

COMMITTEE ON THE RIGHTS OF THE CHILD

Fifty-Fourth session

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION**

Concluding observations:

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

1. The Committee considered the second periodic report of The former Yugoslav Republic of Macedonia (CRC/C/MKD/2) at its 1508th, 1510th and 1512th meetings (see CRC/C/SR.1508, CRC/C/SR.1510 and CRC/C/SR.1512) held on 27 May 2010, and adopted at the 1541st meeting, held on 11 June 2010, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the State party's periodic report (CRC/C/MKD/2) and the written replies to its list of issues (CRC/C/MKD/Q/2/Add.1). The Committee also notes with appreciation the informative and constructive dialogue held with the high-level multi-sectoral delegation of the State party, led by the Minister of Labour and Social Policy.

3. The Committee reminds the State party that these concluding observations should be read in conjunction with its concluding observations adopted on the State party's initial reports under the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography (CRC/C/OPSC/MKD/CO/1, 2010) and on the involvement of children in armed conflict (CRC/C/OPAC/MKD/CO/1, 2010).

B. Follow-up measures undertaken and progress achieved by the State party

4. The Committee welcomes the following positive developments, aimed at protecting and promoting the rights of children:

(a) the entry into force in June 2009 of the law on juvenile justice introducing restorative justice and prevention of juvenile delinquency, as well as the adoption of the 2008-2009 Action Plan and secondary legislation for its implementation;

(b) several health programmes initiated in 2010, in particular the Program for active health protection of mothers and children (Official Gazette of the Republic of Macedonia No 07/2010) and the Program for systematic check-ups of pupils and students (Official Gazette of the Republic of Macedonia No 20/2010);

- (c) the adoption of the 2009 – 2012 Action Plan for prevention and countering sexual abuse and paedophilia, addressing the protection and assistance of child victims, and envisaging the establishment of a coordinated system for cooperation among government institutions and between government and NGOs; and
 - (d) the establishment in 2005 of a National Commission on the Rights of the Child.
5. The Committee also welcomes the succession to or ratification of the following international and regional instruments during the reporting period:
- (a) the Optional Protocol on the sale of children, child prostitution and child pornography on 17 October 2003;
 - (b) the Optional Protocol on the involvement of children in armed conflict on 12 January 2004;
 - (c) the Convention on Action Against Trafficking in Human Beings and the European Convention on Nationality of the Council of Europe respectively on 27 May 2009 and 3 June 2003;
 - (d) the Hague Convention No. 33 on Protection of Children and Cooperation in Respect of Intercountry Adoption on 23 December 2008;
 - (e) the United Nations Convention Against Transnational Organized Crime and its two protocols concerning respectively trafficking in persons and smuggling of migrants on 12 January 2005;
 - (f) the International Labour Organisation Convention No. 29 concerning Forced or Compulsory Labour and Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour on 15 July 2003 and 30 May 2002 respectively; and,
 - (g) the Rome Statute of the International Criminal Court on 6 March 2002.

C. Main areas of concern and recommendations

1. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)

The Committee's previous recommendations

6. The Committee notes that some of its concerns and recommendations made upon the consideration of the State party's initial report (CRC/C/15/Add.118, 2000) have been addressed. However, it regrets that many of its concerns and recommendations have been insufficiently or only partly addressed.

7. **The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations of the initial**

report that have not yet been implemented, including those related to the review of national legislation for compliance with the Convention, birth registration, resources available to the social work centres, and the integration of children with disabilities into educational and recreational programmes, and to provide adequate follow-up to the recommendations contained in the present concluding observations.

Legislation

8. The Committee is concerned that the national legislation does not fully comply with the principles and provisions of the Convention and that there is weak enforcement of legislation.

9. **The Committee urges the State party to continue and complete the harmonisation of its legislation with the provisions of the Convention and take all necessary regulatory measures for the full enforcement and effective implementation, in consultation with all relevant partners including UNICEF, and with the wide participation of civil society.**

Coordination

10. While noting the reform of the National Commission on the Rights of the Child in September 2007 to elevate its members to the rank of state counsellors, the Committee is concerned that this body is not sufficiently active in the planning of policies and setting of priorities for the implementation of the Convention. The Committee is, in addition, concerned about the limited possibilities for local government, civil society and children to participate in the Commission's work. Despite information that the competences of the Commission extend to all areas concerning the child, the Committee is also concerned that they do not extend to the Optional Protocols to the Convention.

