert an influence on the personality and behavior of the child with appropriate short-term measures.
- (2) The court may refer the child to whom the measure referred to in paragraph (1) of this Article has been imposed to a Children's Center for:
 - a certain number of hours during the day on holidays, and not more than four holidays in a row, or
 - a certain number of hours during the day, but not more than one month.
- (3) When imposing the measure referred to in paragraph (1) of this Article, the court makes sure that the child does not miss regular classes or work during the implementation of the measure.
- (4) In the Children's Center, the child performs work that corresponds to their psychophysical condition, and the work is carried out through the Work Program of the Children's Center prepared by the Public Institution Institute for social activities.
- (5) The court may determine that during and after the implementation of the measure referred to in paragraph (1) of this Article, the child to be placed under enhanced supervision of the Center for Social Work, for a period not exceeding six months.

1.2. Educational measure of enhanced supervision Enhanced supervision by parent(s) or guardian(s)

Article 43

- (1) The court imposes the educational measure of enhanced supervision by parent(s) or guardian if the parent(s) or guardian failed to supervise the child, and were able to do so.
- (2) If the court imposes the measure referred to in paragraph (1) of this Article, it imposes certain duties on the parents or guardian regarding the measures to be taken for the upbringing of the child, for its treatment and for the elimination of harmful influences thereon, and may also provide the necessary guidance.
- (3) The court additionally decides on the termination of the measure referred to in paragraph (1) of this Article, which may not last less than one year nor longer than three years.

Enhanced supervision by a specialized foster family

Article 44

- (1) If the parent(s) or guardian of the child are unable to supervise it or if this cannot be reasonably expected of them, the child is handed over to a specialized foster family that is willing to accept it and that has the ability to exercise enhanced supervision over the child, in accordance with the provisions of the Law on Social Protection.

(2) The implementation of the measure referred to in paragraph (1) of this Article is halted if the parent(s) or guardian of the child acquire the ability to exercise enhanced supervision over it or, if, according to the results of the upbringing and re-education, the need for enhanced supervision ceases.

Enhanced supervision by the Center for Social Work

Article 45

(1) If the parents or guardian are unable to exercise enhanced supervision over the child, and there are no conditions for handing the child over to a specialized foster family for the purpose of exercising enhanced supervision, the child is placed under the supervision of the Center.

(2) The court additionally decides to terminate the measure referred to in paragraph (1) of this Article, but its duration may not be shorter than one nor longer than three years.

(3) For the duration of the measure referred to in paragraph (1) of this Article, the child continues to live with the parent(s) or guardian or with other persons who support it, and the enhanced supervision over the child is exercised by the Center.

(4) If the child cannot remain in the family in which it lived, the Center accommodates the it in an educational institution and ensures its schooling or employment, separating it from the environment that has a detrimental effect on the child, the necessary treatment and improving the living conditions.

Special obligations for the educational measure of enhanced supervision

Article 46

(1) When imposing the educational measures of enhanced supervision, the court may impose one or more special obligations on the child, if necessary for a more successful implementation of the imposed educational measure, and in particular to:

- apologize personally to the injured party,
- repair or compensate for the damage caused by the committed act,
- engage in the educational process and regularly attend school,
- not be absent from the workplace for children over 15 years of age,
- become qualified for work that suits their abilities, inclinations and physical strength for children over 15 years of age, provided that the child has completed primary education,
- accept work for children over 15 years of age,
- prohibit it from using or consuming alcohol, drugs and other psychotropic substances or precursors,
- undergo treatment or social rehabilitation in appropriate specialized institutions,
- spend their free time usefully,
- does not contact persons who have a detrimental effect on the child's personality,
- is trained and retrained in order to retain the job they hold or to create conditions for employment for children over 15 years of age, provided that the child has completed primary education,
- provides insight into and accepts advice regarding the allocation and spending of their salary and other income,

- is involved in work of a humanitarian organization, communal, environmental or non-governmental organization,
- is involved in a certain sports, cultural and entertainment organization or association, with the obligation to attend regular rehearsals or training sessions and
- is prohibited from moving without the accompaniment of their parent(s) or guardian(s) or foster parent in the period from 10:00 PM to 5:00 AM.

(2) Upon a proposal from the Center, the court may amend or revoke the special obligations referred to in paragraph (1) of this Article that the court had issued.

(3) When determining the special obligations referred to in paragraph (1) of this Article, the court specifically inform the child and the parent(s) or guardian that in the event that the child fails to fulfill the obligations, the educational measure of enhanced supervision may be replaced by referral to a Children's Center or by an institutional measure.

(4) The Center performs constant supervision and assists the child in fulfilling the special obligations defined in paragraph (1) of this Article, cooperates with the parent(s) or guardian and the foster parent and reports to the court at least once every six months on the success achieved in implementing the special obligations referred to in paragraph (1) of this Article.

1.3. Institutional measures

Referral to an educational institution

Article 47

(1) The court may refer to an educational institution a child who needs to be constantly supervised by professionals for the purpose of upbringing, re-education and proper development.

(2) The child referred to in paragraph (1) of this Article remains in the educational institution for at least six months and maximum three years.

(3) When imposing the measure, the court determines the duration. The educational institution submits a report every six months, as well as 60 days before the expiry of the duration of the measure determined by the court.

(4) The court reviews the need for placement in an educational institution *ex officio*, or upon proposal by the public prosecutor or defense attorney, which proposal may not be submitted before the expiry of six months from the date of entry into force of the last court decision.

(5) Based on the report referred to in paragraph (3) of this Article or the proposals referred to in paragraph (4) of this Article, the court decides in a closed session on the continuation, termination, or replacement of the measure from paragraph (1) of this Article with another measure. The public prosecutor, the child, the parent(s) or guardian, the defense attorney, a representative from the Center and the institution are notified of the closed session.

Referral to a correctional home

Article 48

(1) The court may refer to a correctional institution a child who needs to be subjected to more permanent and intensified measures for upbringing and re-education and its complete separation from its previous environment.

(2) When deciding whether to impose the measure referred to in paragraph (1) of this Article, the court takes into account in particular the gravity and nature of the committed act and the circumstance whether the child had previously been imposed with educational measures or a prison sentence for children.

(3) The child remains in a correctional home for at least six months and maximum five years, i.e. until the child reaches the age of 23.

(4) When imposing the measure referred to in paragraph (1) of this Article, the court determines its duration, taking into account the time spent in detention. The correctional home submits a report every six months, as well as 60 days before the expiry of the duration of the measure determined by the court.

(5) The court reviews the need for placement in the correctional home *ex officio*, i.e. upon the proposal by the public prosecutor or the defense attorney, which proposal may not be submitted before the expiry of six months from the date of entry into force of the last court decision.

(6) Based on the report referred to in paragraph (4) of this Article, i.e. the proposals referred to in paragraph (5) of this Article, the court decides in a closed session on the extension, suspension or replacement of the measure referred to in paragraph (1) of this Article with another measure or sanction. The public prosecutor, the child, the parent(s) or guardian, the defense attorney, a representative from the Center and the correctional facility are notified of the closed session.

2. Suspension of implementation, modification and re-decision on educational measures

Article 49

(1) When, after the decision imposing a measure of enhanced supervision or an institutional measure, circumstances arise that did not exist at the time of the decision or were not known about, and that have an impact on the decision, the enforcement of the imposed educational measure may be suspended or replaced with another measure of enhanced supervision or an institutional measure.

(2) As an exception to paragraph (1) of this Article, unless otherwise provided for in respect of individual measures, the enforcement of the measure of enhanced supervision or the institutional measure, taking into account the success achieved in education and re-education, may be suspended or replaced with another such measure.

Re-decision on educational measures

Article 50

If six months have passed since the decision imposing a measure of enhanced supervision or an institutional measure has become final and effective, and enforcement has not commenced, the court decides again on the need to enforce the decision. In doing so, the court may decide to enforce the previously imposed measure, not to enforce it, or to replace it with another measure.

Procedure for amendment, re-decision and suspension of educational measures

Article 51

(1) When the conditions stipulated by law for amending or re-determining the imposed educational measure are met, a decision is made by the court that in the first instance issued the decision on the educational measure, if it finds it necessary, or upon a proposal from the child, the parent(s) or guardian and the defense attorney from the manager of the institution or the guardianship authority entrusted with the supervision of the child.

(2) Before issuing the decision from paragraph (1) of this Article, the court listens to the public prosecutor, the child, the parent(s) or guardian of the child or other persons, and also obtain necessary reports from the educational institution where the child is serving the institutional measure, from the guardianship authority or from other authorities and institutions.

(3) The decision to suspend the execution of the educational measure is issued in accordance with the provisions of paragraphs (1) and (2) of this Article.

(4) The decisions referred to in paragraphs (1) and (3) of this Article are issued by the council for children of the court.

Chapter Five Punishment of Children

1. Types of punishment for children over 16 years of age

Article 52

(1) A child over the age of 16 who is criminally responsible may be punished only if, due to the serious consequences of the committed offence and the high degree of criminal responsibility, it would not be justified to impose an educational measure.

(2) Under the conditions of this law, the following penalties may be imposed on a child over the age of 16:

- imprisonment for children,
- a fine,
- a ban on operating a motor vehicle and
- expulsion of a foreign child from the country.

1.1. Imprisonment for children

Article 53

(1) Imprisonment for children may be imposed only as a principal punishment.

(2) Imprisonment for children may be imposed on a child over the age of 16, who is criminally responsible and who has committed an act that is provided for by law as a criminal offence for which a sentence of imprisonment of five years or a more severe punishment is prescribed, if the offence was committed under particularly aggravating circumstances and with a high degree of criminal responsibility of the perpetrator and it would not be justified to impose an educational measure.

(3) Imprisonment for children may not be shorter than one year nor longer than 10 years, and is imposed in full years or half a year.

(4) When imposing the sentence, the court may not impose imprisonment for children for a period longer than the sentence prescribed for that offence, but the court is not bound by the smallest prescribed measure of that sentence.

Imposing the sentence of imprisonment for children

Article 54

When imposing a sentence of imprisonment for children, the court takes into account all circumstances that affect whether the sentence should be greater or lesser, in accordance with the Criminal Code, taking into account in particular the level of mental development of the child, its psychophysical condition and the time required for its upbringing, re-education and vocational training.

Article 55

(1) A child serving a sentence of imprisonment for children may be released on parole if it has served at least one third, but not before serving one year of the sentence imposed, if the re-education is successful.

(2) As an exception to paragraph (1) of this Article, if a child has been sentenced to imprisonment for children for up to two years and six months, it may be released on parole if it has served one third of the sentence imposed.

(3) During the conditional release, the court determines a measure of enhanced supervision by the Center for a certain duration, which may be shorter than the portion of the sentence not served.

(4) The court may extend the duration of enhanced supervision for up to one year after the duration of the sentence, but at most until the child reaches the age of 21.

(5) The court revokes the conditional release if the child fails to fulfill the obligations stipulated by the enhanced supervision or if, while on conditional release, it commits one or more acts stipulated by law as criminal acts for which a sentence of imprisonment for children over two years has been issued.

(6) If the child has committed an act stipulated by law as a criminal offence for which a sentence of imprisonment for children of up to two years or a fine is issued, the court may revoke the conditional release, taking into account the similarity of the committed acts, their significance, the motives for which they were committed and other circumstances indicating the justification for revoking the conditional release.

(7) If the court revokes the conditional release, it imposes a sentence in accordance with Article 60 of this Law, taking the previously pronounced sentence as already determined.

(8) If the court does not revoke the conditional release, it is extended for the time the child has spent serving the sentence of imprisonment for children issued for the new offence.

1.2. Fine

Article 56

(1) A fine may be imposed as a principal penalty.

(2) As an exception to paragraph (1) of this Article, for offences committed for the purpose of gain, a fine may be imposed as a secondary penalty together with a sentence of imprisonment for children or a suspended sentence with protective supervision.

(3) A fine is imposed in daily fines, whereby the number of daily fines may not be less than one nor greater than 120 daily fines.

(4) With regard to the issuing and execution of the fine, the provisions of the Criminal Code apply accordingly.

Article 57

(1) The court may replace an unpaid fine with an alternative measure – community service.

(2) One daily fine is replaced with three hours of community service, whereby the total number of hours of community service may not exceed 100 hours.

(3) The court may replace an unpaid fine or unperformed or partially performed community service as its replacement with the educational measures of referral to a Children's Center or with a measure of enhanced supervision.

Ban on operating a motor vehicle of a certain type or category and expulsion of a foreign child from the country

Article 58

(1) Ban on operating a motor vehicle of a certain type or category may be imposed as a principal or secondary punishment together with a fine in accordance with the Criminal Code.

(2) Expulsion of a foreign child from the country may be imposed if the child has been sentenced to imprisonment for children, a fine or a suspended sentence with protective supervision.

(3) The punishment referred to in paragraph (2) of this Article may last from one to five years and begins on the day of leaving the foreign child on the territory of the Republic of North Macedonia.

(4) The punishment referred to in paragraph (2) of this Article may not be imposed on a foreign child who enjoys protection in accordance with an international agreement, ratified in accordance with the Constitution of the Republic of North Macedonia.

2. Exemption from punishment

Article 59

If the court finds the child guilty and exempts it from punishment in accordance with the Criminal Code, it may also impose an educational measure on the child.

3. Imposition of penalties and educational measures for actions prescribed by law as cumulative criminal offences

Article 60

(1) For actions provided by law as cumulative criminal offences, the court imposes on a child only one educational measure or only a sentence of imprisonment for children or a fine, when there are legal conditions for imposing that sentence and if the court finds that it should be imposed.

(2) The court acts in accordance with paragraph (1) of this Article and if, after imposing an educational measure, i.e. imprisonment for children or a fine, it determines that the child committed an act that is provided by law as a criminal offence before or after its imposition.

