



27/03/2023

RAP/RCha/MKD/10(2023)

EUROPEAN SOCIAL CHARTER

10th National Report on the implementation of
the European Social Charter

submitted by

**THE GOVERNMENT OF THE REPUBLIC
OF NORTH MACEDONIA**

Articles 7, 8, 16, 17, 19, and 27
for the period 01/01/2018 – 31/12/2021

Report registered by the Secretariat on
27 March 2023

CYCLE 2023



REPUBLIC OF NORTH MACEDONIA
MINISTRY OF LABOR AND SOCIAL POLICY

TENTH REPORT
ON THE IMPLEMENTATION OF
THE REVISED EUROPEAN SOCIAL CHARTER

submitted by

REPUBLIC OF NORTH MACEDONIA

(for articles 7, 8, 16, 17, 19, 27)

Skopje, March 2023

PREFACE

The Republic of North Macedonia ratified the Revised European Social Charter on 06.01.2012.

In accordance with Article C and Article 21 of Part IV of the Charter, the Republic of North Macedonia submits its Tenth Report on the implementation of the ratified provisions of the Revised European Social Charter (1996).

The report has been prepared in accordance with the reporting system adopted by the Committee of Ministers of the Council of Europe, which has been in effect since October 31, 2007.

This Report contains relevant information and data on the implementation of the undertaken obligations of the Republic of North Macedonia according to the articles of the third thematic group - "Children, families and migrants", namely:

- Article 7,
- Article 8,
- Article 16,
- Article 17,
- Article 19,
- Article 27

The reference period of this Report is from 1.1.2018 to 31.12.2021.

At the initiative and request of the European Committee of Social Rights (ECSR), and in order to enable the monitoring process to be more effective and more focused, this Report, as well as the reports from 2019, 2020 and 2021, provide answers and an overview of the situations related to specific targeted issues related to the provisions of the Charter that are the subject of this reporting cycle. At the same time, in parts of the Report where it is appropriate and in accordance with the requirements of the European Committee of Social Rights, information is also provided for 2020 and 2021 related to the impacts, consequences and effects of the current multi-year crisis related to the COVID-19 pandemic.

In accordance with Article 23 of Part IV of the Revised European Social Charter, copies of the prepared Report have been submitted to the representative national organisations of employers and trade unions, which are members of the Economic-Social Council:

- The Federation of Trade Unions of Macedonia (SSM);
- The Organisation of Employers of Macedonia (ORM).

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Article 7 – The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

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

In reference with the questions posed within the frames of this Report, pertaining to the right of children and young persons to protection regarding employment and work, as duly noted by the Committee (ECSR) in its Conclusions, certain amendments to the Law on Labour Relations have been adopted in 2018.

In 2018, amendments and supplementing of the Law on Labour Relations (Official Gazette of the Republic of Macedonia No 102/2018 of 29.06.2018) were drafted and adopted, which, inter alia, and in accordance with the recommendations of the European Committee of Social Rights (ECSR) of the Council of Europe, introduced amendments establishing additional protection for children under the age of 15 or children who have not completed the obligatory education. The period of work was limited to 2 hours per day during which the child can perform activities regulated by law, whereby the maximum work hours per week was defined, that is, it shall not exceed 12 hours per week. The period of work during school break cannot exceed 6 hours per day, that is it cannot exceed 30 hours per week, whereby two continuous weeks of holiday should obligatory be provided.

As observed by the Committee, we have provided more detailed information for these questions in our Report sent to the Council of Europe in 2018 (VI Report on the Implementation of the revised European Social Charter) in the part relating to Article 7 of the Charter. However, since these amendments, i.e. in that Report, were made outside the reference period, the European Committee of Social Rights has not taken them into consideration in the Report assessment.

We hope and expect that in this assessment cycle, all this information and the “new situation” regarding the legal framework (dating from 2018) will be duly taken into account by the Committee experts and that the situation in the Republic of North Macedonia will be positively assessed in this part.

In addition, regarding the questions pertaining to the inspection services and the inspection supervision over the work of young persons, the monitoring of the ban to employ children under the age of 15 and the compliance with the conditions for inclusion of children in the so-called “light work”, the occurrence of illegal employment of children, etc., they are also indicated in the previous Report of the Republic of North Macedonia, and the situation in this part is generally unchanged.

This also pertains to the detailed information provided in the previous report, relating to the occurrence of child labour in informal economy, street sale on the crossroads, on streets and/or restaurants and the begging, etc. Of course, it must be emphasised that these issues completely differ from the previously discussed issues (legally allowed work engagement of children under the age of 15, “light work”, etc.) and they mainly fall under the category of abuse and serious neglect of children and child labour and the performance of parental duties. These issues are regulated with the Law on Child Protection, Law on Family, as well as with the Law on Social Protection.

2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;

No information is required.

3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;

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

The State Labour Inspectorate, for the reference period from 01.01.2018 to 30.12.2021, i.e. until the date of this report, did not find any violations in relation to the work of children in compulsory education. Namely, according to the Law on Labour Relations, that is the amendment made in Article 18 of this Law, work for children under 15 years of age or a child who has not completed the compulsory education, except for participation in activities that are prescribed by law that the child can perform, but not exceeding 2 hours per day, that is not exceeding 12 hours per week, and not exceeding 6 hours per day during school breaks, that is, not exceeding 30 hours per week, where continuous 2 working weeks of holiday should obligatory be provided.

4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;

No information is required.

6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;

No information is required.

7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;

No information is required.

8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;

No information is required.

9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;

Regarding the questions pertaining to the obligations for medical examinations for young workers under the age of 18, in addition to the information provided in the previous Report, we hereby also inform of the following:

In addition to the regular and general obligation prescribed with the Law on Occupational Safety and Health, the employer shall provide medical examinations for each employee at least every 24 months, another particularly important act regarding the work of young persons is the bylaw for occupational safety and health for young workers: Rulebook on minimal requirements for occupational safety and health of young workers (Official Gazette of the Republic of Macedonia No 127/2012).

This Rulebook regulates, inter alia, that for all activities that may involve a specific risk for the young worker at the workplace, the employer is obliged to perform an assessment of the risks at the workplace pertaining to the occupational safety and health of the young worker in terms of the

negative impact on the health of physical, chemical and biological harmful factors (harms) and dangers in the workplace that are related to the occurrence of illness and/or injury at work and their possible harmful effects on the young worker.

Furthermore, the employer is obliged, based on the performed assessment, to establish the preventive medical examinations and corrective measures to be taken at each workplace where a young worker works and, accordingly, to inform the young workers and their representatives about the results of the performed risk assessment and of the preventive measures (preventive medical examinations) before the assignment to work, as well as during any substantial change in the working conditions.

It is also important to indicate that a special Annex to this Rulebook contains a List of harmful factors and work conditions that young workers should not be exposed to (physical, chemical, biological factors, work environment conditions, work at specific risky job positions).

Having in mind these specific provisions specifically pertaining to young workers, as well as the provisions of the Decree on the type, method, scope and pricelist of medical examinations of employees (Official Gazette of the Republic of Macedonia No 60/2013) which prescribes the types of medical examinations (previous, periodic, systematic and targeted examinations) for the employees, it can be concluded that also for the young workers, the type of the medical examination and its frequency mainly depends on the degree of established professional occupational risk and the type of professional harms and dangers to which the employee is exposed during work. During these examinations, for the job positions for which the assessment has established the existence of a specific risk, the Decree also defines a timeframe, that is the frequency for these examinations, which is 12 months in most cases.

10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

Measures that are taken to strengthen the protection of children, including migrant, refugee and displaced children, from sexual exploitation and abuse

Regarding the protection of street children, in 2019, the Ministry of Labour and Social Policy and the PI (Public Institution) Inter-municipal Social Work Centre of the City of Skopje, in cooperation with UNICEF and the International Organisation for Migration, have established eight teams (three persons per team) composed of field workers and professional workers from the Inter-municipal Social Work Centre-Skopje. The mobile teams have detected 248 children in the streets of which some were registered two or several times. Moreover, the field teams are also visiting the homes of the children's families and are informing the parents of their rights, duties, as well as the services offered by the state and connect them with the relevant institutions and bodies that further provide the required assistance, protection, and support.

Anticipating the measures taken to protect refugees, refugee children, migrants and displaced persons from a general state of exposure to social risk as well as sexual abuse of minors, within the two transit centres for migrants (Vinojug and Tabanovce), the unaccompanied children registered by the Ministry of the Interior are placed under the guardianship of social workers who are therefore in charge of the full protection, counselling and informing of the registered children. Social history is made as well as the assessment in the best interest of the child in order to detect the risk factors and provide further care through the mechanisms available in the social protection system.

Furthermore, within the transit centres, as well as in the Reception Centre for Asylum-Seekers, in addition to the services provided by social workers and psychologists, counselling and information services are also available through the provision of free legal aid by partner non-governmental organisations. In addition to the mechanisms related to refugee issues, protection, information, the development of capacities of employees for recognising and keeping records of such cases is also

being strengthened through the mechanisms available in the system for protection and prevention against human trafficking.

The following statistics results from the current records kept by the competent service:

- in 2018, 52 unaccompanied children were registered, of which 42 were asylum-seekers;
- in 2019, 107 unaccompanied children were registered, of which 97 were asylum-seekers;
- in 2020, 28 children were registered, of which 23 were asylum-seekers;
- in 2021, there is a record of 24 children, of which 18 are asylum-seekers, and one child has reported being a victim of sexual violence;
- in 2022, 26 children were registered, of which 24 were asylum-seekers;

In all cases, a guardian was appointed for all children ex officio, who is responsible for the full protection, counselling, and informing the registered children.

Regarding the COVID-19 pandemic impact on the monitoring of the exploitation and abuse of children, as well as the measures undertaken to strengthen the monitoring mechanisms, we hereby inform that the Ministry of Labour and Social Policy, in cooperation with the Ministry of Health, has developed appropriate protocols to minimise the COVID-19 risks in residential social homes and housing units for supported living for the persons with disabilities.

Protection against sexual exploitation

Regarding the request of the Committee for provision of updated information on the measures undertaken for combating sexual abuse of children, we hereby inform that, during the reporting period, the legislation for protection of children against sexual abuse is being strengthened, and in accordance with the Convention on the Rights of the Child, amendments to the Criminal Code have been made in order to ensure harmonisation with this Convention. Trainings were organised for the entities in the system for justice for children for treatment of children victims of sexual abuse and, in particular, for the special measures for protection of victims of sexual abuse by applying special protection measures such as the use of video-technical communication means, i.e. video and audio recording of statements of children-victims.

Children-victims in the social works centre are treated in accordance with the Law on Justice for Children and the envisaged provisions for children at risk and children-victims, as well as in accordance with the Law on Social Protection in the part relating to services, psycho-social treatment, and implementation of assistance and protection measures, the Law on Protection of Children, and the Law on Family, in particular for children under the age of 7 years, and also in the part pertaining to the actions regarding the parents.

For children-victims, procedural protection rights in all phases of court proceedings have been envisaged, in particular when giving a deposition and during the interview, and when dealing with children-victims of human trafficking, violence or sexual abuse, as well as of crimes against humanity and international law or other serious acts. The possibility for the children's deposition to be audio and video recorded, which will be used as evidence in the further proceedings, is a great benefit. In exceptional cases, in case of new circumstances, the court can re-interview the child-victim once more, at the most, through the use of technical communication means. For the procedural protection of children-victims and children-witnesses, the court can decide for special measures to be used, such as protection screens to be used for protection of the victim against the accused, concealing the identity or the appearance, giving a deposition through video-conferencing, removal of judge's robes and hats, exclusion of the public, video and audio recording of the interview to be used as evidence, taking the deposition through an expert, etc. The procedure for children-victims is considered urgent, and children should be treated by professionals with competence, knowledge, skills, and with completed specialised training.

In addition to the Law on Justice for Children, the important documents for the professionals

working with children-victims are the Common protocol for procedure in cases of abuse and neglect of children, the Protocol for the work of the inter-sectoral team with children-victims of abuse, neglect, and violence, the National Strategy (2020-2025) and the Action Plan (2020-2022) for prevention and protection of children against violence.

Protection from other forms of exploitation

Regarding the request of the Committee for the next report to include updated data on the number of children-victims of human trafficking, and of the measures undertaken for combating trafficking in children, we hereby inform of the following:

The Ministry of Labour and Social Policy, as coordinator of the National mechanism for referral of victims of human trafficking, continued its cooperation and coordination with the social workers of the social work centres (in 30 cities), labour inspectors, the Ministry of Interior/the Unit for combating human trafficking and illegal migration, with the Centre for persons victims of human trafficking, as well as with the NGOs.

In order to improve the process of identification and protection, five mobile teams have been established in 2018 in Skopje, Bitola, Kumanovo, Gevgelija, and Tetovo to identify the vulnerable categories of citizens, including the victims of human trafficking. The mobile teams consist of representatives of the social work centres, representatives of the Ministry of Interior/the Unit for combating human trafficking, and associations of citizens, and their operation is supported by the International Organization for Migration (IOM). These teams have achieved excellent results during their work, and are known as good practice, not only in our country, but also in the region.