(3) If a child over the age of 16 has committed several actions that are provided by law as cumulative criminal offences, and the court finds that for each separate action, a sentence of imprisonment for children or a fine is imposed, the sentence is imposed at its discretion within the highest legal measure.

(4) The court acts in accordance with paragraph (3) of this Article and in the event that, after imposing a sentence, it determines that the child committed an act that is provided by law as a criminal offence before or after its imposition.

4. Effect of imprisonment for children on educational measures

Article 61

(1) If during the implementation of the educational measure the court imposes a sentence of imprisonment for children, the educational measure ceases with the commencement of serving the sentence of imprisonment for children.

(2) If during the implementation of the educational measure the court imposes a sentence of imprisonment for children or imprisonment for at least one year on a younger adult, the educational measure ceases with the commencement of serving the sentence.

Chapter Six

Alternative measures

1. Types and purpose of alternative measures

Article 62

(1) The following alternative measures may be imposed on a criminally responsible child over the age of 16 for the committed act that is determined by law as a criminal offence:

- suspended sentence with protective supervision,
- conditional suspension of proceedings against the child and
- community service.

(2) The provisions of the Criminal Code on alternative measures also apply to their imposition on children over the age of 16, unless otherwise provided by this Law.

Article 63

The aim of alternative measures is to not impose a punishment on a criminally responsible child over the age of 16 when this is not necessary to prevent the commission of acts that are legally

defined as criminal offences and when it can be expected that the warning with the threat of punishment and the application of measures of assistance, protection and supervision of liberty will sufficiently affect his upbringing, re-education and proper development.

2. Special conditions for imposing alternative measures

Article 64

- (1) The court may impose alternative measures only when there is an explicit and freely expressed will of the child in a procedure in which its rights are respected.
- (2) A suspended sentence with protective supervision may be imposed when the child has been sentenced to imprisonment for a term of up to three years or a fine.
- (3) If the child has been sentenced to both a prison sentence for children and a fine, the court may impose a suspended sentence for both sentences or only for the prison sentence for children.
- (4) The court determines the duration of the suspended sentence from paragraph (2) of this Article in a period that may not be shorter than one year nor longer than three years.
- (5) Protective supervision consists of one or more obligations provided for in Article 46 of this Law, which the child is obliged to comply with during the period of probation.
- (6) Assistance and care, supervision and protection in the fulfillment of obligations by the child are provided by the Center, which is obliged to encourage and assist the child in fulfilling them with practical advice, to cooperate with the parents or guardian and the foster parent and to occasionally, and at least once every three months, inform the court regarding the situation with the fulfillment of the specified obligations.
- (7) The court revokes the conditional sentence with protective supervision if, during the period of review, the child fails to fulfill the obligations specified in Article 46 of this Law or commits one or more acts that are provided for by law as criminal offences for which a prison sentence for children of more than three years is prescribed, or if, after the imposition of the conditional sentence with protective supervision, it is determined that the child committed an act that is determined by law as a criminal offence before the conditional sentence with protective supervision was pronounced and that a sentence is necessary for the previously committed acts that are provided for by law as criminal offences. When revoking the conditional sentence with protective supervision, the time spent in detention is also taken into account.

Article 65

The court may decide to conditionally terminate the procedure against a child over the age of 16 for an act that is provided by law as a criminal offence for which a fine or imprisonment of up to five years is prescribed, if the child has expressed remorse for the committed act, if he/she has eliminated the consequences of the act, if he/she has compensated for the damage or reconciled with the injured party, who agrees with the termination of the procedure, provided that within two years the child does not commit another act that is provided by law as a criminal offence.

Article 66

- (1) The court may impose a measure of community service for a period of five to 100 hours on a criminally responsible child over the age of 16 who has committed an act that is determined by law as a criminal offence for which a fine or imprisonment of up to three years is prescribed, when it is

necessary to exert an educational influence on the personality and behavior of the child with this measure.

(2) Supervision over the fulfillment of the child's work obligations is carried out by the Center, which is obliged to periodically, and at least once a month, notify the court about the performance of the community service.

(3) If the child does not fulfill or irregularly fulfills the imposed work obligations, the court replaces the community service with the measure of referral to a Children's Center or with a measure of enhanced supervision, under the conditions provided for in this law for their imposition, taking into account the part of the obligations that has already been fulfilled.

Chapter Seven

Implementation of safety measures

Article 67

(1) A safety measure may be imposed on a child, in addition to an educational measure or a sentence of imprisonment for children, under the conditions established by the Criminal Code.

(2) A safety measure of compulsory psychiatric treatment and detention in a health institution and compulsory psychiatric treatment while free may be imposed on a child who is not responsible, in accordance with and under the conditions established by the Criminal Code.

(3) A safety measure of compulsory treatment for alcoholics and drug addicts may be imposed without imposing an educational measure or sentence.

(4) When the measure referred to in paragraph (3) of this Article is imposed with an educational measure or sentence, it is implemented in a specialized department of the institution.

(5) The time spent in an institution for the execution of the safety measure counts towards the sentence of imprisonment for children or an institutional measure imposed. Following the implementation of the safety measure, the court decides if the implementation of the sentence of imprisonment for children and the institutional measure continues.

Chapter Eight

Sanctions for actions defined by law as misdemeanors

Article 68

(1) A child aged 14 to 16 may be imposed with the following measures for actions that are legally defined as misdemeanors:

- reprimand
- increased supervision by the parent(s) or guardian or
- increased supervision by the Social Work Center.

(2) The provisions on educational measures of this Law apply to educational measures imposed for actions that are legally defined as misdemeanors.

(3) The measure of increased supervision may not be imposed for a duration shorter than 30 days nor longer than one year.

(4) A child over 16 years of age may be imposed with the educational measure referred to in paragraph (1) of this Article for actions that are legally defined as misdemeanors.

(5) By way of exception to paragraph (4) of this Article, an alternative measure of community service and the penalty of expulsion of a foreign child may be imposed on a child over 16 years of age who is responsible for a misdemeanor.

Community service

Article 69

(1) A child over the age of 16 may be imposed a measure of community service for an action that is provided for by law as a misdemeanor for a duration of five to 50 hours, when it is necessary to exert an educational influence on the personality and behavior of the child.

(2) With regard to the supervision over the fulfillment of the child's work obligations, the provisions of Article 66 paragraphs (2) and (3) of this Law apply.

Chapter Nine

Imposing sanctions on adults for acts that are legally defined as criminal offences they committed as children

Article 70

(1) An adult who has reached the age of 21 may not be tried for an act that is provided by law as a criminal offence that he or she committed as a child between the ages of 14 and 16.

(2) An adult who has not reached the age of 21 at the time of the trial may be tried only for acts that are provided by law as criminal offences that he or she committed as a child between the ages of 14 and 16 for which a sentence exceeding five years has been established.

(3) The court may only impose an educational measure of enhanced supervision or an institutional educational measure on the person referred to in paragraph (2) of this Article.

(4) When assessing whether to impose the measure referred to in paragraph (3) of this Article, the court takes into account all the circumstances of the case, and in particular the gravity of the committed offence, the time that has elapsed since its commission, the conduct of the perpetrator and the purpose of this educational measure.

(5) An adult for an act that is legally defined as a criminal offence committed as a child over the age of 16 may be sentenced to an educational measure of enhanced supervision or an institutional educational measure, a fine or an alternative measure. When assessing whether and which of the sanctions to impose, the court takes into account all the circumstances of the case, and in particular the gravity of the committed offence, the time that has passed since its commission, the conduct of the perpetrator, as well as the objective to be achieved by these sanctions.

(6) As an exception to paragraph (3) of this Article, an adult who has reached the age of 21 at the time of the trial may be sentenced to imprisonment or a suspended sentence instead of imprisonment for children.

(7) The imprisonment sentence imposed in the case referred to in paragraph (6) of this Article has the same legal effect as the imprisonment sentence for children in terms of rehabilitation, expungement of the conviction and the legal consequences of the conviction.

Imposition of educational measures on younger adults

Article 71

- (1) The court may impose an educational measure of enhanced supervision or an institutional measure on a perpetrator who, as a younger adult, has committed an act that is provided for by law as a criminal offence, and at the time of sentencing, has not reached the age of 21, if, considering his personality and the circumstances under which the offence was committed, it can be expected that the educational measure will achieve the goal that would be achieved by imposing the sentence.
- (2) The court may also impose a security measure on a younger adult who has been imposed an educational measure, under the conditions provided for by this law.
- (3) The imposed educational measure may last at most until the perpetrator reaches the age of 23.

Jurisdiction of the Judge for children in enforcement of sanctions

Article 72

The judge for children who imposed the sanction is responsible for the enforcement of sanctions against children.

Chapter Ten

Effect of sanctions on children, rehabilitation and statute of limitations

1. Effects of sanctions on children

Article 73

The sanctions imposed under Articles 70 and 71 of this Law do not entail legal consequences consisting in the prohibition of acquiring certain rights.

2. Records of the sanctions imposed

Article 74

- (1) Records of sanctions imposed on children and young adults under Articles 70 and 71 of this Law are kept by the court competent according to the place of birth, and if the place of birth is unknown or the child or young adult were born abroad, the records are kept by the court that conducted the procedure in the first instance.
- (2) The competent court referred to in paragraph (1) of this Article is obliged, no later than the fifth day of the month, to submit records of sanctions imposed for the previous month on children and young adults for actions determined by law as criminal offences and misdemeanors to the Basic Criminal Court Skopje, which maintains a Single register of sanctions against children in the Republic of North Macedonia.
- (3) The Single Register referred to in paragraph (2) of this Article also includes the data received from the competent court referred to in paragraph (1) of this Article on the sanctions imposed for

actions that are provided for by law as criminal offences and misdemeanors for children and young adults born abroad or with an unknown place of birth.

(4) The court and the public prosecutor have electronic access to the register referred to in paragraph (2) of this Article, and data on the sanctions imposed, upon request, may also be provided to institutions dealing with child protection in connection with a new procedure conducted against the child or young adult for an action that is determined by law as a criminal offence or misdemeanors.

Article 75

(1) Upon a request submitted by the person registered in the Register under Article 74 of this Law, the data on the imposed educational measures, such as reprimand or referral to a Children's Center, enhanced supervision and misdemeanor sanctions, are deleted from the records of the imposed sanctions when one year has passed since their implementation or the expiration of the statute of limitations, if the child or young adult within that period does not commit a new act that is determined by law as a criminal offence or misdemeanor.

(2) The data on a suspended sentence with protective supervision are deleted from the records of the imposed sanctions after one year from the expiration of the review period, if the child or young adult within that period does not commit a new act that is determined by law as a criminal offence or misdemeanor.

(3) The data on the imposed institutional measures, fines and alternative measures are deleted from the records of the imposed sanctions when one year has passed since their execution or statute of limitations, if the child or young adult within that period does not commit a new act that is determined by law as a criminal offence or misdemeanor.

(4) The data on the imposed prison sentence for children are deleted from the records of the imposed sanctions when five years have passed since the day the sentence was served, expired or pardoned, if during that time the child or young adult within that period does not commit a new act that is determined by law as a criminal offence.

(5) When the conditions from paragraphs (1) to (4) of this Article are met, the data on the imposed sanctions are deleted by the competent court from Article 74 paragraph (1) of this Law, and all documents are annulled by force of law.

(6) Data that have not been deleted in accordance with paragraphs (1), (2) and (3) of this Article are deleted 10 years after reaching the age of maturity, and for young adults 10 years after reaching the age of 21.

3. Statute of limitations on the enforcement of sanctions

Article 76

(1) The sentence of imprisonment for children may not be enforced after the following period has elapsed:

- 10 years from the date of entry into force of the judgment imposing a sentence of imprisonment for children over five years of age,
- five years from the date of entry into force of the judgment imposing a sentence of imprisonment for children over three years of age and
- three years from the date of entry into force of the judgment imposing a sentence of imprisonment for children under three years of age.

- (2) The statute of limitations for the enforcement of a fine expires after two years from the date of entry into force of the decision imposing that sentence.
- (3) The statute of limitations for the enforcement of the sentences of ban on operating a motor vehicle and obligation to leave the country with a ban on entry of a foreign child expires after the period for which those sentences were imposed has elapsed, and if the expulsion is imposed permanently, after five years from its imposition.
- (4) The statute of limitations for the implementation of the alternative measure of community service, safety measures and misdemeanor sanctions expire after one year has passed from the date of the finality of the decision by which they were imposed.
- (5) The statute of limitations for the implementation of the institutional educational measure of referral to an educational-correctional home expires after five years have passed from the date of the finality of the decision by which that educational measure was imposed.
- (6) The statute of limitations for the implementation of the institutional educational measure of referral to an educational institution and the educational measures of enhanced supervision expires after three years have passed from the date of the finality of the decision by which those educational measures were imposed.
- (7) The statute of limitations for the implementation of the educational measure of referral to a Children's Center expires after six months have passed from the date of the finality of the decision by which the educational measure was imposed.

Section Four

PROCEDURE AGAINST CHILDREN

Chapter Eleven

Procedure for applying deterrent measures

1. Conditions for initiating a procedure

Article 77

(1) Upon a report of an act that is legally stipulated as a criminal offence committed by a child over 14 years of age, for which a fine or imprisonment of up to three years has been determined, the competent public prosecutor may decide:

- not to initiate proceedings before the court even though there is evidence that the act was committed by the law as a criminal offence, if he/she considers that it would not be appropriate to initiate proceedings, given the nature of the act that is legally stipulated as a criminal offence and the circumstances under which it was committed, the child's previous life and his/her personal characteristics, as well as when the execution of the sentence or educational measure is in progress,
- conditionally postpone the initiation of proceedings before the court for a period of six months on condition that within that period the child does not commit another act that is legally stipulated as a criminal offence and compensates for the damage or otherwise corrects the harmful consequences caused by the commission of the act and

- not to initiate proceedings if, based on the notification from the Center, the public prosecutor determines that an agreement has been reached between the child and his/her family and the injured party for the return of the property benefit, compensation for the damage or repair of the harmful consequences of the crime.