During 2022, the National committee for combating human trafficking has established an Operational team for coordination, monitoring, and management of cases of human trafficking, formal identification of victims and the status thereof. The operational team consists of a public prosecutor from the Basic Public Prosecution Office for Prosecution of Organised Crime and Corruption, a police officer from the National unit for suppression of smuggling in migrants and human trafficking, the National Referral Mechanism, and a representative of a citizens’ association.

The identified victims were treated in accordance with the Standard Operating Procedures for treatment of victims of human trafficking.

In the period from 2018 to 2022, the Centre for Victims of Human Trafficking is the safe place for accommodation, where the association “Open Gate” provides the assistance and support. Until 2019, the service was financed by the Government of the Republic of North Macedonia within the Programme for Civil Sector Support, and as of 2020, by the Ministry of Labour and Social Policy.

In the period from 2018 to 2022, 29 children victims of human trafficking have been identified.

Identified children-victims of human trafficking according to year of identification, sex, citizenship, and type of exploitation:

Year	Total number	Sex	Citizenship	Type of exploitation
2018	9	all females	8 national 1 foreign	Trafficking in humans
2019	4	all females	3 national 1 foreign	1 sexual exploitation, 1 forced marriage 1 forced marriage and sexual exploitation 1 labour exploitation

2020	6	5 females 1 male	national	5 sexual exploitation 1 begging
2021	6	all females	national	4 for forced marriage 1 sexual exploitation 1 begging
2022	7	all females	6 national 1 foreign	4 forced marriage 1 forced marriage / sexual exploitation, 1 forced marriage/ forced fertilization 1 sexual/ internet abuse

The Office of the Ombudsman has submitted the statistics for the period from 1 January 2020 to 31 December 2021, in accordance with the data of the Ombudsman – National Rapporteur for Trafficking in Humans and Illegal Migration, which was established on 1 December 2019.

During 2020, 7 victims of trafficking in humans have been identified, of which 6 females and 1 male. Out of the identified persons, victims of trafficking in humans, 6 are children (aged 14-17). All identified victims of trafficking in humans are citizens of the Republic of North Macedonia. The identified victims were treated in accordance with the Standard Operating Procedures. For the purposes of providing treatment for the victims of trafficking in humans, 4 persons have been accommodated in the Centre for Victims of Trafficking in 2021, two of which are children and two are adult foreign female citizens. One of the children is victim of trafficking in humans for forced marriage, and the second is a potential victim – sexually exploited. One adult female foreign citizen is a victim of sexual exploitation (Ukraine) and the second one is attempted sexual exploitation (Russia). The foreign female citizens have stayed the night in the shelter and the left the country the next day. They were not issued a temporary residence permit. The persons accommodated in the Centre were provided with the basic needs (clothes, food, hygiene items), psycho-social counselling, medical examinations (dental, laboratory), one has started the education process in an adult education school (was previously outside the educational system) since, due to her age, she cannot attend regular school. During 2021, 3 persons with COVID-19 were provided with special treatment by the inclusion of medical officials in the provision of care and the provision of the required treatment prescribed by the general practitioners. Regarding the identified victims – foreign citizens from Taiwan, based on the guidance from the Basic Public Prosecution Office for Prosecution of Organised Crime and Corruption, voluntary repatriation was organised from the Republic of North Macedonia to Taiwan with their handover to police officers from Taiwan.

Regarding the protection of street children, in 2019, the Ministry of Labour and Social Policy and the PI Inter-municipal Social Work Centre of the City of Skopje, in cooperation with UNICEF and the International Organisation for Migration, eight teams were established (three persons per team) composed of field workers and professional workers from the Inter-municipal Social Work Centre-Skopje. The mobile teams have detected 248 children in the streets of which some were registered two or several times. Moreover, the field teams are also visiting the homes of the children's families and are informing the parents of their rights, duties, as well as services offered by the state and connect them with the relevant institutions and bodies that further provide the required assistance, protection, and support.

In order to improve the situation and the mutual coordination between the institutions and their responsibilities regarding children in the streets/street children, there was a need to create a multisectoral protocol for treatment and referral of children in the streets/street children. The

Ministry of Labour and Social Policy has established a Working Group with representatives of the competent institutions (Ministry of Interior, Ministry of Education and Science, Ministry of Health, Ministry of Justice, PI Institute for Social Activities, PI Inter-municipal Social Works Centre of the City of Skopje and the civil sector) for the drafting of such document. The Protocol for inter-sectoral cooperation for treatment of children in the streets was prepared and adopted by the Government of the Republic of North Macedonia. This document for treatment of children in the streets will be used by the professionals from the competent institutions to undertake measures and activities in a unified and standardised manner.

Information from the Ombudsman were provided for the development of this report. No applications for protection of children in vulnerable situations, such as children in the streets and children in risk of child labour, were submitted to the Unit for protection of rights of children and persons with disabilities of the Ombudsman in the requested period. However, the Ombudsman, as a body that, in addition to acting on complaints, also monitors the situation regarding the compliance and protection of the right of the child, and continuously monitors this problem relating to “children in the streets”, through analyses of the situation, based on collection of data from the competent authorities, followed by drafting of reports/information with appropriate conclusions and recommendations. The latest conducted research pertaining to the children in the streets, with special emphasis on children-beggars, covers the period from January 2021 till May 2022.

In the context of the “Children in the streets” phenomenon in the country, the Ombudsman indicates that the country still does not have accurate statistics on the number of children in the streets, including the children-beggars. In order to continuously monitor this phenomenon, it is necessary to develop a National Strategy for children in the streets and to consistently apply the new Multidisciplinary Protocol for Treatment (Identification and Referral) of Children in the Streets. The Ombudsman has also noted that, at a state level, out of a total of 30 inter-municipal social work centres, only one centre (PIMCSR Skopje – Kisela Voda) has a Day care centre for referral of children in the streets and two civil organisations.

Article 8 – The right of employed women to protection of maternity

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

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;

Regarding these issues, during the COVID-19 pandemic, no changes have been made or established regarding the right to “maternity” leave, in particular no negative changes, i.e. reduction of the duration or salary compensation.

We are using this occasion to reiterate that in accordance with our valid regulations (Law on Healthcare Insurance), the amount of the salary compensation during pregnancy, childbirth, and maternity leave is 100% of the base (i.e. of the average monthly amount of the paid salary in the last twelve months before the occurrence of the case due to which the right to the compensation is exercised).

Additional steps taken in this area (in positive terms) related to the adoption of the decision of the Government of the Republic of North Macedonia with established preventive measures, protocols, and plans to act so as to protect the health of the population against COVID-19 (Official Gazette of the Republic of North Macedonia No 263/20) by which pregnant women were exempted from work and the obligation for physical presence at the job during the pandemic. While this measure was used, pregnant women were entitled to a salary compensation which would be paid while using the annual holiday (i.e. 100% of the salary).

In relation with the request to provide information whether the COVID-19 crisis has affected the right to paid maternity leave (more specifically, whether all concerned employed women, both in the private and in the public sector, still received at least 70% of their salary throughout the obligatory maternity leave during the COVID-19 crisis), we hereby inform of the following:

In accordance with Article 14 of the Law on Healthcare Insurance, the right to salary compensation during leave of absence from work due to pregnancy, childbirth, and maternity can be exercised by the employed insured persons (insured persons from Article 5 paragraph 1 items 1, 2, and 3).

The salary is paid for a duration defined with the labour relations regulations. The funds for the exercising of this right are secured from the Budget of the Republic of North Macedonia through a competent authority.

According to Article 15 of the Law, in order for the employed insured persons to be able to exercise their right to salary compensation, they shall meet the following requirements:

- if the health insurance has lasted at least six months without interruptions before the case occurred, except in cases of injury at work and occupational disease, as well as if the insured referred to in Article 5 paragraph 1 points 1, 2 and 3 of this Law, whose spouse has been posted to work abroad as part of the international and technical cooperation, educational and cultural and scientific cooperation, in the diplomatic and consular representative offices, for a professional development or education with consent and for the needs of the employer and therefore his/her employment is in abeyance returns at work at the employer where his/her employment is in abeyance within a period of 30 days as of the day of completion of the work of the spouse abroad;
- the contribution for mandatory health insurance is paid on regular basis or with delay of 60 days at most; and
- the assessment for temporary work disability is given by the selected doctor, i.e. the medical commission.

Article 16 paragraph 1 of the Law defines that the basis for determining the salary compensation is the average monthly amount of the paid net salary wherefore contributions for mandatory health insurance have been paid in the last twelve months before occurrence of the case due to which the right to the compensation is acquired. Article 16 paragraph 2 indicates the exception according to which if the basis for the compensation referred to in paragraph 1 of this Article cannot be calculated for the insured person, basis for the contribution shall be determined from the salary realised for the days at work in the period prior to the occurrence of the case.

According to Article 17 paragraph 1 of the Law, the amount of the salary compensation during the temporary inability to work shall be determined by the employer, i.e. the Fund, with a general act, but it shall amount at least 70% of the basis for salary compensation. Article 17 paragraph 2 indicates the exception to paragraph 1 of this Article, according to which the amount of the salary compensation during temporary inability to work caused by an injury at work, occupational disease, during blood, tissue or organ donation, as well as during pregnancy, childbirth and maternity leave, shall be 100% of the basis of the salary compensation defined according to Article 16 of this Law.

According to Article 18 paragraph 1 of the Law, the salary compensation for the first 30 days of inability to work shall be determined and paid by the employer from his personal funds, and in case of exceeding 30 days, it shall be paid by the Fund.

Article 18 paragraph 2, indicates the exception to paragraph 1 of this Article, according to which the salary compensation shall be paid from the assets of the Fund from the first day of the temporary inability to work in case of nursing a sick child up to three years old, voluntary donation of blood, tissue or organ, and regarding the leave of absence due to pregnancy, childbirth and maternity leave, it shall be paid from the assets of the Budget of the Republic of North Macedonia.

In 2020, the Government of the Republic of North Macedonia has adopted several Legislative Decrees as well as conclusions during the emergency situation, in order to protect the public health during the COVID-19 pandemic, some of which referred to the right to prolonged maternity leave:

- According to Article 4 of the Legislative Decree for application of the Law on Labour Relations during Emergencies (Official Gazette of the Republic of North Macedonia No 90/2020), adopted by the Government of the Republic of North Macedonia, leave of absence from work of a female employee due to pregnancy, childbirth, parenting, and adoption, shall further continue and the salary compensation shall continue to be paid till the expiry of the temporary measures for protection and prevention of the Coronavirus COVID-19.
- In item 4 of the Extract of the Draft-Minutes of the 70th session of the Government of the Republic of North Macedonia held on 19 June 2020, the proposal was adopted of the Ministry of Labour and Social Policy No 02-3862/1 from 17.06.2020 regarding the leave of absence of a female employee due to completed maternity leave in the period from 11.03.2020 to 17.03.2020, and has concluded that it should be submitted to the employers for the purposes of keeping records of the justified leave of absence for these persons, in order to overcome this issue by signing a statement.
- The Government of the Republic of North Macedonia, on its 4th session held on 14.09.2020, has reviewed and adopted the conclusions of the Main Coordinating Crisis Headquarters, and indicated the following as conclusion number 2:
“Employees with leave of absence based on extended maternity leave, starting from 23 September 2020 shall return to their job positions and to the regular execution of job-related tasks, having in mind that the option for the use of the measure for extended maternity leave shall cease to be valid.
- *Other employees with currently justifiable leave of absence due to the use of regular maternity leave shall return to their job positions and to the regular execution of job-related tasks immediately after the expiry of the maternity leave.*“

With regard to the above measures and recommendations adopted by the Government of the Republic of North Macedonia, which refer to the right to extended paid maternity leave during the COVID-19 crisis, the Health Insurance Fund of the Republic of North Macedonia consistently applied them and continued to pay the salary compensation to the employed insured persons who exercised the right to leave of absence due to pregnancy, childbirth and maternity until the expiry of the temporary measures for protection and prevention against the Coronavirus COVID-19.

In addition, the Fund extended the maternity leave and payment of salary compensation to the employed insured persons whose right to leave of absence due to pregnancy, childbirth and maternity has ended after the start of the temporary measures from 11.03.2020, and before the start of the state of emergency until 17.03.2020 and they were not covered by the Legislative Decree of the Law on Labour Relations during a state of emergency ("Official Gazette of the Republic of North Macedonia" No. 90/2020), and were unable to start their work.

The above-mentioned measures ceased to be valid with the Conclusion of the Government of the Republic of Macedonia adopted at the 4th session held on 14.09.2020, which decided that employees with leave of absence on the basis of using extended maternity leave, starting from 23.09.2020, shall return to their jobs and to the regular performance of work tasks.

2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;

Regarding the request to submit information on:

- whether the COVID-19 crisis had an impact on the possibility for dismissal of pregnant employees and female employees on maternity leave and
- whether there were any derogations from the prohibition for dismissal during pregnancy and maternity during the pandemic,

we hereby emphasise that the employed insured persons who have met the requirements referred to in Article 15 of the Law on Healthcare Insurance, were entitled to extended maternity leave during the COVID-19 crisis, that is, the Fund has paid them salary compensation in amount of 100% of the base from the first day of being prevented to work and following the expiry of their right to leave of absence due to pregnancy, childbirth and maternity throughout the validity of the temporary measures for protection and prevention adopted by the competent institutions. We also indicate that the funds for the exercising of this right are provided from the Budget of Republic of North Macedonia through a competent authority (that is, through the Ministry of Labour and Social Policy).

These measures have extended the maternity leave of the female workers so that they do not have to return to their jobs after the expiry of the measures and endanger their health and the health of their child in the conditions of the existing COVID-19 crisis, as well as for those female workers whose maternity leave ended before the Government Decree was adopted, and who were not able to return to work, i.e. their children were not enrolled in kindergarten and therefore could not use the measure of exemption of a parent whose child is attending kindergarten. This was introduced so as to protect the health of the mother and her child.

3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;

No information is required.

4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;

Regarding the request to provide updated data to confirm that there is no loss of salary as a result of the changes in working conditions or reassignment to another job position, and that the women concerned are entitled to paid leave in the event of leave of absence due to pregnancy and maternity, the Ombudsman has informed that in the requested period there were no complaints filed and no open cases for loss of wages as a result of the changes in working conditions or reassignment to another job position, as well as for the women who are entitled to paid leave in case of leave of absence due to pregnancy and maternity.

5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

Regarding the request to provide updated data to confirm that there is no loss of salary as a result of the changes in working conditions or reassignment to another job position, and that the women concerned have the right to return to their previous job position at the end of the protected period, we requested information from the Ombudsman. In the reference period, there were no petitions or open cases submitted to the Ombudsman of the Republic of North Macedonia for loss of wages as a result of the changes in working conditions or reassignment to another work position, as well as regarding the right of women to return to their previous work position at the end of the protected period.

Regarding the potential dismissals of employees by companies during the COVID-19 pandemic, we can point out that based on the available data and knowledge, the dismissals during this period were primarily for business reasons, i.e. reasons related to the functioning and operation of the companies during that period. We have no knowledge of non-compliance with the legal provisions (of the Law on Labour Relations) which explicitly define the **reasons for wrongful termination** of the employment contract by the employer, among which, the following are explicitly stated:

- approved leave of absence due to illness or injury, pregnancy, childbirth and parenthood, care of a family member and unpaid parental leave;
- use of approved leave of absence and annual holiday;
- other cases of job-protected leave defined by this Law.

Article 16 – The right of the family to social, legal and economic protection

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

Measures taken to reduce all forms of domestic violence against women

From the activities undertaken, we highlight that the Istanbul Convention was ratified in December 2017 with the adoption of the Law on the Ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ("Official Gazette of the Republic of North Macedonia" no. 198/ 2017), and began to be applied from July 1, 2018. A National Action Plan for the implementation of the Istanbul Convention in 2018 has been prepared for the period until 2023, in order to plan all the necessary activities and to determine which competent institutions will implement the activities for compliance with the provisions of the Convention. A National Coordinating Body for the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence has been established, chaired by the Minister of Labor and Social Policy.

In January 2021, **the Law on Protection and Prevention of Violence against Women and Domestic Violence was adopted** ("Official Gazette of the Republic of North Macedonia" No. 24/2021). For its proper implementation and full operationalization, several by-laws have been adopted during 2021-2022:

- The Ministry of Labour and Social Policy adopted two by-laws that pertain to the method of implementation and the method of monitoring the imposed temporary protection measures, the method of conducting a risk assessment regarding serious danger to life and the physical and mental integrity of the victim and members of their family and the risk of recurrence of violence, appropriate risk management, implementation and monitoring of measures for the protection of women victims of gender-based violence and victims of domestic violence, undertaken by the social work centre and the necessary forms.
- The Ministry of Interior adopted two by-laws that refer to the method of execution of the imposed emergency measure of protection, removal of the perpetrator from the home and a restraining order and temporary protection measures, to the method of assessing the risk of serious danger to life and the physical and mental integrity of the victim and their family members and the risk of recurrence of violence, the appropriate management of the risk, the form of the police report and the proposal for the imposition of an emergency measure of protection - removal of the perpetrator from the home and a restraining order.
- The Ministry of Health has a by-law that refers to the method of execution of the imposed temporary protection measure - mandatory treatment of the offender if the one uses alcohol, drugs and other psychotropic substances or has a mental illness.

Drafting of three by-laws related to the collection of data on women victims of gender-based violence and domestic violence by the competent institutions, the courts and the public prosecutor's office is in progress.

The latest statistics for recorded victims of domestic violence in 2020-2022 are as follows:

2022	Total	Women	Men	Children
Victims	1543 persons	1074 persons	252 persons	227 persons
Perpetrators	1382	114	1268	
Victims accommodated in the Centre for victims of domestic violence	82 victims	35 persons		47 persons

In 2022 they were:

- Submitted proposed requests for the imposition of temporary measures for protection against domestic violence by the social work centre to the civil court: 2095 temporary protection measures;
- Pronounced temporary measures for protection against domestic violence by a civil court: 1823 temporary protection measures;

2021	Total	Women	Men	Children
Victims	1608	1119	274	215
Perpetrators	1396	117	1279	
Victims accommodated in the Centre for victims of domestic violence	58	34	/	24

In 2021 they were:

- Submitted 1223 requests for the imposition of temporary measures for protection against domestic violence by the social work center to the civil court;
- Pronounced 1015 temporary measures for protection against domestic violence by a civil court.

2020	Total	Women	Men	Children
Victims	1531	1161	249	121
Perpetrators	1338	90	1248	
Victims accommodated in the Centre for victims of domestic violence	114	50	/	64

In 2020 they were:

- Submitted 1042 requests for the imposition of temporary measures for protection against domestic violence by the social work center to the civil court;
- 858 temporary measures for protection against domestic violence were pronounced by the civil court.

The economic empowerment of women is one of the key factors in the prevention and protection of female victims. The active measures for employment from the Operational Plan for active programmes and measures for employment and services on the labour market in 2021 provide support, inter alia, for the victims of domestic violence to be included in the labour market:

- The measure "Support for self-employment (entrepreneurship)" of women victims of domestic violence provides them with the benefit of receiving advisory/mentoring support within a period of 12 months from the establishment of a business as members of the target group of women from vulnerable categories.
- The measure "Subsidizing of salaries", which aims to provide support for the employment of unemployed persons who find it difficult to join the labour market, is also aimed at victims of domestic violence.

It should also be noted that unemployed persons, women victims of domestic violence, have the right to participate in all other active employment programmes and measures, as well as in the employment services.

In December 2020, a module was prepared for specialized services (for each service, including work with children victims or witnesses of violence). Trainings of trainers from the Gender-Based Violence Programme for specialized services were conducted for three modules:

- Module for women and children;
- Module for offenders;
- General module for awareness raising among the professionals.

These modules were implemented in March 2021 within the project "Support to the implementation of the National Action Plan for the Istanbul Convention", financed by the Dutch Embassy.

In April 2021, three trainings for providers of specialized services for victims of gender-based and domestic violence were carried out, envisaged for the social work centres, the Institute for Social Activities and representatives of civil society organizations that are providers of specialized services for victims of gender-based and domestic violence.

In May 2022, a campaign "We are with you" - Together against violence against women and girls was launched, consisting of social media posts, web banners, advertising material, etc. The objective of the campaign is to raise public awareness regarding gender-based violence against women and domestic violence. The campaign lasted until the end of 2022. The campaign was aired on National TV, social media, has its own Instagram page, web banners on portals, etc.

In cooperation with UNFPA, the campaign "You are not alone" is implemented. Within the framework of this campaign, several activities are carried out, video messages, animated videos are recorded, events are organized at the local level, etc.

In addition, in order to implement the Law on Prevention and Protection from Violence against Women and Domestic Violence, the following documents were prepared:

- Draft Programme for the reintegration of women victims of gender-based violence and domestic violence;
- Draft Protocol for Intersectoral Cooperation (provided in Article 12 of the Law) to all state administration bodies, courts, public prosecutor's office, local self-government units, and legal entities exercising public powers established by law.

With regard to the **means testing for claiming social and child protection benefits**, we inform you that according to the reformed Law on Child Protection of 2019, child allowance is provided for children up to the age of 18 who live in households that have a total average monthly income below a certain threshold in the past three months. The threshold starts at 6,800 MKD and increases accordingly according to the characteristics of the household through an equivalent scale up to eight

family member for: the second member for a coefficient of 0.5, the third member for a coefficient of 0.4, the fourth member for a coefficient of 0.4, the fifth member for a coefficient of 0.2, the sixth member for a coefficient of 0.1, the seventh member for a coefficient of 0.1 and the eighth member for a coefficient of 0.1. The equivalent scale is increased further by a coefficient of 1.2 for a single parent.

The amount of allowance also changes from 1000 MKD to 1900 MKD according to the number and age of the children in the household. With the reform of allowances for the protection of children, the amount of the threshold for exercising the right to child allowance was increased (from 6000 to 6800 MKD) and the eligibility restriction was removed only for those who are currently working or receiving compensation in case of unemployment. As a result, the number of child allowance beneficiaries has increased by more than four times.

With the reform, an education allowance was introduced, which is provided to cover part of the household expenses related to children's education. A household with a child who is in regular primary or secondary education has the right to an education allowance, whose total average monthly income earned in the last three months before submitting the request and during the use of the right on all grounds of all members of the household is up to the threshold for access to the right to education allowance, which is set at 6800 MKD, and which increases for each member of the household by a coefficient from the equivalent scale, and at most for a total of eight members in the household, namely for the second member by a coefficient of 0.5, for the third member by a coefficient of 0.4, for the fourth member by a coefficient of 0.4, for the fifth member a coefficient of 0.2, for the sixth member a coefficient of 0.1, for the seventh member a coefficient of 0.1 and for the eighth term a coefficient of 0.1. The equivalent scale is increased further by a coefficient of 1.2 for a single parent.

According to the procedure led by the competent Social Work Centre, it is obliged to submit to the Ministry by the 5th of the month a report on the use of funds for the last month and a request for the necessary funds for the payment of children's monetary rights, as well as for the education allowance of a person who until the age of 18 had the status of a child without parents and parental care, for the next month, with the total number of children and families, i.e. beneficiaries for whom the rights should be paid, and for the users of the education allowance according to the measurement periods.

At the same time, beneficiaries of guaranteed minimum assistance are automatically eligible for both child allowance and education allowance, and the competent social work center re-evaluates their eligibility for both benefits if the household loses the right to guaranteed minimum assistance.

Regarding the **amounts of social and child protection benefits**, the procedure requires that if the family has a child of school age, the amount of the child allowance for one child is 1,000 MKD per month, and for two or more children in the family it is 1,600 MKD per month for all the children. If the family has a child who is not of school age pursuant with the law, the amount of the child allowance for one child is 1,200 MKD per month, and for two or more children it is 1,900 MKD per month for all the children. If there are two or more children in the family, not all of whom are of school age, the amount of child allowance for all children is 1,600 MKD. At the same time, the family is entitled to an educational allowance of 700 MKD per month if the child is in primary education, that is, 1,000 MKD per month if the child is in secondary education.

According to the latest data on the number of beneficiaries, children and funds paid for child protection rights for 2022, during the past year a total of 313,716,318 MKD were paid to the beneficiaries who acquired and used the right to child allowance, the beneficiaries of the right to a special allowance were paid a total of 349,749,609 MKD, for the beneficiaries who acquired and used the right to one-time financial assistance for a newborn, compensation was paid in the total amount of 114,616,136 MKD, a total of 1,818,905,839 MKD was paid to the beneficiaries of the right to parental allowance for the third child, the right to parental allowance for the fourth child is used by a total of 692 beneficiaries and payment was made in the amount of 81,125,223 MKD during the past

year 2022, and 2 persons - beneficiaries of a single parent allowance were paid a total amount of 451,548 MKD. A total of 253,284,800 MKD was paid to the beneficiaries who acquired and used the right to education allowance during 2022. The total amount spent for the payment of monetary rights for child protection for 2022 is 2,931,849,473 MKD.

A foreign citizen, who has a residence and regulated permanent residence in the Republic of North Macedonia in accordance with the law, can exercise the right to a child allowance. The conditions for exercising the right are regulated by the Law on the Protection of Children and the international agreements ratified in accordance with the Constitution of the Republic of North Macedonia.

Measures taken to address energy needs for families exposed to social risk

Regarding the measures taken to deal with energy needs specifically, that is, for families exposed to social risk in general, we anticipate that the system of social protection is an activity of public interest that is realized through measures, activities, programmes and policies for protection against social risks, prevention and overcoming social problems that adversely affect the well-being of citizens, in order to:

- promote and maintain social security of citizens;
- prevent social exclusion;
- improve the quality of life of the citizens;
- strengthen the capacities of the citizens to lead an independent, active and productive life;

Therefore, it is particularly important to note that a reformed system was established in 2019, with the adoption of a set of laws and by-laws from the social sphere. The ultimate objective of this reform is the reduction of the poverty rate, especially for the vulnerable categories and their successful reintegration into society.