(2) The public prosecutor may adopt the decisions referred to in paragraph (1) of this Article if he/she assesses that the case is clear, based upon previously obtained findings and opinions from the Center.

(3) Before adopting a decision referred to in paragraph (1) of this Article, the public prosecutor may summon the child, his/her legal representative, the defense attorney and the injured party.

(4) At the request of the public prosecutor, the Center is obliged to submit to the public prosecutor, within maximum one month, the findings and opinion from the Center which, in addition to other circumstances relating to the child's personality and his/her behavior, should contain an opinion and proposal regarding the adoption of the decision referred to in paragraph (2) of this Article.

(5) Before adopting the decision referred to in paragraph (1) of this Article, the public prosecutor may request a special report from the Ministry of Interior on the circumstances under which the criminal offence was committed.

(6) The mediation and settlement procedure is excluded if the criminal act resulted in the death of a person.

Article 78

(1) In addition to the decisions referred to in Article 77 of this Law, the public prosecutor may decide, within 30 days from the date of receiving the report for acts that are determined by law as criminal offences for which a prison sentence of up to five years is prescribed, not to initiate proceedings, even though there is evidence that the child committed the act determined by law as a criminal offence, if the public prosecutor considers that it would not be appropriate to initiate proceedings given the nature of the act determined by law as a criminal offence and the circumstances under which it was committed, the child's previous life and his or her personality.

(2) In order to determine the circumstances referred to in paragraph (1) of this Article, the public prosecutor is obliged to request findings and opinion from the Center, and may request notification from other persons and institutions and, when necessary, may summon these persons and the child to the Public Prosecutor's Office for direct communication.

(3) Within the period referred to in paragraph (1) of this Article, the public prosecutor may request findings and opinion from the Center regarding the appropriateness of initiating proceedings against the child.

(4) If the personal characteristics of the child need to be examined in order to make the decision referred to in paragraph (1) of this Article, the public prosecutor may, upon the proposal and/or opinion of the Center, refer the child to an appropriate professional institution.

(5) When a sentence or other sanction is in progress, the public prosecutor may decide not to request the initiation of a procedure for another act that is determined by law as a criminal offence committed by the child before the imposition of the sanction, or for an act committed within a period of six months after the implementation of the sentence or sanction began.

(6) If the public prosecutor in the cases referred to in paragraphs (1) and (4) of this Article finds that it is not appropriate to initiate a procedure against the child, he/she notifies the injured party thereof, stating the reasons for not initiating a procedure. The injured party may, within eight days of receiving the notification, request the Council for children to decide to initiate a procedure.

Article 79

- (1) The decision referred to in Article 77 of this Law is in the form of a decision with no right to appeal.
- (2) The decision on the conditional postponement of the procedure issued by the public prosecutor or the court is recorded in their records and to be deleted from the records upon the expiry of the postponement period.

Article 80

- (1) When the defense counsel has been summoned to the Public Prosecutor's Office, and the proceedings do not proceed to court, the costs of legal assistance for the defense counsel, as a rule, are reimbursed by the parent(s) or guardian of the child in cases where they have chosen the lawyer themselves.
- (2) In cases where the parent(s) or guardian are unable to reimburse the costs of legal assistance from a lawyer referred to in paragraph (1) of this Article because they earn a total monthly income lower than the last published average net salary in the Republic of North Macedonia, the public prosecutor appoints a lawyer *ex officio* from the electronic system with a directory of lawyers, maintained by the Bar Association of the Republic of North Macedonia.
- (3) It is considered that the parent(s) or guardian are unable to reimburse the costs of legal assistance from the defense counsel referred to in paragraph (1) of this Article if they submit a certificate from a competent authority or organization no later than 15 working days from the day the lawyer was summoned to the Public Prosecutor's Office. Otherwise, they are considered to be able to pay the costs of legal assistance from a defense attorney.
- (4) The costs of the *ex officio* appointed defense attorney referred to in paragraph (2) of this Article are borne by the Budget of the Public Prosecutor's Office of the Republic of North Macedonia.
- (5) In the cases referred to in paragraph (4) of this Article, when the defense attorney is appointed *ex officio*, the public prosecutor, within eight days from the date of the last action taken by the defense attorney, prepares a certificate of the actions taken by the defense attorney.
- (6) The defense attorney submits a bill of costs for the legal assistance provided referred to in paragraph (2) of this Article to the public prosecutor.
- (7) Based on the confirmation referred to in paragraph (5) of this Article and the cost estimate referred to in paragraph (6) of this Article, the public prosecutor issues a decision on payment of the legal aid provided referred to in paragraph (1) of this Article and submits it for payment to the appropriate service in the Public Prosecutor's Office of the Republic of North Macedonia and to the respective attorney.
- (8) The Public Prosecutor's Office of the Republic of North Macedonia makes the payment based on the decision referred to in paragraph (7) of this Article within eight days from the date of entry into force of the decision.

Procedure for applying deterrent measures to child perpetrators of acts that are legally defined as criminal offence or misdemeanors

Article 81

In a misdemeanor procedure against a child, the provisions for the procedure for applying deterrent measures to child perpetrators of acts that are legally defined as misdemeanors in accordance with the Law on Misdemeanors are appropriately applied.

Chapter Twelve Mediation Procedure

Meaning and Aspects of Mediation

Article 82

- (1) Mediation is a means of resolving disputes referred to in this Law that arise between two or more parties to the dispute, whereby they are enabled to resolve the dispute through conciliation, with the assistance of a third neutral party, mediator/mediators, with the possibility of reaching a mutually acceptable written agreement.
- (2) Parties to the mediation procedure are a child at risk, a child in conflict with the law or a child victim with his/her legal representative and the injured party.
- (3) If the interests of the child so require, the defense attorneys, experts and the case manager from the Center may participate in the mediation procedure.

Conditions for mediation

Article 83

- (1) Upon a report of an act that is provided for by law as a criminal offence and for which a prison sentence of up to five years is provided, regardless of how many times the child has been in contact with the law, the competent public prosecutor makes a proposal to the parties to refer the matter to a mediation procedure. The parties have a period of maximum three days from the date of the proposal to submit to the public prosecutor a written consent to conduct a mediation procedure.
- (2) In the event that a court procedure has been initiated, the competent children's court may, for reasons of expediency, make a proposal to the parties to refer the matter to a mediation procedure. The parties have a period of three days from the date of the proposal to submit a written consent to the competent children's court. Upon receipt of the consent, the judge terminates the procedure by decision and refers the parties to a mediation procedure.
- (3) If, within the period referred to in paragraphs (1) and (2) of this Article, the parties do not submit a written consent referred to in paragraphs (1) and (2) of this Article, the proposal for mediation is deemed not to have been accepted.
- (4) Referral to mediation is excluded for acts that are provided for by law as criminal acts of violence, against sexual freedom and sexual morality and gender-based forms of violence, and in accordance with international agreements ratified in accordance with the Constitution of the Republic of North Macedonia.

Appointing a mediator

Article 84

- (1) Within three days from the date of submission of the written consent referred to in Article 83 paragraphs (1) and (2) of this Law, the parties mutually appoint a mediator from the Register of Mediators in the competent children's court and notify the public prosecutor and the children's court.
- (2) If the parties cannot agree on a mediator, the public prosecutor or the court are obliged to appoint a mediator from the Register of Mediators and notify the parties within three days from the date when the parties have not mutually appointed a mediator.

Duration of mediation procedure

Article 85

- (1) The deadline for completing the mediation procedure is maximum 30 days from the date of submission of the written consent to the competent authority.
- (2) If the mediation procedure is not completed within the deadline referred to in paragraph (1) of this Article, the case is returned to the public prosecutor, i.e. the court proceedings continue where they were interrupted.

Article 86

- (1) A mediator for children may be a person who cumulatively meets the following requirements:
 - to be a legally capable natural person,
 - to possess a license to perform mediation work and
 - to have a university degree in law, social work, pedagogy, psychology or other related social and humanistic sciences with completed training as a mediator for children.
- (2) The mediator assists the parties to reach an agreement, without the right to impose a solution to the dispute, in accordance with the principles of voluntariness, equality, neutrality, confidentiality, exclusion of the public, equality of the parties, availability of information about the mediation in other proceedings, efficiency and fairness.
- (3) The mediator attends continuous trainings for at least five days during the year on children's rights or juvenile delinquency.

Implementation of the mediation procedure

Article 87

- (1) The mediator determines the conditions for conducting the mediation in agreement with the parties.
- (2) The presence of the parties during the mediation procedure is mandatory.
- (3) Before the start of the mediation procedure, the mediator is obliged to introduce the parties to the principles, rules and costs of the procedure.
- (4) In conducting the mediation procedure, the mediator respects the principles of mediation, taking into account all the circumstances of the case, the interests of the parties and the need for a quick and lasting resolution of the dispute.
- (5) The mediator may communicate with the parties together or separately.

(6) The proposals and positions of one party, only with its consent, may be conveyed by the mediator to the other party.

(7) Unless otherwise agreed, the parties and the mediator may at any time during the procedure present their proposals for the agreement by which they will resolve the dispute.

(8) In the cases referred to in paragraph (7) of this Article, each party is given the opportunity to comment on the proposals.

Completion of the mediation procedure

Article 88

(1) The mediation procedure ends with:

- conclusion of a written agreement between the parties on the agreement reached on compensation of material damage, return of objects, apology, form of moral satisfaction or other outcome agreed upon by the parties, through the mediation of the mediator,
- written statement of the mediator after consultations with the parties that further attempts at mediation are not justified on the day of submission of the statement and
- expiry of the deadline set for completion of the mediation procedure.

(2) The parties may withdraw from the mediation procedure at any time, without stating the reasons for doing so. Withdrawal is deemed effective from the day of submission of the statement of withdrawal.

(3) The mediator terminates the mediation procedure if he/she considers that an agreement has been reached that is unlawful or unenforceable.

(4) The written agreement between the parties must contain at least the following elements:

- data on the child in conflict with the law, his legal representative and the defense attorney,
- data on the child victim, his legal representative and the defense attorney,
- data on the child at risk, his legal representative and the defense attorney,
- data on the injured party or his attorney-in-fact,
- description of the event and the legal qualification of the act,
- the date on which the mediation procedure began,
- data on the total number of meetings held with the parties, together or separately,
- subject of the agreement,
- deadline for fulfilling the obligations which cannot be longer than three months from the date of signing the agreement,
- date of drafting the written agreement,
- signature of the parties to the mediation and
- certification of the agreement by the mediator with a signature and stamp issued by the Chamber of Mediators.

(5) The signed written agreement is submitted to the public prosecutor and to the court, within three days from the date of its conclusion.

(6) The public prosecutor or the court issues a decision to discontinue the procedure within three days from the date on which it establishes that the agreed obligation has been fulfilled within the period referred to in paragraph (4) line 7 of this Article, with no right to appeal.

(7) If the public prosecutor or the court does not accept the agreement referred to in paragraph (4) of this Article, or if the obligations are not fulfilled within the period referred to in paragraph (4)

line 9 of this Article, the proceedings by the public prosecutor and the court continue where they were interrupted.

Article 89

(1) In the mediation procedure, which is conducted in accordance with the provisions of this Law, the provisions of the Law on Mediation apply accordingly.

(2) The costs of the mediation procedure and the mediator's fee are borne by the Budget of the Republic of North Macedonia, in accordance with the Tariff for Fees and Reimbursement of Costs of Mediators, after the costs have been determined by the public prosecutor or the court which referred the parties to the mediation procedure.

Chapter Thirteen

General provisions of the procedure for children and jurisdiction of the court

1. General provisions

Article 90

(1) In the procedure against a child for an act that is provided for by law as a criminal offence or misdemeanor, the provisions of the Law on Criminal Procedure and the Law on Misdemeanors apply accordingly, unless otherwise provided for by this Law.

(2) The provisions of this Law also apply in the procedure against persons who committed an act that is provided for by law as a criminal offence as children, and at the time of the initiation of the procedure, i.e. at the trial, have not reached the age of 21, as well as in the procedure against a child at risk over 14 years of age who has not reached the age of 21, if by the beginning of the main hearing it is determined that sanctions for children may be imposed on that person.

Article 91

If during the procedure it is determined that the child at the time of committing an act that is legally defined as a criminal offence has not reached the age of 14, the procedure is suspended and the Center is notified, which then proceeds to act in accordance with Articles 26 to 34 of this Law.

Article 92

(1) A child who is charged with an act that is provided for by law as a criminal act or a misdemeanor has the right to a fair trial within a reasonable time, before an independent and impartial court.

(2) The procedure against children is urgent when it concerns an act that is provided for by law as a criminal act and, as a rule, cannot last longer than one year from the day the case is received by the court until the first-instance decision is made, except for acts that are provided for by law as criminal acts for which a prison sentence of minimum four years is established, when the procedure cannot last longer than one year and six months from the day the case is received by the court until the first-instance decision is made or when it concerns an act that is provided for by law as a misdemeanor, the procedure cannot last longer than nine months from the day the case is received by the court until the first-instance decision is made.

(3) When the child is not available, the court issues a decision to discontinue the procedure.

(4) In the event of termination of the procedure, the deadlines referred to in paragraph (2) of this Article cease to run for the time when the child was unavailable for criminal acts, but not longer than the child's 27th birthday, and for misdemeanors not longer than two years from the date of receipt of the case in court.

(5) The procedure referred to in paragraph (4) of this Article is terminated *ex officio*.

Article 93

In the procedure for actions that are legally defined as criminal offences, the only authorized plaintiff is the public prosecutor.

Article 94

(1) The defense of the child in all stages of the court procedure is mandatory.

(2) The costs of legal assistance by a defense attorney, as a rule, is reimbursed by the parents or guardian of the child in cases where they have chosen the attorney themselves.

(3) In cases where the parents or guardian are unable to reimburse the costs of legal assistance by the defense attorney referred to in paragraph (1) of this Article because they earn a total monthly income lower than the last published average net salary in the Republic of North Macedonia, the court appoints a defense attorney *ex officio* from the electronic system with a directory of attorneys, maintained by the Bar Association of the Republic of North Macedonia.

(4) It is considered that the parents or guardian are unable to reimburse the costs of legal assistance by a defense attorney referred to in paragraph (3) of this Article if they submit a certificate from a competent authority no later than 15 working days from the date of receipt of the notification of the necessary documentation. Otherwise, they are deemed to be able to pay the costs of legal assistance from a defense attorney.

(5) The costs of the appointed *ex officio* defense attorney referred to in paragraph (3) of this Article are borne by the judicial budget of the Republic of North Macedonia.

(6) The child may also be assigned an *ex officio* defense attorney from the lawyers in a misdemeanor proceeding if the judge for children decides that this is necessary, in accordance with paragraphs (3) and (4) of this Article.

(7) If the judge decides that there is a need for a defense attorney, the provisions of paragraphs (2), (3) and (4) of this Article apply regarding the costs of the attorney.

(8) If the guardian of the child is an employee of the Center, who has been appointed *ex officio*, the costs of paragraphs (2), (3) and (4) of this Article are borne by the Center that adopted the decision to appoint an *ex officio* defense attorney.

Article 95

(1) The court and other bodies participating in the procedure are obliged to ensure the protection of the privacy of the child and his/her family.

(2) When a child is tried, the public is always excluded.

Article 96

(1) The child may be examined only in the presence of his/her defense counsel.

- (2) The parent(s) or guardian of the child may be present at all actions during the entire procedure, unless the court finds that such presence may have harmful consequences for the development of the child.
- (3) The injured party and their attorney may be present at all actions during the procedure, unless the court finds that their presence may have harmful consequences for the child.
- (4) The court may allow persons involved in the protection and upbringing of children, persons for the protection of children's rights at the Ombudsman, persons close to the child, representatives of organizations for the protection of children's rights, as well as scientists to attend at the main hearing.
- (5) In the event of action contrary to paragraph (1) of this Article, the minutes and recordings may not be used as evidence in the procedure.

Article 97

- (1) In case of suspicion that a child has committed an act that is determined by law as a criminal offence or misdemeanor, before any action is taken, the court instructs the child on his/her rights, including:
 - that he/she has the right to a defense attorney,
 - that the public is excluded from the proceedings concerning the child,
 - that he/she has the right not to provide notification, information, or to defend himself/herself by remaining silent,
 - the right of the parents or guardian or another adult to be given or delivered the same instruction on his/her rights as that given or delivered to the child,
 - the right to be accompanied by the parent(s) or guardian or another adult during the proceedings,
 - if the child is deprived of its liberty, he/she must be immediately informed, in a language that it understands, of the reasons for the deprivation of liberty and of any suspicion against him/her of a crime committed,
 - that during the proceedings the necessary data for the assessment of his/her psychophysical development and data on his/her personal and family circumstances (individual assessment),
 - the right to a medical examination, including medical assistance in the event of deprivation of liberty,
 - that measures may be imposed to ensure his/her presence and, as a last resort, detention may be imposed,
 - the right not to be tried in absentia and
 - the right to seek legal remedies.
- (2) The court orally and in an understandable manner instructs the child on the meaning of the rights referred to in paragraph (1) of this Article.
- (3) The authority taking action is obliged to ensure that the child has understood the rights contained in the instruction on the rights referred to in paragraph (1) of this Article.
- (4) The court also hands over or delivers the instructions on the rights of the child referred to in paragraph (1) of this Article to the parents or guardian of the child.
- (5) If the parents or guardian are unavailable or their identity is unknown or there are circumstances that would significantly jeopardize the criminal procedure or if this is contrary to the best interests of the child, the instruction on the rights of the child referred to in paragraph (1) of this Article are

handed over or delivered to another appropriate adult person who has been proposed by the child and accepted by the authority taking action.

(6) In the event that the child has not proposed another appropriate adult or if any circumstance from paragraph (4) of this Article exists in relation to the proposed adult, the Ministry of Interior or the public prosecutor hands over or delivers the instructions on the rights of the child from paragraph (1) of this Article to a representative of the Center.

(7) If the circumstances from paragraph (4) of this Article cease to exist, the body that takes the action hands over or delivers the instructions on the rights of the child to the parents or guardian of the child.

Article 98

(1) The child has the right to be accompanied by his/her parent(s) or guardian during the examination before the authority conducting the procedure.

(2) When it is in the best interest of the child and if the presence of the child's parents or guardian does not jeopardize the criminal procedure, the child has the right to be accompanied by the parent(s) or guardian during other actions during the procedure in which the child is present.

(3) If the accompaniment by the parent(s) or guardian is contrary to the best interest of the child, if it may significantly jeopardize the procedure or if it was not possible to get in touch with one of the parents or guardians or if their identity is unknown, the child has the right to be accompanied by another adult person proposed by the child and who has been accepted by the authority conducting the procedure or who has taken a certain action.

(4) In the event that the child has not proposed another adult or if any of the circumstances referred to in paragraph (3) of this Article apply to the proposed adult, the authority conducting the procedure or taking a specific action determines that the child is to be accompanied by a representative of the Center.

(5) If the circumstances referred to in paragraph (3) of this Article cease to exist, the child has the right to be accompanied by the parent(s) or guardian(s) during the remaining part of the examination before the court or the court procedure.

(6) If the child states that it does not want to be accompanied by the parents or guardian or another adult, the authority conducting the procedure or taking a specific action is obliged to inform the child in a simple and understandable manner about the meaning of the right to be accompanied and the consequences of waiving this right. If, even after the indications given, the child does not want to be accompanied, the competent authority may continue to act or take the action if it assesses that this is in the best interest of the child. The child's waiver of the right to be accompanied must be recorded in a record, and if the action is recorded, it must also be recorded.

Article 99

(1) A child cannot be tried in absentia.

(2) During the presentation of certain evidence or certain procedural actions, the court may order the child to be removed from the examination.

(3) When undertaking actions in which a child is present, and especially during his examination, the authorities participating in the procedure are obliged to act carefully, taking into account the psychophysical condition, sensitivity and personal characteristics of the child, so that the conduct of the procedure does not have a detrimental effect on the child's development.

(4) The child is examined in a manner appropriate to his age, the circumstances of the case and their psychophysical condition.

Article 100

No one can be exempted from the duty to testify about the circumstances necessary to assess the psychophysical condition of the child, familiarizing with their personality and the circumstances in of their life.

Article 101

When a child participates together with an adult in the commission of an act that is legally defined as a criminal offence or misdemeanor, the procedure against the child is separated and conducted in accordance with the provisions of this law.

Article 102

When a person committed an act as a child that is legally defined as a criminal offence, and another act as an adult, a single procedure is conducted in accordance with the Law on Criminal Procedure before the council that judges adults.

Article 103

(1) In the procedure against children, the Center has the right to become acquainted with the course of the procedure and during the procedure to make proposals and point out the facts that relate to the person and the circumstances in which the child lives and develops, and are of importance for making a correct decision.

(2) For each initiation of a procedure against a child, the body authorized to initiate a misdemeanor procedure notifies the competent Center.

Article 104

(1) The child is summoned through the parent(s) or guardian(s), unless this is not possible due to the need for urgent action or other circumstances.

(2) The parent(s) or guardian(s) are notified immediately, but no later than two hours after the child is summoned.

(3) The delivery of decisions and other documents to the child is carried out through the lawyer or the parent(s) or guardian(s). If the child turns 18 during the proceedings, documents may also be delivered by posting them on the court notice board.

Article 105

(1) Without the permission of the court, the course of the procedure concerning the child, nor the decision made in the procedure, may not be published.

(2) Only that part of the procedure, i.e. only that part of the decision for which there is approval, may be published, but in that case the name of the child and other data that can be used to identify the child in question may not be stated.

Article 106

The authorities participating in the procedure regarding the child, as well as other authorities and institutions from which notifications, reports or opinions are requested, are obliged to submit them in the shortest possible time, but no longer than 20 days from the date of receipt of the request.

2. Competent court

Article 107

(1) The specialized judicial departments for juvenile delinquency established in the basic courts with extended jurisdiction consist of judges for children, councils for children, criminal council for children and counselors for children.

(2) The judge for children conducts the preparatory procedure, makes decisions in accordance with Article 90 of this Law, chairs the council for children and perform other tasks specified in this Law.

(3) The judge for children, the public prosecutor and the lawyer who act in accordance with the provisions of this Law are obliged to attend specialized training on children's rights and juvenile delinquency for at least five days in a year, in the country or abroad.

Article 108

(1) The Council for children in the Basic Court comprises a judge for children and two lay judges. The judge for children is the president of the council.

(2) Lay judges are elected from among educators, psychologists, pedagogues, social workers and other persons with experience in the upbringing and education of young people.

(3) The Council for children in the basic court decides in the first instance in proceedings for actions that are determined by law as criminal offences.

(4) A criminal council for children is established in the basic court to decide on appeals against the decisions of the judge for children and in the cases provided for by this law, composed of three judges who have attended training on juvenile delinquency.

(5) The judge for children who has issued a decision against which an appeal has been filed may not participate in the criminal council referred to in paragraph (4) of this Article.

(6) The Council for children of the Court of Appeal, composed of a judge for children and two judges, decides on appeals against decisions of the council for children of the basic court, against decisions of the criminal council for children of the basic court, as well as in other cases determined by this Law.

Article 109

(1) A Council for children is established within the Supreme Court of the Republic of North Macedonia, consisting of five judges.

(2) The Council for children referred to in paragraph (1) of this Article rules on regular and extraordinary legal remedies, provided for by this Law, and monitors and works on the advancement of judicial practice in this area and prepares analyses.

Article 110

(1) In the specialized judicial departments for justice for children established in the basic courts with extended competence for performing professional work, the president of the court appoints one social worker, pedagogue or psychologist, upon the proposal of the Center.

(2) A decision on the number, work tasks and manner of involvement of the experts referred to in paragraph (1) of this Article is adopted by the president of the court.

(3) The experts referred to in paragraph (1) of this Article assist the judge for children and the council for children in conducting the preparatory procedure and the hearing, provide expert opinions regarding the court's decision and the sanction that should be imposed in the specific case, assist the court in supervising the execution of the imposed sanctions and provide proposals for terminating the execution or replacing one sanction with another.

Article 111

(1) As a rule, the court of the child's place of residence has territorial jurisdiction over proceedings against a child, and if the child is absent or unknown, the court of the child's place of residence has territorial jurisdiction over proceedings against a child.

(2) Proceedings against a child may be conducted before the court of the child's place of residence or before the court at the place of commission of the act which is provided for by law as a criminal act or misdemeanor, in cases where it is obvious that the proceedings before that court would be conducted without delay.

Chapter Fourteen

Procedure against a child over 14 years of age for committed acts determined by law as criminal offences

1. Initiating a procedure

Article 112

(1) Proceedings against a child over 14 years of age for an act that is provided for by law as a criminal offence is initiated only upon the request of a public prosecutor.

(2) For acts that are provided for by law as criminal offences that are prosecuted upon a motion or private lawsuit, the procedure may be initiated if the injured party, within three months of learning about the committed act or the perpetrator, has submitted a proposal for initiating proceedings to the competent public prosecutor.

(3) If the public prosecutor does not submit a request for initiating proceedings against a child, he/she notifies the injured party. The injured party may not take over the procedure, i.e. may not file a private lawsuit with the court, but may, within eight days of receiving the notification from the public prosecutor, request the council for children of the competent court to decide on initiating proceedings.

Article 113

Before deciding whether to file a request to initiate a preparatory procedure, the public prosecutor may question the child in the presence of the parent(s) or guardian(s) and the defense attorney, except when the psychophysical condition of the child does not allow this.

Article 114

(1) When the conditions of Articles 52 to 58 of this Law for punishing a child at risk over 14 years of age are met, the public prosecutor, before submitting a request for initiating a preparatory procedure, may propose to the child, his/her defense counsel, parent(s) or guardian(s) that a special procedure be conducted for the recognition of responsibility and settlement on the amount of the sentence, if he/she has evidence that unequivocally indicates that the child is the perpetrator of the criminal offence, that he/she is responsible for the committed act and that the conditions for imposing the sentence are met.

(2) In the settlement procedure, the public prosecutor requests findings and opinion from the Center, obtains all necessary documents regarding the child's identity and secures the consent of the injured party.

(3) If the injured party agrees with the proposal, the public prosecutor invites the child, his/her legal representative, defense counsel, the Center and the injured party to a public settlement. If agreement is reached at the public settlement, an agreement is drawn up and signed by all participants present.

(4) The public prosecutor submits the agreement to the council for children, which may accept the agreement and issue a judgment imposing the proposed sanction, with nor right to appeal. If the court does not accept the agreement, it returns the case to the public prosecutor, who is obliged to submit a request for the initiation of preparatory proceedings.

(5) During the court proceedings, the court documents and the statements of the child and his/her defense counsel given in the agreement procedure may not be used as evidence and are separated from the court proceedings.

(6) The public prosecutor may not refer to the data and statements given in the settlement procedure.

2. Preparatory procedure

Article 115

(1) The public prosecutor submits a request for initiating preparatory proceedings to the judge for children of the competent court.

(2) If the judge for children does not agree with the public prosecutor's request referred to in paragraph (1) of this Article, the judge requests that the criminal council for children of the basic court decides on the matter.

(3) The judge for children may order the internal affairs authorities to conduct a search of the home or to temporarily seize an object or take other actions in accordance with the provisions of the Law on Criminal Procedure.