This reform has redesigned the rights to social protection financial assistance, which can only be seen as a family package of rights (benefits) in accordance with the needs of households and citizens. Namely, the new Law on Social Protection reformed social financial assistance and upgraded it into a guaranteed minimum assistance, as a cash benefit right for persons/households at risk due to material insecurity.

The Law on Social Security for the Elderly ensures greater effectiveness of monetary benefits for this category of citizens and a reduction in the percentage of poverty among the elderly over 65 years of age, who cannot provide means of subsistence on other grounds.

For the beneficiaries of guaranteed minimum assistance and social security for the elderly, the amount of financial assistance is increased by 1,000 MKD per month during the six winter months to cover the increased heating costs in the household.

During 2022, measures were taken that were aimed at the more vulnerable groups of the population in order to mitigate the consequences of the economic-energy crisis and the strong growth and high volatility of the prices of primary energy and non-energy products caused by the escalation of the Russian-Ukrainian conflict.

With the amendments to the Law on Pension and Disability Insurance ("Official Gazette of the Republic of North Macedonia" No. 67/2022) a new way of adjusting the pension was introduced. With the new methodology for the payment of September pensions, they will conform to a combined model of 50% increase in average salary and 50% increase in cost of living. Harmonization according to the amendments to the law will contribute to the growth of pensions by at least 6%. In addition to the new methodology for harmonizing pensions, financial support was also provided to pension beneficiaries of 1000 MKD for three months (March, April and May), in order to mitigate the consequences of the economic-energy crisis and the price shock. A total of 330,000 pensioners used this support.

Amendments were also made to the Law on Social Protection ("Official Gazette of the Republic of

North Macedonia" no. 99/22), which provided support of 1000 MKD to beneficiaries of the right to Guaranteed Minimum Assistance for the months of March, April and May 2022 in order to mitigate the consequences of the economic-energy crisis and the price shock in the country.

In order to take anti-crisis measures to help vulnerable categories of citizens in the form of financial support, the Law on Financial Support of Socially Vulnerable Categories of Citizens for Dealing with the Energy Crisis was adopted ("Official Gazette of the Republic of North Macedonia" no. 246 /22). As beneficiaries of financial support, the following categories of socially vulnerable citizens have been determined: beneficiaries of the right to social security for the elderly, beneficiaries of a special allowance (children with disabilities), beneficiaries of the right to compensation due to disability, beneficiaries with disabilities and permanent changes in health condition, who use compensation for assistance and care from another person, and do not use the right to compensation due to disability, without the need for a control examination, single parents who are registered beneficiaries of guaranteed minimum assistance, beneficiaries of the right to a pension in the amount of up to MKD 14,000, beneficiaries of the right to compensation for physical damage and unemployed persons - beneficiaries of the right to unemployment benefit.

The payment of the financial support is carried out without submitting a request by the users, based on lists of financial support users, prepared based on the data from the records of the Ministry of Labor and Social Policy, the Pension and Disability Insurance Fund of North Macedonia and of the Employment Agency of the Republic of North Macedonia, after publication of lists of beneficiaries of the financial support at the latest, starting from the next month from the date of entry into force of this law, for a period of four consecutive months.

Measures to support vulnerable families during the COVID-19 pandemic

As a response to the COVID-19 pandemic, and thus the temporary measures taken for financial support of vulnerable families, the Government of the Republic of North Macedonia, at the session held on April 24, 2020, adopted a Legislative Decree for amending and supplementing the Legislative Decree for application of the Law on Social Protection during a State of Emergency ("Official Gazette of the Republic of North Macedonia" No. 198/20), which enabled facilitated access to the right to guaranteed minimum assistance for persons whose employment relationship ended during the pandemic, calculated from April to December 2020.

In order to ensure facilitated access to exercising the right to guaranteed minimum assistance in conditions of extraordinary circumstances (established existence of a crisis situation, declared epidemic, i.e. pandemic, fires, floods or other major natural disasters), a Law was passed to supplement the Law on Social Protection ("Official Gazette of the Republic of North Macedonia" no. 302/20).

In case of emergencies, this Law provides for the following:

- The material insecurity of the household should be determined by calculating the amount of all incomes of all household members on all bases in the month before submitting the request for exercising the right to guaranteed minimum assistance (instead of the last three months in regular circumstances).
- The obligation to report on the change in the numerical situation, the property situation of the household that affects the use of the right to guaranteed minimum assistance, is established within 30 days (instead of the 15 days stipulated in the Law).
- It is possible to exercise the right to guaranteed minimum assistance when a member of the household has been deleted from the register of unemployed persons due to irregular registration or whose employment relationship has ended amicably, at his request or by dismissal from the employer due to breach of contractual obligations or other obligations from the employment relationship, and the user is not obliged to register as an unemployed person in the competent employment centre.
- A household that uses the guaranteed minimum assistance receives a monetary allowance in order to cover part of the costs for energy consumption in the household

for the months from April to September (continuously during one calendar year).

Along with the legal amendments, amendments have also been prepared to the Rulebook on the method of exercising the right to guaranteed minimum assistance, determining the state of income, property and property rights of the household, determining the holder of the right, the request form and the necessary documentation, and they are in adoption procedure. With these amendments, it is possible, under extraordinary circumstances, to facilitate the access to the right to guaranteed minimum assistance, so that the property that the beneficiary of the right to guaranteed minimum assistance can alienate or rent and thus support himself shall include an apartment in which the one does not live, a registered motor vehicle not older than five years (passenger motor vehicle, motorcycle over 50 cm³, van, bus, truck, combine harvester and tractor) and construction land with an area of more than 500 m², except for the land on which the building where the user lives is located.

Since the adoption of the Decree, and later the additions to the Law on Social Protection until December 2021, the number of users of guaranteed minimum assistance has increased by 45%.

Furthermore, the Government of the Republic of North Macedonia, at the session held on April 2, 2020, adopted a Legislative Decree on the application of the Law on the Protection of Children during a State of Emergency ("Official Gazette of the Republic of North Macedonia" No. 88/20) which established that the deadlines that, in accordance with the Law on the Protection of Children, are set for submitting a request for exercising the right to one-time monetary assistance for a newborn, a request for exercising/extending the right to parental allowance for a child (third child), as well as for a request to extend the right to parental allowance for a child (fourth child), shall cease to be valid during the state of emergency and shall be extended for three months from the day the state of emergency expires. At the same time, this Legislative Decree establishes that the verification of meeting of the attendance requirement of at least 85% of the total number of completed classes for each of the measurement periods, for the purpose of payment of the education allowance for the third and fourth measurement periods for academic year 2019/2020, will not be performed until the end of the academic year.

The Government of the Republic of North Macedonia also adopted a Legislative Decree on amending and supplementing of the Legislative Decree for application of the Law on the Protection of Children during a State of Emergency ("Official Gazette of the Republic of North Macedonia" No. 103/20) which defined that the right to a special allowance, exercised on the basis of the issued findings, evaluations and opinions of an appropriate professional authority, in which a control review, i.e. a repeated review - control or recategorization, during the period of the state of emergency, is recommended, shall be extended during the state of emergency, as well as two months from the day of the cessation of the state of emergency.

In order to ensure the smooth implementation of the right to an education allowance and the situation with the COVID-19 pandemic, there was a need to adopt a Law to supplement the Law on the Protection of Children ("Official Gazette of the Republic of North Macedonia" No. 311/20) which defined that, exceptionally, in conditions of extraordinary circumstances (verified existence of a crisis situation, declared epidemic or pandemic, fires, floods or other major natural disasters), there will be no verification of the fulfilment of the requirement for the attendance on at least 85 % of the total number of realized classes for each of the measurement periods.

In accordance with the measures of the Government of the Republic of North Macedonia, financial assistance is provided for the most vulnerable categories of citizens, through the following temporary measures:

- Subsidizing salary contributions per employee in the amount of 50% of the average salary paid in 2019, for the period of April, May and June 2020;
- Subsidy for keeping of the employment in amount of 14,500 MKD per employee per month for April and May 2020, for companies affected by the crisis or 50% of the cost of

- contributions for each employee;
- Domestic payment card in amount of 9,000 MKD for vulnerable categories and families with lower incomes affected by COVID-19;
- Encouraging domestic tourism through 6,000 MKD vouchers for the citizens and a domestic payment card in amount of 3,000 MKD;
- Monetary compensation for the citizens who lost their jobs due to the crisis, according to the work experience through the Employment Agency;

The Law on financial support of low-income citizens, pension beneficiaries, beneficiaries of the right to social security for the elderly, young people, single parents, children without parents and parental care, artists and other persons performing activities in the field of culture, film workers and pop artists ("Official Gazette of the Republic of North Macedonia" No. 290/20, 92/21), secured the one-time financial support for:

- citizens with low income;
- pension beneficiaries;
- beneficiaries of the right to social security for the elderly;
- young people aged 16 to 29;
- single parent;
- children without parents and parental care;
- artists and other persons performing activities in the field of culture, film workers, and pop artists;

The financial support for these citizens, in order to encourage private consumption and the purchase of Macedonian products and services in conditions of reduced economic activity conditioned by the health-economic crisis caused by the COVID-19 coronavirus, was paid from the Budget of the Republic of North Macedonia through the Government programme P1-Measures to deal with the COVID-19 crisis.

Digitization of services to facilitate communication during the Covid crisis, in the system of social protection, ensures that the data on the beneficiaries of monetary rights for social protection and social security for the elderly are provided through the interoperability platform or by obtaining evidence and data for which official records are kept by a competent public authority. In this way, through web services, data is provided from the Employment Agency, the Public Revenue Office, the Real Estate Cadastre Agency, the Pension and Disability Insurance Fund, the Birth Records Office, and the exchange of data is carried out with the Ministry of Interior and the Ministry of Agriculture, Forestry and Water Management. In the procedures for the exercise of monetary rights for social protection and social security for the elderly, the applicant submits only an identity card for himself and for the adult members of the household.

In order to take anti-crisis measures to help vulnerable categories of citizens in the form of financial support, the Law on Financial Support of Socially Vulnerable Categories of Citizens for Dealing with the Energy Crisis ("Official Gazette of the Republic of North Macedonia" No. 246/ 22) was adopted. The following categories of socially vulnerable citizens have been defined as beneficiaries of financial support: beneficiaries of the right to social security for the elderly, beneficiaries of a special allowance (children with disabilities), beneficiaries of the right to compensation due to disability, with disability and permanent health-related changes, who use compensation for assistance and care from another person, and not use the right to compensation due to disability, without the need for a control examination, single parents who are registered beneficiaries of guaranteed minimum assistance, beneficiaries of the right to a pension in the amount of up to 14,000 MKD, beneficiaries of the right to compensation for physical damage and unemployed persons - beneficiaries of the right of material security in the form of monetary compensation.

The payment of the financial support is carried out without submitting a request by the beneficiaries, based on lists of financial support beneficiaries, prepared based on the data from the records of the Ministry of Labour and Social Policy, the Pension and Disability Insurance Fund of North Macedonia and of the Employment Agency of the Republic of North Macedonia, following the publication of lists of beneficiaries of the financial support at the latest, starting from the next month from the date of entry into force of this law, for a period of four consecutive months.

At the beginning of the Covid-19 crisis, the Government, on the proposal of the Commission for Infectious Diseases, adopted a conclusion whereby employed persons who have a minor child under the age of 10 or an active fourth grader, for whom home care is necessary, one parent should be exempted from work and work activities and his/her absence during this period shall be recorded by the employer as an excused leave of absence. This measure was applied until July 8, 2020, when the Government made a decision to amend and supplement the decision on measures to prevent the spread of Covid-19, by which parents of children up to 10 years of age, involved in the educational process, who were granted the leave of absence, should return to their jobs, due to the fact that the school year was already over.

Legal protection of families – Rights and obligations, dispute resolution

Regarding the legal protection of the family, we emphasize the Law on the Family ("Official Gazette of the Republic of Macedonia" No. 80/92, 9/96, 38/04, 33/06, 84/08, 67/10, 156/10, 39/12, 44/12, 8/14, 115/14, 104/15 and 150/15), which, inter alia, regulates marriage and family, relations in marriage and family and certain forms of special family protection.

Article 16 of the Law on the Family establishes the legal age of marriage, whereby a person who has not reached the age of 18 is not allowed to enter into marriage. The same provision includes an exception, so that the competent court can, in an extra-judicial procedure, allow the marriage of a person who has reached the age of 16 if it shall establish that the person has reached the physical and mental maturity required to exercise the rights and duties that arise in marriage, and after a previously obtained opinion from a health institution and expert assistance provided at the social work centre.

The social work centres, while performing the tasks within their scope, monitor the situation in vulnerable families and take measures to prevent underage marriages through expert-methodological work with parents and minors, as well as by indicating the consequences in case of underage marriages, in order to prevent certain negative phenomena, to strengthen the parental competences and provide professional help to overcome disturbed partner and parental relationships in the family. As a result of these activities and raising of the people's awareness of the harmful impact of this phenomenon, the number of underage marriages has significantly decreased in recent years, from 164 underage marriages in 2014 to 63 in 2021.

The divorce procedure, as well as the procedures for the regulation of property relations between the spouses during marriage, as well as in the case of divorce, are conducted before the competent courts.