Article 116

(1) Within a period of maximum eight days from the date of the examination of the child and receipt of the findings and opinion on the child from the Center and the circumstances of the crime, if the judge for children assesses that there is no need to carry out other actions in the preparatory procedure, presents the case before the council for children for a final decision. The Center submits the findings and opinion within one month from the date of receipt of the request from the court.

(2) If the council for children assesses that there is a need to carry out other actions in the preparatory procedure, it issues a decision returning the case to the judge for children to supplement the preparatory procedure.

Article 117

(1) As an exception to Article 77 of this Law, for an act that is determined by law as a criminal offence for which a prison sentence of up to three years is stipulated, the public prosecutor may, after the child is questioned by the judge for children, submit a proposal to the council for children for imposing a sanction without conducting a preparatory procedure, if the case is sufficiently clarified and the collected data on the child's personality provide sufficient grounds for making a decision.

(2) The council for children adopts a decision to impose a measure and another sanction based on the findings and opinion of the Center, with a proposal for the sanction to be imposed on the child. The Center submits the findings and opinion to the court within 15 days from the date of receiving the request.

(3) The council for children may, if necessary, request from the Center, with a reasoned request, to supplement the findings and opinion within eight days from the date of receiving the request.

(4) If the child or his/her defense counsel object to the proposal of the public prosecutor, the judge for children issues a decision to conduct a preparatory procedure or acts in accordance with Article 115 paragraph (2) of this Law.

(5) No appeal is allowed against the decision issued in agreement with the child and his/her defense counsel. The decision must also resolve the property claim of the injured party, who only has the right to appeal to a higher court in that regard.

(6) The council for children may not impose a prison sentence for children and institutional measures in the procedure provided for in this Article.

Article 118

(1) In the cases referred to in Articles 115, 116 and 117 of this Law, the council for children decides at a session, after having previously obtained the documents from the public prosecutor. The public prosecutor is invited to the session.

(2) The council for children may adopt a decision not to conduct a preparatory procedure or to initiate a procedure against the child before a judge for children, in accordance with Article 112 paragraph (3) of this Law. No appeal is allowed against the decision of the council for children.

(3) If the council for children decides to initiate a procedure against the child before a judge for children, the public prosecutor may participate in the procedure and has all the powers that are assigned thereto within the procedure pursuant to this Law.

Article 119

(1) In the preparatory procedure for a child, in addition to the facts relating to the acts that are provided for by law as criminal offences, the child's age is separately determined, the circumstances necessary for the assessment of his or her psychophysical condition are examined, the environment and circumstances under which the child lives and other circumstances relating to his or her personality are examined.

(2) In order to determine the circumstances referred to in paragraph (1) of this Article, the parent(s) or guardian(s) and other persons who can provide the necessary data are questioned.

(3) Findings and opinion are requested from the Center regarding the circumstances referred to in paragraph (2) of this Article, and if a sanction has been applied to the child for a previously committed act that is provided for by law as a criminal offence, a report on the application of the sanction is provided.

(4) The child's personality data is obtained by the judge for children through the Center within 30 days from the date of submission of the request for initiating preparatory procedure.

(5) When, in order to determine the child's health status, mental development and psychological characteristics, abilities or inclinations, it is necessary for the child to be examined by a professional team, a doctor, psychologist and pedagogue is appointed for the examination, who may also perform the examination in specialized health institutions within 30 days from the date of commencement of the preparatory procedure.

Article 120

(1) The judge for children determines the manner of performing certain actions by appropriately applying the provisions of the Law on Criminal Procedure, taking into account the rights of the child in the procedure, and in particular the right to defense, the rights of the injured party and the collection of all evidence necessary for proper decision-making.

(2) The public prosecutor may be present at the actions in the preparatory procedure.

(3) The examination of a child, at the judge's discretion, is carried out with the assistance of a pedagogue, psychologist or other expert.

(4) The judge for children may approve the presence of a representative of the Center and the parent(s) or guardian(s) or foster parent(s) of the child, at the actions in the preparatory procedure. When the aforementioned persons are present at those actions, they may make suggestions and ask questions to the person being examined, i.e. questioned.

Article 121

(1) The judge for children may decide during the preparatory procedure to temporarily place the child in an institution for education, care and protection of children, other than an institution competent for the execution of measures and sanctions against children, to be placed under the supervision of the Center or to be placed in a foster family, if this is necessary for the purpose of providing assistance, protection or care for the child.

(2) An appeal against the decision for temporary placement or supervision is allowed to the criminal council for children of the basic court within seven days from the date of receipt of the decision. The criminal council decides on the appeal within 48 hours from the date of receiving thereof.

(3) The costs of placing the child in the institution referred to in paragraph (1) of this Article are paid in advance from the funds of the court budget and included in the costs of the procedure.

Article 122

(1) S child for whom there are grounds for suspicion that he or she has committed an act that is provided for by law as a criminal offence, for the purpose of gathering information by the Ministry of Interior, is summoned in accordance with this Law, unless otherwise regulated by another law.

The summons includes written instructions on the rights referred to in Article 97 paragraph (1) of this Law.

(2) Before starting the interview with the child, the child is advised of the rights referred to in Article 97 paragraph (1) of this Law.

(3) The interview with the child is conducted in the presence of its defense attorney and parent(s)/ guardian(s) by a police officer trained in conducting interviews with children. If the parent(s)/ guardian(s) are unavailable or their identity is unknown, a representative of the Center is summoned. Minutes of the interview are compiled, which are signed by the defense attorney, the parent(s)/ guardian(s) and the representative of the Center. A copy of the minutes is given to the defense attorney, the parent(s)/ guardian(s) and the representative of the Center.

(4) Before the interview, the police officer is obliged to inform the child of the reasons for the invitation and all the facts relating to the case that is the subject of the interview.

(5) The interview with the child is conducted in special premises suitable for interviews with a child of his or her age and may last, if the child accepts the interview, for a maximum of four hours. If necessary, the child may be called for an interview only once more in order to ensure the best interests of the child.

(6) The detention of a child in a police station may last for a maximum of 12 hours.

(7) Police officers of the Ministry of Interior may detain a child caught committing an act that is provided for by law as a misdemeanor against public order and peace for a maximum of eight hours, if the establishment of public order and peace or the removal of the threat cannot be achieved in any other way or when the child is under the influence of alcohol, drugs or other psychotropic substances. A child who has been delivered by a foreign security authority for the purpose of being taken to a competent state authority may be detained for a maximum of 12 hours.

(8) In case of detention of a child, under the conditions provided by law, the police officers of the Ministry of Interior are obliged to immediately notify the competent public prosecutor, the judge for children, i.e. the judge of the preliminary procedure, the parent(s) or guardian(s), the defense attorney and the Center. In urgent cases, notifications are made by telephone, for which a written notification is to be submitted within 24 hours of the detention.

(9) Police officers of the Ministry of Interior detain children in premises appropriate for the detention of a child of their age, different from the premises for the detention of adults.

(10) A record is drawn up for the detention of a child, where all data are entered, the date and time when the child was detained, the reasons for the detention, the time when the child was informed of its rights, the psychophysical condition at the time of detention, the time when the child was interviewed, the officers' statement regarding the existence of visible bodily injuries and the time when the detention was terminated.

(11) The police officer conducting the interview with the child is obliged to explain the record referred to in paragraph (10) of this Article and all information in the record to the child in a manner and language understandable to the child.

(12) The record referred to in paragraph (10) of this Article are signed by the child and the parent(s) or guardian(s) and the defense attorney.

(13) The detention of a child in a police station for longer than six hours must be approved by the reception officer.

(14) The detained child must, without delay, and no later than within 12 hours, be brought before a judge for children, who decides on the detention or release of the child.

(15) If the judge for children finds that there are no grounds for the detention of the child, the judge issues a decision on the release, while assessing the legality of the detention.

(16) The child and his/her defense counsel have the right to appeal to the criminal council for children of the basic court in the part of the decision assessing the legality of the deprivation of liberty within 24 hours of receipt of the decision. The council decides on the appeal within 24 hours of receipt of the appeal.

(17) The Minister of the Interior issues a rulebook on the manner of conducting interviews with children in conflict with the law by police officers.

Article 123

(1) A child deprived of liberty is provided with a medical examination by a doctor or other qualified professional without delay when the special circumstances regarding the child's health condition require such an examination.

(2) The results and conclusion of the medical examination are provided in writing and taken into account when determining the possibility of the child being examined and participating in other procedural actions.

(3) The medical examination referred to in paragraph (1) of this Article is carried out upon request by a competent authority or upon request by the child, lawyer, parent(s) or guardian(s) or another adult.

(4) For a child deprived of liberty and a child detained in a police station who is a foreign citizen, the diplomatic or consular mission of the state of which the child is a citizen is notified.

Article 124

Police officers acting in accordance with the provisions of this law are required to attend specialized training on children's rights and juvenile delinquency for at least five days during the year, in the country or abroad.

Article 125

(1) If the child's defense attorney is summoned to a police station, the costs of the legal assistance provided to the defense attorney, as a rule, are reimbursed by the parent(s) or guardian(s) of the child in cases where they have chosen the attorney themselves.

(2) In cases where the parents or guardian are unable to reimburse the costs of legal assistance from a lawyer because they earn a total monthly income lower than the last published average net salary in the Republic of North Macedonia, for which they submit a certificate from a competent authority or organization no later than 15 working days from the day the lawyer was summoned to a police station, the police officer appoints an *ex officio* lawyer from the electronic system with a directory of lawyers maintained by the Bar Association of the Republic of North Macedonia, otherwise, it is considered that he or she is able to pay the costs of the legal assistance of the defense attorney.

(3) The costs of the *ex officio* lawyer appointed under paragraph (2) of this Article are paid from the budget of the Ministry of Interior of the Republic of North Macedonia.

(4) When the defense attorney is appointed *ex officio*, the police officer, within eight days from the date of the last action taken by the defense attorney, prepares a certificate of the legal assistance actions taken by the defense attorney and submits it to the defense attorney.

(5) The defense attorney, within three days from the date of the legal assistance provided under paragraph (2) of this Article, submits a bill of costs for the legal assistance provided to the Ministry of Interior.

(6) Based on the confirmation referred to in paragraph (2) of this Article and the bill of costs referred to in paragraph (5) of this Article, the Ministry of Interior, within seven days, adopts a decision on the payment of the legal aid provided referred to in paragraph (2) of this Article.

(7) The Ministry of Interior makes the payment of the decision referred to in paragraph (6) of this Article within eight days from the date of the decision becoming final.

(8) The lawyer's fee for the legal aid provided referred to in paragraph (5) of this Article is calculated in accordance with the Fee Tariff of the Bar Association of the Republic of North Macedonia.

(9) The Minister of Interior adopts a rulebook on the manner of collecting the costs of legal aid from a lawyer when the parent(s) or guardian(s) do not pay them.

Article 126

(1) The judge for children may impose a detention measure against a child in the event of the existence of the grounds provided for in the Law on Criminal Procedure only upon the proposal of the public prosecutor, in the presence of a representative of the Center who immediately states their opinion on the proposal for the imposing the detention measure.

(2) The detention measure against a child may be ordered only as a last resort if the conditions for the application of other measures for ensuring presence provided for in the Law on Criminal Procedure are not met. The judge for children particularly assesses and is obliged to explain the justification for the application of the detention measure, starting from the best interest of the child, its personality and proper development.

(3) Instead of detention, the judge for children applies the measures referred to in Article 121 paragraph (1) of this Law, when the legal conditions for their application are met, except when there is a danger that the child will again commit an act that is provided for by law as a criminal offence or when this is necessary for the protection of the life or health of the child.

(4) If the legal conditions are met, the judge for children may issue a decision to order short-term detention, upon the proposal of the public prosecutor and within the period provided for in Article 122 paragraph (14) of this Law. Short-term detention may last for a maximum of 24 hours. If the public prosecutor does not submit a proposal to order detention within that period, the judge for children issues a decision to release the child.

(5) Against the decision to order short-term detention, the child, his/her defense counsel and the public prosecutor have the right to appeal to the criminal council for children of the basic court within 24 hours from the day of delivery of the decision, which decides on the appeal within 24 hours from the day of receipt of the appeal in court.

(6) If a foreign child whose identity cannot be determined is caught committing an act that is provided for by law as a criminal offence, a measure is issued of referral to the children's department of the Center for the Reception of Foreigners.

Article 127

(1) Detention for children is determined by a decision of the judge for children and may last for a maximum of 30 days.

- (2) Upon a reasoned proposal by the judge for children, and upon a previously obtained opinion from the public prosecutor and the Center, the criminal council for children of the basic court may extend the detention for a maximum of 60 days.
- (3) If detention is determined only for the purpose of determining the identity of the child, the judge for children, or the criminal council for children, is obliged *ex officio* to issue a decision to terminate it immediately when the identity of the child is determined.
- (4) Upon receipt of the reasoned proposal for determining or extending the measure of detention, the child is examined in the presence of its defense attorney. The defense may submit evidence in relation to the grounds for which the determination of the measure of detention was proposed.
- (5) The judge for children is obliged to deliver the decision to determine the measure of detention without delay to the defense counsel and to the child, and to inform the parents or guardian of the child, or the foster parent of the child and the Center about the determined measure of detention.
- (6) The deadline for appealing against the decision referred to in paragraph (1) of this Article is three days from the date of delivery of the decision.
- (7) The appeal of the decision referred to in paragraph (1) of this Article does not suspend the execution of the decision.
- (8) The criminal council for children of the basic court decides on the appeal of the decision referred to in paragraph (1) of this Article within three days from the date of delivery of the appeal.
- (9) The criminal council for children of the appellate court decides on the appeal of the decision referred to in paragraph (8) of this Article within three days from the date of delivery of the appeal.

Article 128

In the event of the inability or absence of a judge for children, the decisions on detention and custody are made by the judge of the preliminary procedure.