Domestic violence against women

In relation to the Committee's request to provide updated data on all aspects of domestic violence against women and related court convictions, as well as on the use of restraining orders, according to the statistics of the Ministry of Labour and Social Policy obtained from the 30 social work centres regarding the number of temporary measures for protection against domestic violence imposed by the civil court, we hereby indicate the following:

For the period in 2020:

- 1042 submitted requests for the imposition of temporary measures for protection by the social work centre to the court;
- 858 temporary measures for protection imposed by a civil court;
- In relation to the measure "Prohibition to approach at a distance of less than 100 meters to the residence, school, workplace or a certain place regularly visited by another family member, 174 proposals were submitted to the court, and 135 were imposed by the court;

For the period in 2021:

- 1,223 submitted requests for the imposition of temporary measures for protection by the social work centre to the court;
- 1,015 temporary measures for protection imposed by a civil court;
- In relation to the measure "Prohibition to approach at a distance of less than 100 meters to the residence, school, workplace or a certain place regularly visited by another family member, 259 proposals were submitted to the court, and 176 were imposed by the court;

***Social and economic protection of families
Institutions for accommodation of children***

Investing in early childhood development is a high priority of the Government of the Republic of North Macedonia. In the past period, the Ministry of Labour and Social Policy worked intensively on the reform in the domain of child protection, with the aim of ensuring favourable conditions for proper growth and development for every child, and in cooperation with the municipalities, has been working continuously on expanding the capacities for the protection and education of the children. By the end of 2022, a total of 81 kindergartens have been opened in the Republic of North Macedonia, and a total of 36,108 children have been taken care of, of which 10,101 children are aged 0-3, while 26,007 children are aged 3-6. According to the data from the 2021 Census, there were 75,433 children aged 0-3 and 65,003 children aged 4-6 in the Republic of North Macedonia.

Equal access to family monetary social protection rights

The conducted social protection system reform has redesigned the rights to social protection financial assistance, which can only be seen as a family package of rights in accordance with the needs of households and citizens. Namely, the new Law on Social Protection, adopted in May 2019, reforms social monetary assistance and upgrades it into guaranteed minimum assistance, as a monetary right for persons/households at risk due to material insecurity.

The comparative data between the largest monetary right paid according to the new law – Guaranteed minimal assistance - GMA from May 2019 and the rights that are most closely sublimated with GMA according to the old law from April 2019, show an improvement in terms of adequacy, targeting, and coverage of households with monetary social protection benefits. The average monetary assistance paid per household for GMA for December 2019 (7,152 MKD) under the new law is higher than the SMA (2,945 MKD) under the old law, showing an increase of 142%, while the average payments per household member for December 2019 show an increase of 162% (GMA-2,637 MKD, against SMA -1,006 MKD). The results of the evaluation carried out by the World Bank on the effect of the reform on coverage show an increase of close to 11% for the first quintile. Also, the simulation results suggest a significant improvement in targeting: 53% of all welfare recipients are in the poorest quintile, compared to about 44% before the reform.¹

¹ North Macedonia Social Protection Situational Analysis, <https://openknowledge.worldbank.org/bitstream/handle/10986/37873/P176230056cd8e0690826605d07701e8bd2.pdf?sequence=1&isAllowed=y>, p. 12

The parallel reform in the field of child protection enabled facilitated access to the child allowance, in a manner in which the right could be exercised by families with children who have low incomes and which do not have to have an employed member, a condition that was key in the exercising of the right to child allowance. Namely, with the amendments to the Law on Child Protection ("Official Gazette of the Republic of North Macedonia" number 104/19 of May 23, 2019), the system of monetary allowances for children is reformed in order to eradicate child poverty and guarantee equal opportunities for all children, enabling for the first time access to the right to child allowance for households/families receiving guaranteed minimum assistance, but also for those who earn incomes higher than the minimum wage. For the children of these households, who attend primary or secondary school, an education allowance is introduced, which will help parents in terms of paying school expenses and prevent early school drop-out. The data on payments and the number of beneficiaries of the right to child allowance according to the amendments to the Law on Child Protection from May 2019 and the right to child allowance under the old law show a significant increase. The total payment, as well as the total number of beneficiaries under the new law in May 2019, are several times higher than under the old law. In December 2019, 15,248 families with children used child allowances, compared to 2,956 families in April 2019 (an increase of 415%), and the number of children in those families was 33,037 in December 2019, compared to 6,924 children in April 2019 (an increase of 377%). In 2020, 43,649 children used child allowance and 26,167 children used education allowance. In 2021, an average of 48,800 children used the child allowance, while 28,814 pupils and students used the right to the education allowance.

The Law on Social Security for the Elderly ensures greater effectiveness of monetary benefits for this category of citizens and a reduction in the percentage of poverty among the elderly over 65 years of age, who cannot provide means of subsistence on other grounds. For the beneficiaries of guaranteed minimum assistance and social security for the elderly, the amount of financial assistance is increased by 1,000 MKD per month during the six winter months to cover the heating costs.

According to the data from the Ministry of Labour and Social Policy, the number of households receiving Guaranteed Minimum Assistance (GMA) at the end of 2021 is 36,268 compared to 25,095 households that received GMA in 2019, when the reformed system of social and child welfare was introduced. In 2020, the number of households receiving GMA increased by 8,235 new beneficiaries, while in 2021, 2,938 new households joined the system, resulting in a total increase of 45% in GMA beneficiaries over a two-year period.

From a gender perspective, households in which the holder of the right is a woman constitute 35.8% of all households receiving GMA, which corresponds to the traditional set-up of families. Regarding the size of beneficiary households, of the total number of GMA beneficiary households, 28.2% are single-member households, followed by 23.5% which are two-member households and 17.9% which are four-member households. Households with five or more members, which are particularly vulnerable and at risk of poverty, are represented by 10.7%.

Regarding the educational structure, persons with primary education make up 60.2% of the holders of the right to GMA, followed by those with secondary education (19%) and without primary education (18.5%). The low educational level of the members of GMA beneficiary households represents a major barrier for the successful transition of these persons to employment.

A significant number of 11,153 households (31.7% of the total number of GMA beneficiary households) also use child allowance. Approximately one in five households receiving GMA (21.2% or 7,681 households) also uses education allowance for children.

A significant part of the households that receive GMA also receive an energy allowance. The

number of beneficiary households increased continuously over the years and reached 45,914. The number of households receiving energy allowance is 26.6% higher than the total number of households receiving GMA and this is an important social protection right to tackle energy poverty.

Among the different types of cash benefits for social protection, Roma households mostly use the GMA (19.9%) and the energy allowance (17%). Households of ethnic Albanian origin are mostly beneficiaries of the energy allowance (44.7%), GMA (41.8%) and child allowance (48.8%). Ethnic Macedonians mostly use the energy allowance (27.2%), GMA (26.5%) and child allowance (15.9%).

Measures in favor of vulnerable families

Regarding the Strategy for Roma families and the measures that have been taken in that context, we report the implementation of the measures and programmes aimed at improving the position of the Roma, according to the Strategy for Roma Inclusion.

The Roma community achieves its education at all levels freely under equal conditions as all other communities. The implemented activities, measures and public policies after the end of the Roma Decade and during the implementation of the Roma Strategy 2014-2020, led to the creation of several public policies in the promotion, development and support of Roma education at every level of education.

The academic year 2021/2022 is the fourth year in a row in which, with the recommendation of the Government of the Republic of North Macedonia, Roma children in social risk are enrolled in preschool education with exemption from payment of participation fee for children from households at social risk. The number of enrolled Roma children at the national level is 420, of which 208 are from families in social risk who are exempted from paying participation fees in 17 municipalities (17 kindergartens) that are covered by a recommendation of the Government of the Republic of North Macedonia. Mediators have been hired in 18 municipalities to raise parents' awareness of the importance of education.²

The Ministry of Education and Science to support the primary education of the Roma is starting the implementation of the Roma Educational Mediators³ program by hiring 20 local educational mediators in 16 municipalities. This measure ensures an increase in the coverage of Roma children in primary education, a reduction in the number of students who drop out of school, a reduction in the number of Roma students enrolled in schools for children with special needs, strengthening the ties between the Roma community, parents and schools, fighting against social exclusion (desegregation and discrimination), respecting differences and promoting intercultural education.

The number of enrolled Roma first graders in the regular enrollment period from May to September 1, 2021 is 1,601.

At the same time, the Roma mediators are working and collecting data on the number of

² In 2022, the number of enrolled Roma children at the national level is 462 children, which is 1.3% of the total number of children enrolled in kindergartens. The total number of registered Roma children at social risk covered through exemption with participation fee is 247 in 20 municipalities (Berovo, Bitola, Vinica, Prilep, Chair, Delchevo, Kochani, Kumanovo, Veles, Gazi Baba, Pehchevo, Debar, Centar, Kavadarci, Negotino, Kriva Palanka, Radovish, Karposh, Tetovo and Gostivar). In 20 municipalities, 20 mediators have been hired to raise parents' awareness of the importance of education.

³ Measure from the National Roma Strategy 2014-2020. In 2019, this measure becomes a public policy and is stated and defined in the Law on Primary Education, Article 37. In this way, the Ministry of Education and Science ensured the sustainability of another measure from the Roma Strategy and increased the number of engaged Roma mediators from 20 to 35 in 26 municipalities in the country in the academic year 2020/21 or in the period from September 2020 to June 2021. The Ministry of Education and Science has announced a Call for hiring 35 Roma educational mediators from 26 municipalities. For the academic year 2020/21, according to the reports of the mediators that are submitted on a monthly basis, it has been established that 103 Roma students of school age have been selected for enrollment in the first grade who were not included in the education system and thanks to the measures, Roma are included in regular teaching, 262 students who dropped out and are members of the Roma ethnic community have been returned to the school and 54 Roma students, returnees from foreign countries, have been reintegrated into the education system.

students who have dropped out (students who are enrolled in a school but do not attend classes) from the system for the first half of the school year 2021/22 and reintegrated within the framework of the system.

In 2020/21, the Ministry of Education and Science continued its cooperation with the Pestalozzi Foundation from Switzerland, and for this purpose, financial support is provided for the parents of children who are detected outside the school, and educational coordinators who are field workers and have similar responsibilities are also hired. The Education Development Bureau has prepared customized curricula that is a significant step in overcoming the obstacles to the inclusion of children/students who are over the age limits.

In order to encourage parents to regularly send their children to school and follow the lessons, the Open Society Macedonia Foundation in cooperation with the Ministry of Education and Science is implementing the project "Regularly in class" for the third year in a row. This project includes a total of 606 Roma first and second graders whose parents are recipients of guaranteed minimum assistance and they are provided with financial support for their children to continue their education. A total of 54 assistants from 19 cities in the country have been provided to detect such Roma children.

In 2021, within the framework of the annual Operational Plan for active employment programs and measures and labour market services, a total of 488 Roma were covered, of which 160 are employed through the programs Subsidized wages, Self-employment with a grant and Employment and growth of legal entities. 57 Roma were involved in professional training, while 271 Roma were involved in employment measures, i.e. public works and community work.

Through the Youth Guarantee Implementation Plan in 2021, a total of 965 Roma were registered (of which 488 were women). Of these, 144 people were employed within a period of 4 months after their inclusion in the Youth Guarantee, and 33 people were included in some employment measure (training) that improve their employability. In addition, 37 Roma entrepreneurs registered and started their own businesses using the package of measures through the matching fund for maintaining economic and social stability.

A National Program for the transformation of undeclared work among Roma in the Republic of North Macedonia (Promotion of declared work among Roma 2021-2023) has been prepared and it has been adopted by the Government of the Republic of North Macedonia. The program was developed for the implementation of the Roadmap 2019-2021, as part of the process for achieving the commitments of the Poznań Declaration and EU integration.

Roma Information Centres (RICs) work with citizens, in accordance with the problems and needs of the community, continuously according to their planned activities and work plans. In December 2022, eight Roma Information Centres (Gostivar, Delchevo, Kochani, Vinica, Negotino, Kichevo, Bitola and Shuto Orizari) were operational, in which nine informants are engaged.

In 2021, about 2,500 services were provided by RIC, with a focus on services in the field of social protection, then health care, housing, education, employment, personal documentation, anti-discrimination, and other services. RICs continuously worked on informing the communities regarding the published announcements about the measures and programs according to the Operational Plan for employment within the framework of Employment Service Agency of the Republic of North Macedonia.

The Law on Unregistered Persons in the Birth Register ("Official Gazette of the Republic of North Macedonia" No. 42/2020), adopted in February 2020, is an affirmative action for unregistered persons because it enables them access to health care, social protection, education and employment rights. It is an ad hoc solution because its target group is a certain number of people (650 people of which 423 are Roma) who have already started the procedure for additional registration in the birth register and who participated in the public call for registration.

The law allows for this category of persons to be registered in a special birth register and to

receive a special identification document that should enable them to access the above-mentioned rights.

According to the latest data from the Births Records Office, out of the 650 persons identified, about 320 persons have been issued a special birth certificate, of which 115 persons have been issued a special identification document in the period from 2020 – 2022, and for 100 persons, the issuing procedure is in progress.