Article 129

- (1) In detention, the child is accommodated separately from adults.
- (2) In detention, the child is provided with the right to work and other activities useful for its upbringing and to eliminate the negative consequences of deprivation of liberty on its personality.
- (3) During the detention, the child is guaranteed and provided with the right to contact his or her family at least once a week, the right to private and confidential contact, if necessary, the right to medical assistance and protection and the right to follow information through the media.
- (4) The judge for children has the same powers over detained children that, according to the Law on criminal procedure, belong to the judge of preliminary proceedings with regard to detained persons and is obliged to visit the detained child at least once during short-term detention, and if the detention lasts longer, to visit him or her at least once every 10 days.

Article 130

- (1) If during the preparatory procedure the judge for children determines that there are reasons for stopping the procedure, that the act charged against the child is not an act that is provided for by law as a criminal act, that the statute of limitations has expired or the act is covered by an act of amnesty or pardon, or there are other circumstances that exclude prosecution, or if there is no evidence that the child has committed an act that is provided for by law as a criminal offence, the

judge for children notifies the public prosecutor thereof within three days of determining the reasons. If the public prosecutor does not notify the judge for children within eight days of the day of receiving the notification that he is abandoning the prosecution, the judge for children requests that the criminal council for children of the basic court decides to stop the procedure.

(2) The decision of the criminal council for children to stop the procedure within three days is submitted to the public prosecutor, to the injured party and to the child who, if in custody, is immediately released.

(3) The public prosecutor and the injured party have the right to appeal against the decision referred to in paragraph (2) of this Article to the Criminal Council for Children of the Court of Appeal within seven days from the date of receipt of the decision, which decides on the appeal within three days from the date of receipt of the appeal.

(4) The Council for children of the basic court may issue a decision to suspend the procedure *ex officio* during the entire preparatory procedure.

Article 131

(1) After the judge for children has examined all the circumstances relating to the commission of the criminal offence and the personality of the child, the judge submits the files to the competent public prosecutor after the completion of the preparatory procedure, who may, within eight days from the date of receipt of the files, request that the preparatory procedure be supplemented, make a statement to abandon further prosecution or submit a reasoned proposal to the council for children for the application of a sanction.

(2) If the public prosecutor abandons prosecution, the judge for children issues a decision to discontinue the procedure. A copy of the decision is submitted to the injured party, who may, within eight days from the date of delivery, submit a proposal to the criminal council for children to continue the procedure.

(3) If the criminal council for children issues a decision to continue the procedure, the public prosecutor has the right to appeal to the council for children of the appellate court within eight days from the date of delivery of the decision. The council for children decides on the appeal within 24 hours from the receipt of the appeal.

Article 132

The public prosecutor's proposal for the application of a sanction should contain the child's name and surname, age, description of the crime, evidence from which it emerges that the child committed the crime, an explanation that should include an assessment of the child's psychophysical condition, and a proposal to apply a sanction to the child.

Article 133

The judge for children informs the president of the court every month of which children's cases have not been completed and of the reasons why the procedure is still ongoing in certain cases. The president of the court takes appropriate measures to expedite the procedure in accordance with the law.

Article 134

- (1) Upon receipt of the proposal from the public prosecutor, the judge for children schedules a session of the council if an undisputed factual situation has been established in the preparatory procedure.
- (2) At a session of the council for children, it may be decided to hold a main hearing if further determination of the factual situation is necessary.
- (3) Fines and institutional measures may be imposed only after a main hearing has been held. Other sanctions may also be imposed at a session of the council.
- (4) The president of the criminal council for children is obliged to schedule a main hearing or a session of the council within eight days from the date of receipt of the proposal from the public prosecutor or from the date of completion of the preparatory procedure or from the date when a decision to hold a main hearing is made at a session of the council. For any extension of the deadline, the judge for children must have the approval of the president of the court.

Article 135

- (1) The public prosecutor, the defense attorney and the representative of the Center, if necessary, and the child with the parent(s) or guardian(s) are notified of the session of the council and may attend it.
- (2) The session of the council begins with the presentation of the content of the proposal for the application of a sanction and the evidence obtained by the president of the council.
- (3) The council adopts a decision after the presentation of the proposal by the representative of the Center, if present, the public prosecutor and the defense attorney.
- (4) After the deliberation and voting, the president of the council announces the imposed sanction.

Article 136

- (1) The president of the council issues an order regarding the date, time and place of the main hearing. The main hearing, as a rule, is held at the seat of the court.
- (2) The main hearing is scheduled no later than 15 days from the date of the council session at which the council decided to hold the main hearing, i.e. 15 days after receiving the proposal from the public prosecutor.
- (3) The public prosecutor, the child victim and his/her legal representative and lawyer, the injured party, the child and his/her defense attorney, the parent(s) or guardian(s) and a representative of the Center are summoned to the main hearing.
- (4) The invitation to the main hearing includes the proposal for the application of a sanction, which appropriately contains the elements of an indictment in accordance with the Law on Criminal Procedure, with an explanation. The invitation contains a warning to the child or the defense, the right to present evidence and other rights.
- (5) The summons referred to in paragraph (4) of this Article to the child, together with the proposal for the application of the sanction, must be delivered in such a way that between their delivery and the day of the main hearing there is sufficient time to prepare the defense, and at least eight days. At the request of the child or at the request of the public prosecutor, and with the consent of the defense, this deadline may be shortened.
- (6) The failure to appear of the parent(s) or guardian(s) or of the representative of the Center does not prevent the court from holding the main hearing. In the event of the absence of the parent(s) or guardian(s), the court obligates the defense attorney to represent their interests as well.

(7) When the criminal council for children decides at the main hearing on issues that are not regulated by this law, the provisions of the Law on Criminal Procedure apply accordingly.

Article 137

(1) As an exception to Article 136 of this Law, in the event of a risk of delay or when there are legal or real obstacles, *ex officio* or upon the proposal of the public prosecutor or attorney, and with the consent of the other party, a session of the council for children, main hearing, or closed session may be held using electronic technical means that provide two-way communication without the joint presence of all or some of the participants in the courtroom.

(2) The court notifies the participants in the procedure of the date, time, and manner of access to the electronic program in order to participate in the session or the main hearing.

(3) No minutes are kept for the session or the main hearing held in accordance with paragraph (1) of this Article. The course of the procedure is recorded through the electronic program that enables two-way communication and is saved in digital form, and the parties, the defense attorney and the participants receive information about the digital address of the recording, which they can access with a previously registered email address with the judge for children, i.e. the president of the council.

Mandatory attendance at the main hearing

Article 138

The president and members of the criminal council for children are obligated to continuously attend the main hearing. It is the duty of the president of the court to determine whether the court is constituted in accordance with the law and whether there are reasons why the members of the court and the recorder should be exempted, in accordance with the Criminal Procedure Code.

Testimonies outside the main hearing

Article 139

(1) If it is found at the main hearing that a witness or forensic expert witness cannot appear before the court or that their appearance is significantly hindered, and the president of the council considers that their testimony is important, the president of the council may question the witness or forensic expert witness outside the main hearing or the hearing may be conducted through the judge for children of the competent court in the area where the witness or expert witness is located.

(2) If it is necessary to conduct an inspection or reconstruction outside the main hearing, the council is competent to undertake these actions.

(3) The parties and the injured party are notified whenever and where the witness will be heard or the inspection or reconstruction will be conducted, with the instruction that they may attend these actions. If the child is in custody, the council decides on the need for its attendance at these actions.

Article 140

During the procedure, the council for children may make a decision for temporary placement of the child, in accordance with Article 121 of this law, may revoke such a decision made earlier, or order detention, in accordance with Article 126 of this law.

Article 141

- (1) Postponement or interruption of the main hearing is done only exceptionally in order to protect the best interests of the child.
- (2) For each postponement or interruption of the main hearing, the judge for children notifies the president of the court and specifies the reasons for the postponement or interruption.

Course of the main hearing

Article 142

- (1) The main hearing begins with the reading of the proposal for imposing a sanction by the public prosecutor.
- (2) After reading the proposal from paragraph (1) of this article, the judge for children examines the child if he/she deems it to be in the best interest of the child.
- (3) The child is examined orally. The judge for children first asks the child whether he/she has understood the proposal from paragraph (1) of this Article and, if the judge deems it necessary, re-explains its content to the child in a manner that the child can most easily understand.
- (4) The judge for children then instructs the child on the right to remain silent, the right not to answer certain questions, the right to state its opinion on all circumstances contained in the proposal and to present all facts that serve as his/her defense.
- (5) The examination of the child is carried out through an interpreter in the cases provided for by the Law on Criminal Procedure.
- (6) If the judge for children has completed the examination of the child, the members of the council may ask him/her questions directly. The public prosecutor, the defense attorney, the injured party, the legal representative, the attorney-in-fact, the co-defendant and the experts may ask the child questions through the president of the council.
- (7) The president of the council prohibits questions or answers to a question already asked if it is impermissible or does not relate to the case.
- (8) The examination should be conducted in a manner that is in the best interest of the child, respecting his or her age, maturity and personality.
- (9) After the examination is completed, the president of the council is obliged to ask the child if he or she has anything else to state in his or her defense.
- (10) Force, threat, deception or the like may not be used against the child in order to obtain a statement or confession against his or her will. If this provision is violated, the child's statement may not be used in the procedure.
- (11) The child should be asked questions clearly, intelligibly and precisely, so that he or she can fully understand them. The examination may not be based on the assumption that the child has confessed to something that he has not confessed to, nor may questions be asked that already contain the answer to them.

(12) Objects related to the crime or that serve as evidence are shown to the child for identification, after the child has previously described them. If these objects cannot be brought, the child may be taken to the place where the objects are located.

(13) The child's statement is entered into the record in the form of a narrative, and the questions asked and the answers to them are entered into the record only when necessary.

Evidentiary procedure

Article 143

(1) The evidence includes all facts that the court considers important for establishing the factual situation and circumstances related to the psychophysical status of the child and his/her best interest.

(2) Evidence is proposed by the parties, the defense counsel, the injured party and the injured party's attorney. The council may also present evidence *ex officio* that has not been proposed or that the proposer has waived.

(3) Evidence is presented in the order determined by the president of the council. If the injured party who is present is to be heard as a witness, his/her hearing is conducted immediately after the examination of the child.

(4) The parties and the injured party may propose that new facts be presented and new evidence be obtained, and may also repeat those proposals that were previously rejected by the president of the council until the end of the main hearing, and at the latest until closing arguments.

(5) After all evidence has been presented, before the end of the evidentiary procedure, the president of the council may request the representative of the Center to express his opinion regarding the psychophysical status of the child, the degree of criminal responsibility and the proposed sanction, which he considers to be the most appropriate for achieving the goals of the punishment, and the child counselor regarding his expert opinion on the sanction.

(6) After the end of the evidentiary procedure, the president of the council asks the public prosecutor, the child and his defense attorney and the injured party whether they have any proposals for supplementing the evidentiary procedure. If no one submits a proposal for supplementing the evidentiary procedure or if the proposal is rejected, the president of the council announces that the evidentiary procedure is completed.

Questioning witnesses and forensic experts

Article 144

(1) The questioning of witnesses and experts at the main hearing is done by the president of the council. The child victim as a witness is examined in accordance with the provisions of this Law.

(2) Witnesses and forensic experts are instructed on their rights and duties with appropriate application of the Law on Criminal Procedure.

(3) The forensic expert presents their findings and opinion orally at the main hearing, if summoned.

(4) If the president of the council has completed the hearing of the witness or expert, the members of the council may ask questions of the witness or expert directly. The public prosecutor, the child, the defense counsel, the injured party, the legal representative, the proxy and the experts are examined through the president of the council.

- (5) The president of the council prohibits a question or refuses to answer a question already asked if it is impermissible or does not relate to the case.
- (6) The witnesses and experts who have been heard remain in the courtroom unless the presiding judge, after hearing the parties, permits them to leave the session. Upon a motion by the parties or *ex officio*, the presiding judge may order the witnesses who have been heard to be removed from the courtroom and to be called back and heard again in the presence or absence of other witnesses.
- (7) A witness or expert may be heard by videoconference.

Reading of minutes of actions taken, minutes of statements and written evidence

Article 145

- (1) The minutes of the inspection outside the main hearing, of the search of a home or a person and of the seizure of objects, as well as the documents, books, records and other documents that serve as evidence, are read at the main hearing in order to determine their content, and depending on the judgement of the president of the council, their content may be briefly presented orally.
- (2) Objects that may serve to clarify matters may be shown to the child during the main hearing, and, if necessary, to witnesses and forensic experts.

Amending the proposal for imposing sanctions

Article 146

- (1) If the public prosecutor finds during the main hearing that the evidence presented indicates that the factual situation presented in the motion has changed, he is obliged to orally amend the motion at the main hearing.
- (2) In the case of an amended motion within the meaning of paragraph (1) of this Article, the defense attorney may request a postponement of the hearing, in order to prepare the defense.

Article 147

- (1) The Criminal council for children is not bound by the proposal of the public prosecutor when deciding whether to impose a penalty or apply another sanction to the child.
- (2) The Council referred to in paragraph (1) of this Article makes the decision to stop the procedure in cases where, according to the provisions of the Law on Criminal Procedure, the court issues a judgment dismissing the indictment or acquitting the defendant of the indictment, as well as if the Council finds that it is not appropriate to impose a sanction on the child.
- (3) The Council referred to in paragraph (1) of this Article imposes educational and security measures by decision, where the ruling only states the measure imposed, but the child is not found guilty of an act that is provided for by law as a criminal offence specified in the charges. The explanation of the decision provides the description of the offence and the circumstances that justify the application of the imposed measure.
- (4) The decision on the imposed sentence is made in the form of a conviction, and the alternative measures are imposed by a decision in the form of a resolution, with appropriate application of the Law on Criminal Procedure.

Article 148

- (1) The court may sentence the child to pay the costs of the procedure and to meet the property claims of the injured party, in accordance with the provisions of the Law on Criminal Procedure, only if the child has been sentenced to a penalty or alternative measure.
- (2) If an educational measure has been applied to the child, the costs of the procedure are borne by the Budget of the Republic of North Macedonia, except when the child has been imposed a special obligation to compensate for the damage referred to in Article 46 paragraph (1) line 2 of this Law.
- (3) The costs of the defense attorney in the cases referred to in paragraphs (1) and (2) of this Article are borne by the parent(s) or guardian(s) of the child. In cases where the parent(s) or guardian(s) are unable to reimburse the costs of legal assistance from the defense attorney because they earn a total monthly income lower than the last published average net salary in the Republic of North Macedonia, the court appoints a defense attorney *ex officio* from the electronic system with a directory of attorneys, maintained by the Bar Association of the Republic of North Macedonia.
- (4) It is considered that the parents or guardian are unable to reimburse the costs of legal assistance from the defense attorney referred to in paragraph (2) of this Article if they submit a certificate from a competent authority or organization no later than 15 working days from the day the attorney was summoned by the police officer. Otherwise, they are deemed to be able to pay the costs of legal assistance from the defense attorney.
- (5) The costs of the *ex officio* defense attorney referred to in paragraph (3) of this Article are borne by the judicial budget.

Article 149

The judge for children is obliged to prepare the decision in writing within the shortest possible time, but maximum 15 days, and in more complex cases 30 days from the day of its publication.

4. Legal remedies

Grounds for appeal

Article 150

- (1) An appeal may be filed against a decision imposing a sanction on a child due to:
 - 1) material violation of the provisions of this Law or the Law on Criminal Procedure;
 - 2) violation of the Criminal Code;
 - 3) incorrectly or incompletely established factual situation and
 - 4) decision on a criminal sanction, on the confiscation of property, on the costs of the criminal procedure, on property claims.
- (2) In relation to the grounds referred to in paragraph (1) items 1), 2) and 4) of this Article, the provisions of the Law on Criminal Procedure apply accordingly.
- (3) An incorrectly or incompletely established factual situation referred to in paragraph (1) item 3) of this Article exists when the court has incorrectly established or failed to establish a decisive fact and when new facts or new evidence indicate this.

Article 151

(1) All persons who have the right to appeal against the judgment in accordance with the Law on Criminal Procedure may file an appeal against the decision or judgment by which a sanction is imposed on a child, as well as against the decision to discontinue the procedure referred to in Article 147, paragraph (2) of this Law, within eight days from the date of receipt of the decision or judgment. The injured party may file an appeal only in relation to a property claim.

(2) The defense attorney, the public prosecutor, the spouse or common-law partner, a blood relative in a direct line, the guardian, the brother or sister, may file an appeal in favor of the child and against his or her will.

(3) An appeal against a decision by which an educational measure is imposed to be served in an institution postpones the execution of the decision unless the court decides otherwise in agreement with the parent(s) or guardian(s) of the child and after questioning the child.

Article 152

(1) A session of the Council for children of the Court of Appeal is scheduled within 15 days from the date of receipt of the appeal.

(2) The child and his/her defense counsel are notified of the session of the Council for children of the Court of Appeal. Their failure to appear does not prevent the holding of the session.

(3) The Council of the Court of Appeal is obliged to make a decision no later than 30 days from the date of receipt of the appeal.

Article 153

(1) The Council for children of the Court of Appeal may reverse the first-instance decision by imposing a more severe sanction on the child, only on the basis of an appeal filed by the public prosecutor.

(2) If the first-instance decision does not impose a penalty or institutional measure, the council may impose that penalty or institutional measure only if it holds a hearing. A longer period of detention for children or a more severe institutional measure than the one imposed by the first-instance decision may also be imposed at a session of the council.

Article 154

An appeal may be filed with the Supreme Court of the Republic of North Macedonia against the decision of the appellate court to reverse the first-instance decision following a hearing in which a sentence or a correctional measure is imposed, within eight days from the date of receipt of the decision.

Article 155

A request for protection of legality may be filed in accordance with the Law on Criminal Procedure.

Article 156

The provisions of the Law on Criminal Procedure on the repetition of criminal proceedings apply accordingly to the repetition of proceedings concluded with a final judgment and a final decision on the imposition of an educational measure.

Chapter Fifteen

Misdemeanor Procedure

Article 157

- (1) If the perpetrator of the misdemeanor is a child, the authority competent for initiating misdemeanor proceedings in the Ministry of Interior prepares a report on the established misdemeanor and in it proposes to the parent(s) or guardian(s) of the perpetrator of the misdemeanor a conciliation procedure by which the perpetrator of the misdemeanor will eliminate the consequences of the misdemeanor or fulfill an obligation provided for by law.
- (2) The police officer of the authority referred to in paragraph (1) of this Article prepares a report, in which the consent of both parties to conciliation is established, which is signed by the parent(s) or guardian(s) of the perpetrator of the misdemeanor and submits it to the Conciliation Commission within three days of signing the report.
- (3) The conciliation procedure is urgent and conducted before a special conciliation commission within the competent authority.

Article 158

- (1) A misdemeanor proceeding against a child may be initiated before the judge for children for acts that are provided for by law as misdemeanors, in accordance with the Law on Misdemeanors, only if the case has not been resolved in accordance with Article 157 of this Law.
- (2) The misdemeanor proceeding is conducted and decisions are made by the judge for children of the competent court in whose territory the child has his/her domicile or residence.
- (3) When the child has participated in the commission of an act that is provided for by law as a misdemeanor with an adult, the proceeding against the child is separated and conducted in accordance with the provisions of this Law.

Article 159

In the misdemeanor procedure, the parent(s) or guardian(s), as well as the Center, have the right to be informed about the course of the misdemeanor procedure, to participate in all actions taken by the judge for children, to make suggestions and to point out facts that relate to the personality and circumstances in which the child lives and develops, and are important for making the right decision.

Article 160

- (1) The judge for children issues a decision to end the misdemeanor procedure if he/she determines that the child has not reached the age of 14 at the time of committing the act that is legally stipulated as a misdemeanor and notifies thereof the parent(s) or guardian(s) of the child and the Center.
- (2) Except in the cases referred to in paragraph (1) of this Article, the judge for children issues a decision to end the misdemeanor procedure if he/she assesses that the act that is charged to the child is not an act that is legally stipulated as a misdemeanor, there are circumstances that exclude prosecution for an act that is legally stipulated as a misdemeanor, as determined by the Law on Misdemeanors, or there is insufficient evidence that the child committed an act that is legally stipulated as a misdemeanor, as well as in the case where the applicant for the request to initiate misdemeanor proceedings has withdrawn the request.

(3) The judge for children issues a decision to terminate the misdemeanor procedure when it is not appropriate to impose a sanction.

(4) The applicant for the request to initiate misdemeanor proceedings has the right to appeal against the decision referred to in paragraph (2) of this Article to the Council for children of the Court of Appeal within three days from the date of receipt of the decision, which rules on the appeal within seven days from the date of receipt of the appeal.

Article 161

(1) For each request for conducting a misdemeanor procedure, the judge for children requests an opinion from the Center.

(2) The judge for children, based on the opinion of the Center, may decide not to initiate a misdemeanor procedure and, by decision, reject the request for initiating a misdemeanor procedure, if he/she deems that conducting a misdemeanor procedure is not appropriate given the nature of the action that is provided for by law as a misdemeanor and the circumstances under which it was committed, the child's previous life and his/her personal circumstances.

(3) The judge for children notifies the child, the parent(s) or guardian(s), the applicant and the Center of the decision under paragraph (2) of this Article.

(4) Against the decision under paragraph (2) of this Article, the applicant for a misdemeanor procedure has the right to appeal to the council for children of the appellate court within three days from the date of receipt of the decision, which decides on the appeal within seven days from the date of receipt of the appeal.

Article 162

(1) If the conditions for conducting a misdemeanor procedure are met, the judge for children summons the child through the parent(s) or guardian(s).

(2) After questioning the child, the judge for children may also prescribe other actions for the purpose of clarifying the case in accordance with the Misdemeanor Law.

Article 163

(1) After taking the necessary actions and securing and evaluating the evidence proposed by the applicant for a misdemeanor procedure, the judge for children ends the misdemeanor procedure by a decision, if he/she deems that the conditions set forth in Article 160 of this Law have been met.

(2) The misdemeanor procedure against a child ends with a decision, whereby the child is imposed an educational measure under Article 68 paragraph (1) of this Law or community service under Article 69 paragraph (1) of this Law.

(3) With the decision to impose an educational measure, the child is also obliged to fulfill the established property claim of the injured party.

Article 164

(1) An appeal may be filed before the Council for children of the Court of Appeal against the decision to discontinue the misdemeanor procedure by the applicant for misdemeanor procedure.

(2) An appeal may be filed against the decision to impose a sanction by the applicant for the misdemeanor procedure, the child and his/her defense counsel, as well as the parent(s) or

guardian(s), brother, sister or foster parent(s) of the child. They may file an appeal in favor of the child and against his/her will.

(3) The Council for children of the Court of Appeal decides on the appeal at a session, without summoning the parties, and may issue a decision confirming or revoking the first-instance decision, or amending the first-instance decision in the part of the sanction by imposing a milder sanction.

Article 165

In a misdemeanor procedure, a child may use extraordinary legal remedies – request for repetition of the misdemeanor procedure or request the protection of legality.

Section Five

PROTECTION OF CHILD VICTIMS OF CRIME AND WITNESSES IN CRIMINAL PROCEEDINGS

Chapter Sixteen

Protection of the child as a victim or witness in criminal proceedings

Article 166

(1) Child victim of a criminal offence has the following rights:

- to be treated with respect for his or her dignity,
- to respect the right to privacy,
- to be protected from intimidation and retaliation,
- to be protected from any kind of discrimination,
- the right to special protection from secondary victimization or re-victimization,
- to be accompanied by the parent(s) or guardian(s) or another adult during the proceedings before the body conducting the procedure,
- to be informed of their rights in a language understandable and appropriate to their age and psychophysical condition,
- to inform the child, the parent(s) or guardian(s) of all issues related to the crime, the criminal procedure, and in relation to the suspect, the accused and the convicted person,
- to participate in the criminal procedure with the parents or guardian as a damaged party by joining the criminal prosecution or for the realization of the property-law claim for damages,
- to special protection of his or her safety and the safety of his or her family, care and attention by the bodies and entities participating in the criminal procedure,
- giving a statement in conditions adapted to his/her needs and development in a safe environment,
- giving a statement without undue delay after filing a criminal complaint, which is recorded in accordance with the provisions of this law and used as evidence during the procedure,
- the parent(s) or guardian(s) to be informed of the termination of detention or other measure to ensure the presence of the child in conflict with the law or the accused and of the release of the convicted person from serving the prison sentence,

- the parent(s) or guardian(s) to be informed of any decision by which the criminal procedure is legally terminated or terminated,
- information regarding access to medical, psychological and other professional assistance and support from authorities, institutions and organizations for the assistance of child victims of crimes, before the commencement, during and after the completion of the criminal procedure,
- the right to access victim support services provided by authorities, institutions and organizations and other rights prescribed by law,
- - the parent(s) or guardian(s) have the right access to victim support services provided through authorities, institutions and organizations and other rights prescribed by law depending on the needs and the extent of the damage suffered as a result of the crime committed against the victim and – medical examinations only if necessary for the purposes of the criminal procedure.

(2) The child witness has the same rights as the child victim referred to in paragraph (1) of this Article, except for the rights referred to in paragraph (1) lines 8, 9, 12 and 13 of this Article.

(3) The police, the public prosecutor and the court act with special care towards the child victim of a crime, instructing him/her on the rights referred to in paragraph (1) of this Article and ensure their interests when making a decision to prosecute the accused, for which an official note or minutes are prepared.

(4) An inter-sectoral team for the protection of child victims acts with a child victim, depending on the risk assessment, on the basis of a protocol for mutual cooperation and coordination in proceedings towards child victims.

Article 167

(1) In police and criminal proceedings before the Center, a child victim of a crime has the right to:

- legal assistance from a lawyer before giving a testimony or statement or submitting a property claim and
- a proxy from the time the first statement is taken, as well as throughout the entire procedure.

(2) Legal assistance to a child victim, as a rule, is provided by a lawyer from the list of lawyers who have attended training on children's rights and juvenile delinquency.

Article 168

(1) If the criminal report is filed by the child, the parent(s) or guardian(s), the competent authority to which the criminal report was filed issue them with a written confirmation stating the basic data on the reported criminal act.

(2) If the child, the parents or the guardian do not speak or understand the language of the competent authority where they filed the criminal report referred to in paragraph (1) of this Article, they are allowed to file the criminal report in a language they understand with the help of an interpreter or another person who understands and speaks the language of the competent authority and the language used by the child, the parents or the guardian.

(3) At the request of the child, the parents or the guardian who do not understand or do not speak the language of the competent authority, the written confirmation is translated into the language they use, at the expense of the budget of the authority issuing the confirmation referred to in paragraph (1) of this Article.

Individual evaluation of the victim

Article 169

(1) Before questioning the child victim, the competent authority, in cooperation with the bodies, institutions and organizations for assistance and support to victims of crimes, conducts an individual evaluation of the child victim, in order to determine whether there is a need for the application of one or more special measures for procedural protection.

(2) In the individual evaluation of the victim, particular attention is paid to the personal characteristics of the child victim, his or her psychophysical development, the type and nature of the criminal offence and the circumstances of its commission. Special focus is placed on children who have suffered severe psychophysical damage or more serious consequences of the crime due to the gravity of the crime, victims of a crime committed due to some personal characteristics of the victim and victims whose relationship with the perpetrator is particularly vulnerable.

(3) In the sense of paragraph (2) of this Article, victims of terrorism, organized crime, trafficking in human beings, gender-based violence, violence in close relationships, sexual violence, sexual exploitation, hate crimes and victims with disabilities are included in the individual evaluation in an appropriate manner.