In June 2022, the Government of the Republic of North Macedonia tasked the Ministry of Labour and Social Policy to prepare amendments to the Law on Unregistered Persons in the Birth Register and to overcome the implementation challenges.

13 families (89 people, 29 adults and 60 children) have been displaced and accommodated in temporary residences in Vizbegovo. Professionals from the social work center, MLSP and two Roma non-governmental organizations are engaged in working with these people. Part of the families is claiming guaranteed minimum assistance, child and educational allowance. A greater number of adults are active job seekers registered with the Employment Service Agency. Continuous efforts are being made to strengthen economic sustainability, socialization and resocialization of families. Half of the children have been attending primary education classes in the regional primary school in Vizbegovo.

In cooperation with the Regional Cooperation Council, the new Strategy for Roma Inclusion 2022-2030 was prepared, which was adopted by the Government of the Republic of North Macedonia on February 15, 2022, covering six key areas (anti-Gypsyism, education, employment, social protection and healthcare, housing, civil registration and culture) in order to improve the situation of the Roma in the Republic of North Macedonia. National action plans were also prepared for the priority areas of the Roma Inclusion Strategy 2022-2030.

The National Action Plan for the Roma Woman was adopted. Health education and research are conducted for the development and implementation of special measures and activities for employment of Roma women.

In the past period, more activities have been carried out to strengthen the role of local communities in improving the inclusion of Roma. With the support of the ROMACTED programme:

- 15 local action plans have been developed in 15 municipalities for the period 2023-2026;
- A post-Covid-19 action plan has been developed for 15 municipalities that targets adult education, tutoring in schools for children who did not follow quality teaching during the pandemic and developing a risk plan for vulnerable groups;
- Preparation of a Manual for Roma responsible budgeting at the local level is underway;

Housing for families

Following the Committee's request that the next report should contain statistics on the overall availability (demand and supply) of different types of housing support, we are submitting information and data related to social housing and the provision of social housing for rent.

Namely, the Ministry of Transport and Communications is implementing the Project for Housing of Socially Vulnerable Groups F/P-1674, which is a project for the construction of apartments intended for persons at social risk and other vulnerable groups without housing. The total value of this project is 50.7 million EUR and it is realized with 50% funds from the Budget of the Republic of North Macedonia and 50% with a loan from the Council of Europe Development Bank.

According to the Annual programme for the construction, sale and maintenance of the residential space owned by the Republic of North Macedonia, which is adopted by the Government of the Republic of North Macedonia, the activities for construction of buildings with apartments for persons at social risk and other vulnerable groups are planned, namely: 32 buildings with 1,723 apartments

with a total area of 70,848.42 m², office space with a total area of 2,439.07 m², garages with a total area of 353.97 m² and 1,558 basements with a total area of 9,348.33 m².

The buildings will have been constructed during the period of 2009-2025.

So far, a total of 22 buildings with 1,026 apartments were built in several towns in the country (Makedonska Kamenica, Skopje, Kavadarci, Ohrid, Kichevo, Kochani, Kriva Palanka, Bitola, Shtip, Berovo, Resen, Demir Hisar, Makedonski Brod, Prilep, Strumica, Gostivar, Vinica, St. Nikole, Probishtip, and Gevgelija).

In 2019, the construction of three buildings with a total of 422 apartments has commenced in Skopje, Probishtip, and Negotino.

In 2020, the construction of six buildings with a total of 173 apartments has commenced in St. Nikole, Vinica, Gevgelija, Demir Kapija, and Veles.

In 2021, the construction of five buildings with 202 apartments has commenced in Pehchevo, Saraj, Debar, Veles, and Kochani.

In 2023, the construction of four buildings with 196 apartments is planned.

The allocation of social apartments under lease is carried out in accordance with the Decision on the distribution of social apartments, as well as the conditions for their use built according to the Programme for the construction, sale and maintenance of residential space owned by the Republic of North Macedonia and the Methodology for scoring candidates for obtaining social apartment under lease ("Official Gazette of the Republic of North Macedonia" No. 37/22 and 38/22). This Decision is adopted by the Government of the Republic of North Macedonia as a bylaw.

According to the above Decision - the following categories of citizens without housing can be beneficiaries of social housing:

- Children without parents or parental care - persons over 18 years of age who until their eighteenth year were taken care of in institutions and other forms of care for children without parents;
- Beneficiaries of the right to guaranteed minimum assistance;
- Persons affected by natural disasters regardless of the legal status of their existing (primary) residences;
- Persons with disabilities and families with a family member with disabilities;
- Persons belonging to the Roma community and socially excluded according to the Strategy for the Roma of the Republic of North Macedonia and
- Single parents with minor children.

So far, a total of 798 apartments have been allocated in several cities in the territory of the Republic of North Macedonia, and during the reporting period 2018-2021, 64 social apartments have been allocated and leased. The social apartments have an area of 35-45 m², and the monthly rent is 15 MKD per m².

Regarding the measures taken to improve the housing situation of Roma families, especially regarding the living conditions of Roma in informal settlements and access to apartments for social housing due to the lack of reliable and relevant data in the area of housing, the objective of the Regional Declaration on Roma Integration and the EU is to legalize all informal settlements where Roma live, where possible, or alternatively to provide decent, affordable and desegregated housing for Roma living in settlements that cannot be legalized for justifiable reasons. By signing the Declaration, the governments of the Western Balkans countries committed to use the available data for policy making and to establish an appropriate mechanism for monitoring and reporting. Regarding the goal in the area of housing, the use of available data would mean the collection and systematization of existing data in such a way as to provide basic data for policy formulation, in a system that would later enable appropriate monitoring.

For this purpose, a Regional methodology for mapping Roma substandard settlements was

prepared. The implementation of the methodology initially provides the necessary basic data, and their regular updating can serve to monitor the impact of Roma integration policies in the field of housing and the progress towards achieving the housing goal of the Declaration.

In the Republic of North Macedonia, as part of a pilot project, this methodology was implemented in 20 municipalities, which will be followed by the development of complete programmes with technical documentation and financial construction to fully solve the problems and needs in the housing area of Roma households.

A new Law on Housing in the Republic of North Macedonia is being drafted, which will have a special section on Social Housing.

According to the requested information about the situation with the accommodation and the situation regarding the housing of the refugee families, the housing of the refugee families has been completely resolved through the access to the right to housing regulated by the Law on International and Temporary Protection ("Official Gazette of the Republic of Macedonia, No. 64 from 11.4.2018"). Persons who have acquired the status of a person under international protection have access to housing by submitting a request to the Social Work Centre, where, through an appropriate procedure, they exercise the right to financial resources to cover rent and overhead costs⁴. In addition, after a period of one or two years from acquiring the status, the persons have the right to apply for housing support through the Programme for the Integration of Persons Granted the Right to Asylum in the Republic of North Macedonia, which is adopted by the Ministry of Labour and Social Policy on an annual basis.

The temporary transit centres located at the two border crossings are not envisaged as long-term accommodation facilities, while their functioning is regulated by decisions on the extension of the crisis situation on an annual basis⁵. In the period after 2016, with the end of the mass influx of migrants at the border crossings, the transit centres have not noticed a shortage of transit facilities for the temporary stay of people on the move.

⁴ Rulebook on the detailed criteria and the method of use of an appropriate housing accommodation or of monetary assistance for securing accommodation for persons with refugee status in accordance with their needs" No. 195/2019 of 24.09.2019)

⁵ Decision amending the Decision to approve the extension of the deadline for the existence of a state of crisis in part of the territory of the Republic of North Macedonia, due to the high risk of an increased volume of entry and transit of migrants through the territory of the Republic of North Macedonia and for the purpose of protecting public health from illegal migration in conditions of an existing pandemic declared by the World Health Organization for the sars-cov-2 virus and prevention of its spread, which threatens the safety, health and property of the population (extended every 6 months).

Article 17 – The right of children and young persons to social, legal and economic protection

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

- a) to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;
- b) to protect children and young persons against negligence, violence or exploitation;
- c) to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;

Registration in the birth records and the problem of statelessness are problems that are still present in the Roma community. The existing legislation regarding registration in the birth register addresses the status of persons who are not registered in the birth register and do not have access to health care, social care or education. The Law on Unregistered Persons in the Birth Register ("Official Gazette of the Republic of North Macedonia" No. 42/2020), adopted in February 2020, is an affirmative action enabling unregistered persons access to health care, social protection, education and employment rights. It is an ad hoc solution because its target group is a certain number of people (650 persons of which 423 are Roma) who have already started the procedure for additional registration in the birth register and who participated in the public call for registration announced in the period from 1 of April 2018 to 1 of November 2018. The deadline for submitting requests for registration of birth in the special registry book was postponed twice, and according to the latest amendments, this deadline has expired on June 30, 2022.

The law allows for this category of persons to be registered in a special birth register and to receive a special identification document that should enable them to access the above-mentioned rights.

According to the latest data from the Births Records Office, out of the 650 persons identified, about 320 persons have been issued a special birth certificate, of which 115 persons have been issued a special identification document in the period from 2020 – 2022, and for 100 persons, the issuing is in a regular procedure.

By the end of June 2022, field work meetings were held with institutions at the local level for the presentation of the Law on Persons Unregistered in the Birth Register, with representatives from the Ministry of Labour and Social Policy, the Ministry of Interior, and the Birth Records Office.

Intensification of further activities is needed until the problem of registration in the birth register is fully resolved, the civil status is resolved, as well as the access of these persons to basic rights according to the Law on Unregistered Persons in the Birth Register and the Law on Citizenship. In June 2022, the Government of the Republic of North Macedonia tasked the Ministry of Labour and Social Policy to prepare amendments to the Law on Unregistered Persons in the Birth Register and to overcome the implementation challenges.

To ensure access to basic rights and services, asylum seekers in the Republic of North Macedonia have access to information, counselling and free legal assistance for all their needs related to access to rights and administrative procedures before the institutions of the state. This service is provided within the Reception Centre for Asylum Seekers as well as for persons placed outside a reception facility through social work centres.

In order to **tackle child poverty** and reduce the adverse effects of poverty on children, all households that receive a guaranteed minimum income, as well as households that generate minimum income from wages, are entitled to use child and educational allowance. The purpose of exercising this right to child protection is to enable children from poor families to become part of the educational process and have an equal start with children from families with higher incomes. In addition, depending on the financial situation of the family, participation is provided in the costs of care and upbringing and holiday and recreation of children in the public institution for children. The right to participation in the costs for care and upbringing of children of preschool age is provided for single parents who are beneficiaries of guaranteed minimum assistance whose children are cared for in a public institution for children - kindergarten. The amount of the right to participation in the costs for care and upbringing of children of preschool age is equal to the price of the service in the public institution for children paid by the parent.

Furthermore, with the aim of developing the psychomotor development of children and the ability to negotiate, respect differences and cooperate in groups, the ability to accept oneself and others and orientation in space, the Ministry of Labour and Social Policy, starting from 2012, continuously implements the project "Free children's holiday and recreation service", whereby the holiday and recreation service can be used by children from families at social risk and children who are beneficiaries of a special allowance. Children use this free service during the summer and/or winter breaks.

In the Child Protection Law, Article 12 prohibits any discrimination based on race, colour, origin, national or ethnic origin, sex, gender, sexual orientation, gender identity, affiliation to 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 characteristic and social status or any other basis.

Regarding the ***measures adopted with the aim of protecting and helping children in crisis and emergency situations***, the Ministry of Labour and Social Policy, in cooperation with the Ministry of Health, has developed appropriate protocols to minimize the risks of COVID-19 in residential social homes and units for assisted living for people with disabilities.

In order to ensure the protection of children's rights and reduce the negative impact of the COVID-19 pandemic, activities were undertaken to help, support and advise parents and guardians to raise children in a safe and caring family environment, for which a free telephone line was opened, the necessary support was provided for children - students in primary and secondary education from socially disadvantaged families who have limited or no access to technology or the Internet, as well as help for children with disabilities through the online platform to support the learning and development of children with a disability. Moreover, in the context of the COVID-19 pandemic, the day care centres for children with disabilities implemented an adapted program for psycho-social support and customized individual educational programmes with the beneficiaries of the day care centres and their families in home-based conditions by using the Internet and video communication.

Regarding the children placed in small group homes, a Protocol for the prevention and control of COVID-19 in small group homes was also adopted. In cooperation with the Clinic for Psychiatry and the civil society organizations, psychosocial support was provided to children and employees in small group homes to deal with and protect them in the conditions of the COVID-19 crisis.

As regards the protection of foreign children (children on the move), a crisis mechanism has been established within the crisis management system regulated through the "Decision amending the decision on approving the extension of the deadline for the existence of a crisis situation in part of the territory of Republic of North Macedonia, due to the high risk of an increased volume of entry and transit of migrants." Regarding these needs, the Ministry of Labour and Social Policy, the social work centres from Kumanovo and Gevgelija, the field social workers of the transit centres together with psychologists and educators, provide protection and support for all children registered by the Ministry of Interior. For unaccompanied children, a guardian is immediately appointed who continues

to perform his/her duty to ensure protection such as access to social protection, health care, education, care and other rights defined by the Law on Social Protection, the Law on Family and the Law on International and Temporary Protection .

In addition, for this reporting period, in cooperation with the Institute for Social Activities, the Ministry of Labour and Social Policy has prepared several manuals and modules envisaged for building the capacity of professionals, such as the Manual for assessing the best interests of children, Module for treatment of unaccompanied children, Module for asylum and international protection, Module for international conventions intended for the protection of children and other similar measures through which the development of the child protection system is approached strategically.

Legal status of the child

Regarding the Committee's question whether there are any restrictions on the right of an adopted child to know his/her origin, we hereby inform you that in the Family Law ("Official Gazette of the Republic of Macedonia" No. 80/92, 9/96, 38/04, 33/06, 84/08, 67/10, 156/10, 39/12, 44/12, 38/14, 115/14, 104/15, 150/15 and "Official Gazette of the Republic of North Macedonia" No. 53/21), Article 123-a defines that the data on the adoptions are an official secret.

The Government of the Republic of North Macedonia at the session held on 31.05.2022 adopted the Decision on the establishment of a Commission for drafting the Civil Code of the Republic of North Macedonia. The Civil Code shall also cover the area of family and legal relations, for which a working group has been established in the Ministry of Justice to work on amending the legal provisions in this area, during which an analysis will be made of the legal provisions that limit the right of the adopted child to know his/her origin.

Protection against ill-treatment and abuse

In response to the Committee's request, in this section we provide information on the legal provisions and practice that explicitly prohibit all forms of corporal punishment of children (including the lightest forms) in the home and in institutions.

Article 12 of the Child Protection Law prohibits any type of child abuse, namely:

- any discrimination based on race, colour, origin, national or ethnic origin, sex, gender, sexual orientation, gender identity, affiliation to 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 characteristic and social status or any other basis shall be prohibited.
- all forms of sexual exploitation and sexual abuse of children (harassment, child pornography, child prostitution), forced pimping, sale or trafficking in children, psychological or physical violence and harassment, punishment or other inhumane treatment, all types of exploitation, commercial exploitation and abuse of children that violate basic human freedoms and rights and the rights of the child shall be prohibited.
- procuring or offering drugs, psychotropic substances and precursors to a child under the age of 18 shall be prohibited and all illegal activities and abuse of child labour for the production and trade of drugs, psychotropic substances and precursors shall be prohibited.
- abuse of children due to political or religious organisation and action shall be prohibited.
- the involvement of children in armed conflicts and their recruitment into units that carry out military and other actions shall be prohibited.

This provision stipulates that the state and the institutions of the system are obliged to take all necessary measures to ensure the rights of the child and to prevent all forms of discrimination and abuse, regardless of the place where these actions are committed, the severity, the intensity and their duration, and every citizen is obliged to immediately report to a competent authority any form of discrimination, abuse and exploitation of a child.

The Family Law ("Official Gazette of the Republic of Macedonia" No. 80/92, 9/96, 38/04, 33/06, 84/08, 67/10, 156/10, 39/12, 44/12, 38/14, 115/14, 104/15, 150/15 and "Official Gazette of the Republic of North Macedonia" No. 53/21) envisages the deprivation of the parental right for the parent who abuses the exercise of the parental right or grossly neglects the exercise of the parental duties after obtaining an opinion from the social work centre, with a decision of the court, in an extra-judicial procedure.

Abuse or gross neglect of parental duties shall be considered if the parent:

- inflicts physical or emotional violence against the child;
- sexually exploits the child;
- forces the child to work that does not correspond to his/her age;
- allows the child to use alcohol, drugs or other psychotropic substances;
- leads the child to beg or uses the child to beg;
- leads the child to socially unacceptable behaviours;
- abandoned the child and does not take care of the child for longer than three months and
- if in any other way grossly violates the rights of the child.

A parent may be deprived of the exercise of parental rights in respect of all children or in respect of any of them.

Pursuant to the Law on prevention and protection from violence against women and domestic violence ("Official Gazette of the Republic of Macedonia" No. 24/21), Article 46 provides for the measures that can be taken by the Social Work Centre to protect victims of domestic violence, including children, as follows: provides temporary care; ensures that the victim receives the necessary medical assistance and, if necessary, accompanies him/her to the nearest health facility; ensures that the victim can exercise the right to social and health protection in accordance with the law; provides appropriate psycho-social intervention and treatment; ensures that the victim receives psycho-social treatment in a counselling centre by experts in the social work centre, association, counselling centre provides assistance to the family for regular schooling of a child; provides legal assistance and representation and other measures it deems necessary to be taken.

The social work centre, when a child or a person who is unable to take care of himself or a person whose business ability is limited or is deprived of his business capacity is a victim, in addition to the measures specified in this law, also takes measures in accordance with the Family Law which refer to the regulation of the relations between parents and children, supervision over the exercise of parental rights and guardianship and in accordance with the Law on Justice for Children.

According to the data of the Ombudsman, in relation to the issue of corporal punishment of children (including the lightest forms) in the home and institutions, in 2018, a total of 15 procedures were initiated in the area of the protection of children against violence (in the family, kindergarten, school, institution for foster care), of which two cases were opened on own initiative, and in 2020, a total of 18 cases were opened in the area of protection of children against violence (in the family, kindergarten, school, institution for foster care), of which 3 cases were opened on their own initiative. In 2021, there were 20 complaints for the protection of children against violence.

The rights of children in public care

In relation to the issues of the Committee for the restriction of guardianship or parental rights, we hereby inform that the Social Work Centre, as the exclusively competent body for guardianship, supervises the exercise of parental rights, and in the event that the parent abuses or neglects parental rights, it takes appropriate measures for protection of the child's personality, rights and interests (the Centre can take the child away, place him in another family, institution or initiate court proceedings for the deprivation of parental rights). In these cases, the Centre makes a decision to place the child under guardianship and determines the most appropriate form for his/her care. In accordance with the Family Law, an appeal can be lodged with the Ministry of Labour and Social Policy against this decision.

Regarding the issues of accommodation of children outside their families, we point out that with the implementation of the reform in the social protection system, the process of deinstitutionalization was carried out, which included several institutions in our country, so that in the institutions for accommodation of children outside their families, there are no accommodated children up to 18 years of age. Namely, these institutions were transformed, so that 109 children are accommodated and live in 20 family-type group homes. At the same time, the foster care system is continuously strengthened and developed, the network of foster families is developed, and the capacities of the existing foster families are strengthened. In this respect, three centres for support of foster families were opened in order to provide better support to 327 foster families in which more than 500 children are placed. The professionals work with the placed children and their families in order to strengthen the ties with the biological family in order for the children to be returned to their families or to be adopted.

It should be noted that since the beginning of the COVID-19 pandemic in March 2020, the efforts of the Ministry of Labour and Social Policy have been aimed at preventing the spread of the virus in residential institutions, small group homes and among users of social services. Personal protective equipment and disinfectants were provided for all institutions and special work protocols were developed in cooperation with the Ministry of Health.

Children in conflict with the law

Pursuant to Article 10 of the Law on Justice for Children ("Official Gazette of the Republic of Macedonia" number: 148/2013, „Official Gazette of the Republic of North Macedonia” number: 152/19, and „Official Gazette of the Republic of North Macedonia” number: 275/2019):

"Depriving a child of liberty is applied only as a last resort in the procedure and only under the conditions and for the duration prescribed by this law and it represents a basic principle of this law."

The application of the Law on Justice for Children showed that in most of the cases, the entities in the justice system for children apply measures/sanctions that do not include the deprivation of liberty of children, which corresponds to the Law on Justice for Children. Thus, according to the Annual Report of the State Council for the Prevention of Child Delinquency for 2021:

- A prison sentence for children in 2021 was imposed on two children or 0.4% of those against whom a proposal for the application of a sanction was submitted, in 2020 on one, and in 2019 on three children;
- In 2021, detention measures were imposed against seven children, in 2019 and 2020 against four children;
- In 2021, against 12 children - approximately 3% of those against whom a proposal for imposing a sanction was submitted - institutional educational measures were imposed, and in 2020 they were imposed against 16 children.

Regarding the system of sanctions against a child, Article 22 of the Law on Justice for Children regulates that: "A sanction prescribed by this law cannot be applied to a child who, at the time of the execution of the act, which is prescribed by law as a crime or misdemeanour, has not reached the age of 14."

Only corrective measures can be imposed on a child aged 14 to 16 for an action that is considered a criminal act by law. Only the following corrective measures can be imposed on a child aged 14 for an action that is considered a criminal act by law: reprimand or referral to a Children's Centre, enhanced supervision by the parent or the guardian, a specialized foster family or by the centre for social work, and institutional measures referral to an educational institution or to an educational-correctional home.

In accordance with the conditions prescribed by this law, the following sanctions can be imposed on a child over the age of 16: imprisonment for children, fine, prohibition to operate a motor vehicle of a specific type or category, and deportation of a child foreigner from the country.

In addition, we indicate that imprisonment for children can be pronounced to a criminally responsible child above the age of 16 who had committed an act defined by law as a criminal act for which an imprisonment sentence of five years or more is prescribed, if the act was committed under particularly aggravating circumstances and at high level of criminal responsibility of the perpetrator and for which it would not be justified to pronounce an educational measure. Imprisonment for children cannot be shorter than one or longer than ten years, and shall be pronounced for full years or for half a year. When setting the sentence, the court cannot pronounce a sentence of imprisonment for children which is longer than the sentence prescribed for that act; however, the lowest prescribed measure for that sentence is not binding for the court.

A criminally responsible child over the age of 16 may be sentenced with the following alternative measures for the committed act prescribed by law as a criminal act: probation with protective supervision, probationary suspension of the procedure against the child, and community service.

In addition, Articles 132 and 134 of this law guarantee the right of the child to an appeal and means of redress. Namely, the defence counsel, the public prosecutor, the spouse or the common-law partner, a first-degree relative, the guardian, the brother and the sister may file an appeal in favour of the child and against his/her will against the decision or the verdict imposing a sanction on the child.

In relation to the Committee's question whether children can be kept in solitary confinement and, if so, for how long and under what circumstances, we inform you that according to Article 366 paragraph 1 of the Law on Execution of Sanctions (LES), it is not allowed to impose to children the special measure to maintain order and discipline - solitary confinement. In accordance with paragraph 2 of the same Article of LES for more severe violations of the order and discipline, as well as of the House Rules of the institution, the children can be placed in special premises for children, for a period of five to seven days, during which the professional team shall undertake correctional activities with the children.

Placement in special premises for children can be delayed if there is basis to expect that the purpose of such placement shall be achieved without such referral. The method of placement shall be regulated with a separate internal act of the director of the institution. (paragraphs 3 and 4)

Right to assistance

The child protection system, access to education and other rights and measures related to local integration are linked to a specific status and regulated residence in the country. Namely, the domestic legislation requires the child to have a regulated stay, which is currently only possible by meeting the legal provisions of the Law on International and Temporary Protection or the Law on Foreigners. A procedure has been initiated to amend the Family Law so that the status will be automatically regulated only on the basis of the child's minor status. The health care is exercised by a child seeking asylum through the procedure led by the guardian before the Health Insurance Fund of North Macedonia. Children without regulated residence are not able to exercise their right to health care since the existing legal solutions do not allow the drafting of any legal decision by the

professionals in the social work centres. However, for these children, if there is a life-threatening health situation, they will obligatory receive the health service from the nearest health facility. Psychosocial support is available for children within the Reception Centre for Asylum Seekers, as well as for children placed in foster families, while psychological assistance is available in the transit centres and is provided by the field social workers. Family reunification is available only for unaccompanied children who have already regulated their stay in the country.

The family tracing procedure at the request of the guardian is initiated by the Red Cross, and it is independent of the current legal status of the child.

In relation to the Committee's question whether North Macedonia uses bone tests to estimate age and in what situations the state does it, we inform you that such tests are performed within the framework of the health care system, and are needed in the procedure for establishing personal documentation, for registration in the register of births in relation to determining the age of the child. This documentation is the basis for exercising the child protection system rights.

Article 19 – The right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

1. to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;
5. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;
6. to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;
8. to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;

Paragraph 1 - Assistance and information on migration

Migration trends

The Government of the Republic of North Macedonia develops the Migration Profile on an annual basis, which provides an overview of the annual migration trends; this document is multi-sectoral where the involved ministries provide appropriate views and analyses from the domain of their competence. The migration profile implies the establishment of a mechanism for collecting relevant statistical data on external migrations (legal and illegal) and internal migrations, and a system for processing these data, as well as their analysis, in order to help better understand the changes in the characteristics of migration movements.

In addition, the Assembly of the Republic of North Macedonia adopted the new Resolution on migration policies and the action plan for 2021-2025, at the 117th session held on December 23, 2021. The objective of the Resolution is to create institutional and other preconditions for the development of a sustainable and comprehensive framework for the management of regular and irregular external migrations, and to promote development in the country. The resolution includes five strategic areas: Support framework; Reliable and relevant data on external migrations; Management of regular migrations; Control and management of irregular migrations; and Building partnerships and international cooperation and a number of strategic objectives.