Special rights of procedural protection

Article 170

(1) The child victim has the right to special procedural protection measures when giving a statement and being examined at all stages of the procedure. If the child victim reaches the age of 18 during the proceedings, he or she still is entitled to special procedural protection rights.

(2) The court must determine a special procedural protection measure in the cases referred to in paragraph (1) of this Article, namely:

- when the child victim is in need of special care and protection or
- when the child is a victim of child trafficking or sexual abuse, as well as of crimes against humanity and international law.

(3) In addition to the cases referred to in paragraph (2) of this Article, at the discretion of the court, a special procedural protection measure may also be determined for acts of violence and other crimes committed against children.

(4) In the cases referred to in paragraphs (2) and (3) of this Article, the court, individually or together with another special measure of procedural protection, orders the recording of the child's statement with a video and audio recording, which is used as evidence in the further proceedings. In exceptional cases, and in order to achieve the best interests of the child and if new circumstances arise, the court may re-examine the child victim at most once using technical means of communication.

(5) The court, the Public Prosecutor's Office and the police are obliged to instruct the child victim about the right referred to in paragraph (1) of this Article, at the latest before his or her first examination, and prepares an official note or record to that effect.

(6) The right referred to in paragraph (1) of this Article also applies to child witnesses.

Special measures for the procedural protection of child victims and child witnesses

Article 171

As special measures of procedural protection when giving testimony, the court may determine:

- use of screens to protect the victim and witness from the view of the defendant,
- concealment of identity or appearance,
- giving testimony via videoconference,
- removal of gowns and caps,
- exclusion of the public,
- video and audio recording of the testimony to be used as evidence,
- video and audio recording of the interrogation to be used as evidence,
- taking a statement through the intermediary of an expert,
- use of special technical means of communication and
- protection of the privacy of the child and his family.

Article 172

In the procedure conducted for actions that are legally defined as criminal offences where a child appears as a victim, courts, public prosecutors and police officers of the Ministry of Interior may act only if they possess knowledge and experience in the field of children's rights and the criminal legal protection of children of at least 10 years of age.

Article 173

(1) For all acts that are provided for by law as criminal offences where, according to the legal characteristics of the offence, the child appears as a victim of the act, the court and other bodies participating in the procedure are obliged to undertake measures for assistance and protection and to act in a manner that would avoid possible harmful consequences for his personality and development.

(2) The procedure for the criminal acts referred to in paragraph (1) of this Article where the child is a victim is urgent.

(3) The court excludes the public from the part of the procedure in which the record of the statement and the interrogation of the child victim is reproduced or another special measure of procedural protection is applied when taking a statement or interrogation or procedural actions are performed that may cause damage to their personality and development.

(4) The child victim is questioned as a witness in a manner that does not adversely affect their psychophysical development and with the application of special measures of procedural protection.

(5) When taking a statement and questioning a child as a witness or victim, the police, the prosecution and the court are obliged to take into account the personal qualities and characteristics of the child in order to protect its interests and for its proper development.

(6) The body conducting the procedure limits the number of interviews of the child victim for whom a need for special protection has been established to the strictly necessary number.

Article 174

A child victim and a child witness of child trafficking, violence or sexual abuse, as well as acts that are provided by law as crimes against humanity and international law, as well as for other acts that are provided by law as crimes, which due to their nature, consequences or other circumstances make the child particularly sensitive, i.e. is in a particularly difficult mental state, confrontation between the child and the suspect, i.e. the defendant is not permitted.

Article 175

(1) The protection of children as victims and witnesses in criminal proceedings is ensured in accordance with this Law, the Law on Criminal Procedure, the Law on Witness Protection and the Law on Payment of Financial Compensation to Victims of Violent Crimes.

(2) If necessary, the court orders the application of special measures to protect the psychophysical integrity of the child in accordance with the Law on Witness Protection.

Article 176

The provisions of this chapter also apply accordingly for protection of child victim in misdemeanor proceedings.

Section Six

PREVENTION OF JUVENILE DELINQUENCY

Chapter Seventeen

State Council for Juvenile Delinquency Prevention and Justice for Children and Municipal Councils for Prevention of Juvenile Delinquency

Article 177

(1) The State Council for Juvenile Delinquency Prevention and Justice for Children (hereinafter referred to as: the State Council) is autonomous and independent in the performance of the tasks specified in this Law.

(2) The State Council is composed of 15 members elected by the Assembly of the Republic of North Macedonia for a term of five years, with the right to re-election, of whom:

- eight members of the State Council are proposed by the Minister of Justice and are representatives of the Ministry of Justice, the Ministry of Labor and Social Policy, the Ministry of Education and Science, the Ministry of Interior, the Ministry of Health, the Public Prosecutor's Office of the Republic of North Macedonia, the Supreme Court of the Republic of North Macedonia and the Bar Association of the Republic of North Macedonia and
- seven members of the State Council are elected through a public announcement, from among prominent scientists and experts who have experience in the field of protection of the rights and interests of children, of which one representative is from among civil society organizations for the protection of children.

(3) The headquarters of the State Council are in the Ministry of Justice and in its relations with other bodies and persons uses its own logo, to be determined by the State Council.

(4) When electing the members of the State Council referred to in paragraph (2) indent 2 of this Article, the appropriate and fair representation of citizens belonging to all communities is respected.

(5) A representative of the Ombudsman, a representative of the UNICEF Office and a representative of the Association of Local Self-Government Units (ZELS) participate in the operations of the State Council.

(6) From the members referred to in paragraph (2) indent 2 of this Article, the State Council elects a president with a mandate of two years, with the right to re-election.

(7) The mandate of a member of the State Council is terminated before the expiration of the term for which he was elected:

- upon personal request,
- if their employment or membership in the institution that nominated him has ceased,
- due to death,
- if the Committee on Elections and Appointments of the Assembly of the Republic of North Macedonia establishes a proposal for dismissal of a member of the State Council due to unjustified absence, and that at three consecutive sessions, or at more than five sessions during the year, based on the proposal adopted by the State Council by a majority vote,
- if they permanently lose the ability to perform his function and
- in other cases by force of law.

(8) The fulfillment of the conditions referred to in paragraph (7) of this Article are determined by the State Council by a majority vote of the total number of members and it submits an initiative for the termination of the mandate of a member of the State Council to the Assembly of the Republic of North Macedonia.

(9) If a member of the State Council ceases to hold office before the expiration of the mandate, in accordance with paragraph (7) of this Article, a member of the State Council is elected within three months, in accordance with the provisions of this Article.

Article 178

State administration bodies, courts, public prosecutors' offices, as well as legal entities that exercise public powers in the field of education, upbringing and protection of children, are obliged to cooperate with the State Council in the exercise of its functions.

Article 179

The State Council has the following competencies:

- adopts a National Strategy for Juvenile Delinquency Prevention and Justice for Children,
- adopts annual programs and plans for the implementation of the program,
- adopts Rules of Procedure for its operation,
- proposes funds in the budget proposal of the Ministry of Justice necessary for its work and makes decisions on their use,
- gives initiatives for improving legal solutions and opinions on draft laws of importance for the protection of children's rights and the prevention of juvenile delinquency,
- starts initiatives for broader familiarization of citizens with children's rights and debates on a healthy family, on the protection of children from alcoholism and other addictive diseases, on the problems of education and upbringing, on the relationship of the media and on other factors that influence the prevention of child delinquency,
- initiates and conducts research and analyses on the problems of juvenile delinquency,

- posts on the website preventive programs and educational materials and programs, approaches and tools developed by state institutions or civil society organizations that have been submitted and are being used. assessed as appropriate for publication by the State Council,
- cooperates with international organizations and bodies engaged in the protection of children's rights and the prevention of juvenile delinquency,
- participates in conferences in the country and abroad for the protection of children's rights and the prevention of juvenile delinquency and
- prepares annual reports on its work and on the situation in the field of children's rights and juvenile delinquency, which it submits to the Assembly of the Republic of North Macedonia and the Government of the Republic of North Macedonia, the Judicial Council, the Supreme Court of the Republic of North Macedonia, the Public Prosecutor's Office of the Republic of North Macedonia and the Council of Public Prosecutors of the Republic of North Macedonia, which are obliged to review them and, if they deem it necessary, to propose appropriate measures and activities, in accordance with their competences.

Article 180

- (1) The administrative, technical and financial operations of the State Council are conducted by the Ministry of Justice.
- (2) The Ministry of Justice provides the premises for work with appropriate information technology equipment and other technical means for the needs of the State Council.
- (3) Funds for the implementation of the program, as well as for the work of the State Council, are provided from the financial resources of the budget of the Ministry of Justice.
- (4) In order to realize its program goals, the State Council may have other sources of financing through donations from individuals or legal entities.
- (5) Members of the State Council who are from within the Republic of North Macedonia, i.e. outside the City of Skopje, are entitled to appropriate reimbursement of travel expenses in the amount of the price of a return bus ticket from the place of residence of the member of the State Council to the State Council and vice versa.
- (6) The members of the State Council are entitled to a monthly remuneration for their work in the State Council in the amount of 20%, the President of the State Council in the amount of 30%, and the Technical Secretary in the amount of 5% of the average gross salary paid in the previous month at the level of the Republic of North Macedonia.

Article 181

- (1) The mayors of municipalities, the mayors of the City of Skopje municipalities and the Mayor of the City of Skopje propose to the Municipal Councils, the Municipal Councils in the City of Skopje and the Council of the City of Skopje to appoint a Council for the prevention of juvenile delinquency.
- (2) The councils of municipalities, the municipalities in the City of Skopje and the City of Skopje appoint municipal councils and the Council of the City of Skopje for prevention of juvenile delinquency (hereinafter referred to as: the municipal council).
- (3) Members of the municipal council are representatives of the regional units of the Ministry of Interior, the Ministry of Labor and Social Policy, the centers for social work, representatives of the parents' councils in primary and secondary schools, the Union of Secondary School Students, the Bar Association of the Republic of North Macedonia, associations and foundations, the public

prosecutor working in the field of child delinquency and the judge for children from the courts of extended jurisdiction or a judge designated by the president of the court.

(4) The municipal councils, the municipalities in the City of Skopje and the City of Skopje determine the number of members of the municipal councils, depending on the size, development and needs of the municipality, as well as the extent of juvenile delinquency.

(5) The members are appointed for five-year mandates, with the right to re-election.

(6) A president is elected from the members of the municipal council for a term of two years, with the right to re-election.

Article 182

(1) Municipal councils prepare annual programs for their work, which are adopted by the Municipal Councils and the Council of the City of Skopje, rules of procedure for their work in the territory of the municipality and the City of Skopje, carry out activities to monitor the situation, initiate initiatives for their improvement and develop programs for the involvement of the local community in the prevention of child delinquency and the treatment of child perpetrators of acts that are provided for by law as criminal offences and misdemeanors.

(2) Municipal councils report on their work at least once a year to the Municipal Council, i.e. to the City of Skopje and the State Council.

(3) The program of the municipal councils referred to in paragraph (1) of this Article is financed on the basis of a financial plan from the budget of the Municipality, i.e. the City of Skopje and from other funds.

Section Seven

Chapter Eighteen

MISDEMEANOR PROVISIONS

Article 183

(1) A fine in the amount of 50 to 250 euros in denar equivalent is imposed for a misdemeanor on the parent(s) or guardian(s) or foster parent(s) who do not cooperate in fulfilling the obligations of the child under Article 46 paragraph (1) of this Law.

(2) A fine in the amount of 50 to 250 euros in denar equivalent is imposed for a misdemeanor on the mayor of the municipality, the mayors of the municipalities in the City of Skopje and the mayor of the City of Skopje who fails to fulfill the obligation under Article 181 paragraph (1) of this Law.

Article 184

For the misdemeanors established by this law, a misdemeanor procedure is conducted and a misdemeanor sanction is imposed by the competent court.

Section Eight

Chapter nineteen

TRANSITIONAL AND FINAL PROVISIONS

Article 185

The by-laws provided for by this Law are to be adopted within three months from the date of entry into force of this Law.

Article 186

- (1) The current State council for the prevention of juvenile delinquency, upon the entry into force of this Law, continues to operate under the name State council for the prevention of juvenile delinquency and justice for children.
- (2) The mandate of the members of the existing State council for the prevention of juvenile delinquency continues until the expiration of their mandate.
- (3) The Minister of Health nominates a representative to the State Council from the Ministry of Health no later than 30 days from the date of entry into force of this Law.
- (4) The mandate of the president and members of the existing municipal juvenile delinquency prevention councils continue until their respective expirations.

Article 187

The mayors of the municipalities, the mayors of the municipalities in the City of Skopje and the Mayor of the City of Skopje are obliged to propose to the Municipal Councils, the Municipal Councils in the City of Skopje and the City Council of Skopje to appoint a Council for juvenile delinquency prevention within six months from the date of entry into force of this Law.

Article 188

The fee and compensation for work expenses for the attorneys referred to in Articles 27 and 125 of this Law, adopted by the Management Board of the Bar Association, are to be harmonized with the provisions of this Law in coordination with the Ministry of Labor and Social Policy and the Ministry of Interior within one month from the date of entry into force of this Law.

Article 189

- (1) On the day of entry into force of this Law, the Law on Justice for Children (*Official Gazette of the Republic of Macedonia* No. 148/13 and *Official Gazette of the Republic of North Macedonia* No. 152/19 and 275/19) and Article 39 of the Law on Free Legal Aid (*) (*Official Gazette of the Republic of North Macedonia*, No. 101/19) cease to be valid.
- (2) Proceedings initiated prior to the entry into force of this Law will be concluded under the laws referred to in paragraph (1) of this Article.

Article 190

This law enters into force on the eighth day from the date of its publication in the *Official Gazette of the Republic of North Macedonia*.