Measures against misleading propaganda relating to emigration and immigration

The Ministry of Labour and Social Policy is part of the Advisory Body of the Communication Strategy for Social Change developed and led by the UNHCR, where, together with communication experts from the Government, other ministries and the non-governmental sector, measures will be developed to improve the climate related to this issue.

The Law on prevention and protection against discrimination adopted in 2020 (Official Gazette of the Republic of North Macedonia, No. 258 of 30.10.2020) regulates the prevention and protection against discrimination, the forms and types of discrimination, the procedures for protection against discrimination, as well as the composition and work of the Commission for prevention and protection against discrimination. The objective of this law is to ensure the principle of equality and prevent and protect against discrimination in the exercise of human rights and freedoms.

The Commission for Prevention and Protection against Discrimination keeps regular statistics and publishes them in the Annual Reports as well as on a quarterly basis in accordance with the law.

In 2021, the Commission for Prevention and Protection against Discrimination acted on 167 submitted petitions and determined discrimination in 40 cases.

In order to ensure higher level of accessibility, facilitate the procedure for submitting a complaint and approaching to modern ICT trends, the Commission, in 2021, established an electronic service "Report Discrimination" which is integrated within the official website with the following link: <https://kszd.mk/пријави-дискриминација/>.

Paragraph 6 – Family reunion

Scope

Regarding the scope of the right to family reunification in Article 115 paragraph 1 paragraphs 2, 3 and 4 of the Law on Foreigners (*) ("Official Gazette of the Republic of Macedonia" No. 97/18, and „Official Gazette of the Republic of North Macedonia” No. 108/19 and 294/21), regarding the scope of the right to family reunification, the following is stipulated:

“(1) A member of the nuclear family of a national of the Republic of North Macedonia (hereinafter: the national), in terms of this Law, shall mean a person who is:

- the spouse of the national,
- the minor children of the national and of his or her spouse, including adopted children, proven by a document (proof) from the country of origin where the adoption took place,
- the minor children including adopted children of the national, where the national has custody and the children are dependent on him or her and
- the minor children including adopted children of the spouse, where the spouse has custody and the children are dependent on him or her. “

By way of derogation from paragraph (3) of the same Article, members of nuclear family shall also mean foreigners who are: parental authorities of the national or his or her spouse, where he or she are dependent on him or her and do not enjoy proper family support in the country where he or she lives, the adult unmarried children of the national or his or her spouse, where he or she are objectively unable to provide for his or her own needs on account of his or her state of health and parental authorities of a minor child, if this is in the best interest of the child.

In terms of age eligibility, minor children should be under 18 years of age and unmarried.

A foreigner who has been granted permanent or temporary residence in the Republic of North Macedonia, for a period of one year, for the purposes of employment, scientific-research activity, traineeship, or a foreigner whose country of origin is the Republic of North Macedonia, under certain conditions and in accordance with this Law, shall be recognised the right to family reunification with the members of his or her nuclear family who are foreigners. By way of derogation, the members of the nuclear family of a foreigner holding a temporary residence permit due to seasonal employment shall not be recognised the right to family reunification. Other requirements on the eligibility are described in the above text.

Conditions governing family reunion

Regarding the requirements regulating family reunification, Article 72 paragraph (1) line 1 of the Law on Foreigners (*) stipulates that temporary residence shall be granted to a foreigner if he or she, inter alia, “is in possession of sufficient means of subsistence, or his or her subsistence has been provided in another legal manner”. In that respect, the required means for subsistence for this category of foreigners are not restrictive and do not exclude social protection income. At the same time, within the framework of these procedures for granting temporary residence, no specific restrictions related to the amount of funds are applied, or the foreigner is required to submit proof that he has means of subsistence for the period for which temporary residence is requested, or that his subsistence is provided in another legal manner (a statement from a bank account in the name of

the foreigner, proof of an employment relationship - employment contract, confirmation from the employer and a confirmation from a competent authority that keeps records of employed persons; proof of monthly income that the applicant earns on other grounds or another document that proves that his support is provided in another legal manner).

In relation to the requirement for secured accommodation for family members, the law in subject establishes that it is necessary for the foreigner to have secured accommodation or to have means for accommodation. In that respect, the foreigner has the obligation to submit proof of secured accommodation: notarized agreement for the lease of an apartment or house, proof of ownership of an apartment or house if owned, agreement/confirmation for the use of accommodation services by legal entities that perform catering business.

Having in mind the independent right to stay after exercising the right to family reunification, that is, for the issuance of an autonomous residence permit, Article 112 of the Law on Foreigners (*), paragraph (1) stipulates that "not later than after four years of residence, and provided that the family member has not been granted a residence permit for reasons other than family reunification referred to in Article 71 of this Law, the spouse or a child who has reached majority shall be entitled, upon application, if required, to an autonomous residence permit if they fulfil the requirements referred to in Article 72 of this Law". In accordance with paragraph (2) of the same Article, by way of derogation, in the event of widowhood, divorce, separation, as well as particularly difficult circumstances for the persons referred to in paragraph (1) of this Article, an autonomous residence permit may be issued if temporary residence by virtue of family reunification was with duration of at least three consecutive years.

Taking into account Article 19 point 6 of the Charter, which states that "with a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory", we believe that the Republic of North Macedonia, through the mentioned provisions of the Law on Foreigners (*), acts in accordance with the mentioned Article of the Charter.

Legal remedy

Considering the restrictions on the exercise of the right to family reunification, they should be subject to an effective mechanism for appeal and reconsideration, that is, the restrictions on the exercise of the right to family reunification should be subject to an effective mechanism for appeal and reconsideration, according to Article 137 of the Law on Foreigners (*) family reunification is subject to a mechanism for appeal and reconsideration, namely in paragraphs (3), (4), (5) and (6), where the following is stipulated:

"(3) A foreigner shall have the right to appeal against the decision for revocation of permanent residence, within eight days from the receipt of the decision, before the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures.

(4) The appeal shall postpone the enforcement of the decision, unless the foreigner presents a threat to public order, public policy and national security.

(5) The decision of the State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures shall be taken within 30 days since the day of lodging the appeal.

(6) In accordance with the Law on Administrative Disputes, an administrative dispute may be initiated before a competent court, against the decision of State Second Instance Commission for Decision-Making in Administrative Procedures and Labour Relations Procedures. "

Taking into account the above, we believe that in the Republic of North Macedonia there are no restrictions in terms of the exercise of the right to family reunification in the context of an effective mechanism for appeal and reconsideration.

Paragraph 8 – Guarantees in relation to deportation

In terms of the guarantees related to deportation, paragraph (1) of Article 149 of the law in subject defines the reasons due to which a foreigner can be deported, as follows:

- has been sentenced to prison in duration of at least one year by the means of enforceable judgement,
- presents serious threat to public order, public policy, national security or international relations of the Republic of North Macedonia;
- if there are serious grounds to believe that he or she committed serious crimes, especially crimes related to production and putting into circulation of narcotic drugs, psychotropic substances and precursors or there is strong proof for his or her intention to perform such crimes on the territory of the Republic of North Macedonia;
- has been finally rejected in the procedure for the lodged application for exercising the right of international protection by the Republic of North Macedonia, as well as the person whose asylum right is terminated, annulled or revoked in accordance with the Law on International and Temporary Protection and did not leave the territory of the Republic of North Macedonia within a certain period of time in accordance with the Law;
- resides opposite the stated aim and the circumstances of the stay,
- presents a threat to the public health;
- has committed several repeated or more serious violations of the provisions of this Law.

Regarding the question whether the decision-making shall take into account all aspects of the foreign citizens' behaviour, as well as the circumstances and duration of his/her stay on the territory of the state, paragraph (3) of the same Article stipulates that "the duration of stay of the foreigner in the Republic of North Macedonia, his or her age, personal, economic or other relations in the Republic of North Macedonia and the consequences resulting from the measure imposed to him or her or a member of his or her nuclear family legally staying in the Republic of North Macedonia shall be taken into account when deciding on expulsion of the foreigner from the Republic of North Macedonia."

Pursuant to line 2 of paragraph (1) of Article 149 of the Law on Foreigners (*), the foreigner may be expelled from the territory of the Republic of North Macedonia, if he poses a serious threat to public order. The specific checks are carried out by the Ministry of Interior based on the records at their disposal and other controls within their competences. The scope of these criteria is prioritized in the context of the Law on Offenses against Public Order and Peace, the Law on Foreigners and the Law on Border Control.

According to Article 150, a foreigner who has been granted permanent residence in the Republic of North Macedonia and a foreigner who is a spouse of a national of the Republic of North Macedonia and who resides in the Republic of North Macedonia on the basis of temporary residence permit may be expelled from the Republic of North Macedonia only if he or she has been sentenced to prison in duration of at least three years by the means of enforceable judgement, and presents serious threat to public order, national security or international relations of the Republic of North Macedonia. This category of foreigners referred shall not be expelled if the seriousness of the committed criminal offence and the relation of the foreigner with the Republic of North Macedonia indicate that the expulsion of the foreigner will have serious consequences to the foreigner or a member to his or her nuclear family legally staying in the Republic of North Macedonia.

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

Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake:

3. to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment

Regarding the potential dismissals of employees by companies during the COVID-19 pandemic, we can point out that based on the available data and knowledge, the dismissals during this period were primarily for business reasons, i.e. reasons related to the functioning and operation of the companies during that period. We have no knowledge of non-compliance with the legal provisions (of the Law on Labour Relations) which explicitly define the reasons for wrongful termination of the employment contract by the employer, among which, the following are explicitly stated:

- approved leave of absence due to illness or injury, pregnancy, childbirth and parenthood, care of a family member and unpaid parental leave;
- use of approved leave of absence and annual holiday;
- other cases of job-protected leave defined by this Law.

The State Labour Inspectorate is a state administration body responsible for implementing regulations in the field of labour relations and occupational safety and health. In accordance with the Law on Labour Inspection, this authority supervises the enforcement of laws and other regulations on labour relations, employment, occupational safety and health, collective bargaining agreements, employment contracts and other acts regulating the rights, obligations and responsibilities of workers and employers in the field of labour relations. During the pandemic caused by the COVID-19 virus, inter alia, the SLI was responsible for the control of employers - beneficiaries of financial support for the payment of salaries, financial support of natural persons who are self-employed and beneficiaries of the measure for subsidizing contributions according to decrees and legislation.

With the declaration of the state of emergency, Article 126 of the Constitution and Article 10 of the Law on the Government of the Republic of North Macedonia were activated, which provide that in case of a state of war or emergency, if there is no possibility of convening the Assembly, the Government in accordance with the Constitution and by law, can pass legislative decrees on issues within the competence of the Assembly.

During the state of emergency, the Government passed 250 legislative decrees, of which 107 decrees refer to amendments and supplementing as a response to new circumstances that did not exist or were not taken into account when drafting the basic decree.

To deal with the consequences of the crisis caused by the COVID-19 virus, the Government of the Republic of North Macedonia adopted several packages of economic measures. Some of the measures were aimed at supporting employment by subsidizing contributions for mandatory social insurance, financial support to employers for payment of salaries, as well as measures to support professions affected by the health and economic crisis - support for athletes, independent artists and cultural workers.

As a response to dealing with the socio-economic effects of the pandemic, the Government of North Macedonia adopted three packages of measures to support citizens and the economy.

The measures covered by these packages include measures to support businesses and retain jobs, measures in the sphere of social protection for the most vulnerable citizens, measures to protect the health and safety of workers.

Among the first measures adopted with the closure of kindergartens and schools was the

measure that provides the right to leave of absence for one of the parents from work so as to care for a child up to the age of 10. In the first months of the crisis, SLI most often acted precisely on reports of violations of the measure of exemption from work of one of the parents who have children under the age of ten.

In addition, the employers also tried to circumvent the legal rules for paying the minimum wage and improperly invoked the "forced leave" institute. In this case, a salary compensation of 70 percent of the salary is provided for the employee, which means that the employee can receive compensation lower than the legally stipulated amount of the minimum salary. However, the position of the State Labour Inspectorate was that the workers who use the government measures for exemption from work are entitled to the full salary, which is why decisions were made with imposed inspection measures, warnings and orders.

The remaining violations related to non-payment of salaries and/or reduction of salaries to workers exempted under this measure.

During the period of the COVID-19 pandemic, the State Labour Inspectorate carried out a large number of extraordinary inspections related to termination of employment. For the reference period, a total of 1,169 inspections were carried out in the State Labour Inspectorate by labour inspectors in the field of labour relations based on termination of employment, namely: in 2018, out of a total of performed 452 inspections on the above basis, a total of 90 decisions were made with imposed inspection measures and 2 payment orders were issued with a fine imposed; in 2019, out of 351 inspections, 84 decisions were made and 2 payment orders were issued; in 2020, out of a total of 177 inspections, 175 decisions were made; while in 2021, out of a total of 189 inspections, 195 decisions were made and 18 payment orders were issued.

Namely, it was established that in a large number of cases, employers, affected by the crisis situation caused by the COVID-19 pandemic, did not extend fixed-term employment contracts, which led to an increased number of complaints in the SLI. In this case, we are talking about the termination of an employment due to the expiration of the term for which it was concluded (Article 64 of the LLR), that is, a legally defined termination of an employment that does not entail a sanction against the employers.