11. **The Committee recommends that the State party ensure that the National Commission on the Rights of the Child take the lead in the planning of policies and setting of priorities for the implementation of the Convention. The National Commission should be provided with the human, technical and financial resources necessary for the exercise of its mandate effectively. The composition and methods of work of the Commission should allow sufficient avenues for the effective participation of local-level government, civil society and children. In addition, the Committee recommends that the State party consider extending the competencies of the Commission to clearly cover the coordination, monitoring and evaluation of activities to implement the Optional Protocols to the Convention.**

National Plan of Action

12. The Committee welcomes the adoption of the 2006–2015 National Plan of Action on the rights of the child (NPA) and the development of local action plans for the implementation of the Convention by 53 (out of 83) municipalities. The Committee is, however, concerned about the slow implementation of the NPA and

that no specific funds have been earmarked for this purpose, including for the monitoring and evaluation of the NPA.

13. The Committee recommends that the State party accelerate the implementation of the NPA, encourage the remaining municipalities to adopt local plans for children, ensure adequate allocation of human, technical and financial resources, and take into account the outcome document, “A World Fit for Children”, of the 2002 United Nations General Assembly special session on children, and its Mid-Term Review in 2007.

Independent monitoring

14. While noting amendments to the Law on the Ombudsman in 2009 formally establishing the unit on child rights protection headed by a deputy Ombudsman, the Committee regrets that this unit lacks the authority, capacity, human and financial resources, and independence to carry out its mandate effectively. The Committee is further concerned that children and their parents lack information on the possibility to submit complaints, as a result of which very few complaints from or on behalf of children reach the Ombudsman.

15. The Committee recommends that the State party:

(a) Ensure that the institution of the Ombudsman is fully in line with the Principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles, General Assembly resolution 48/134, annex), taking into account the Committee’s General Comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2), and seek accreditation from the International Coordinating Committee of the national institutions for the promotion and protection of human rights;

(b) Ensure that the deputy Ombudsman is accessible to children and adequately equipped to receive and investigate complaints of violations of child rights in a child-sensitive manner, and ensure that children and their families are aware of the possibility to submit complaints to this institution; and,

(c) Ensure the unit on child rights protection within the institution of the Ombudsman has the capacity, authority, resources and financial independence necessary to carry out its mandate effectively.

Allocation of resources

16. In the context of civil service reform, the Committee notes the establishment of child rights commissions, adoption of action plans for children and allocation of funds for their implementation by some of the municipalities. The Committee remains, however, concerned about a mismatch between budgetary allocations and mandates of agencies, especially affecting the provision of services by the social work centres. The Committee is further concerned about the lack of transparency in the use of international funds for programmes in areas concerning children, the selection of NGO activities for state financial support, and that a very small proportion of these

funds are allocated for activities concerning children. In addition, the Committee is concerned that no specific funds have been earmarked for the implementation of the NPA and that the funds earmarked for the implementation of the 2010 Program for compulsory health insurance for all citizens are insufficient.

17. The Committee urges the State party, taking into account the Committee's recommendations adopted following the Day of General Discussion in 2007 on "Resources for the Rights of the Child – Responsibility of States", to:

- (a) allocate or earmark funds for the implementation of the NPA;**
- (b) ensure transparency in the use of international funds for programmes in areas concerning children;**
- (c) provide adequate resources to all municipalities in order to enable them to carry out their responsibilities in planning, budgeting and implementing local plans and services for children, in the context of decentralisation;**
- (d) ensure, as a matter of urgency, that the social work centres are provided with the human, technical and financial resources necessary for the provision of services in all areas of their mandate; and,**
- (e) allocate adequate funds for the implementation of the 2010 Program for compulsory health insurance for all citizens in order to ensure health insurance coverage of children among the most vulnerable segments of the population.**

Data collection

18. While noting ongoing development of a child protection data system, the Committee regrets that there is no systematic approach to data collection for monitoring the situation of children in the State party and no centralised database on children in general and on children in vulnerable situations in particular.

19. The Committee encourages the State party to continue and strengthen its data collection system with the support of its partners and to use this data as a basis for assessing progress achieved in the realization of child rights and to help design policies to implement the Convention. Data should cover all children up to the age of 18 years and be disaggregated by sex, age, urban and rural area with specific emphasis on children in vulnerable situations, including child victims of abuse, neglect or ill-treatment, children with disabilities, refugee and asylum-seeking children, children in conflict with the law, working children, and children in street situations.

Dissemination and awareness raising

20. The Committee acknowledges the translation of the Convention into the languages of the communities and the production of a child-friendly version of the Convention. The Committee, however, remains concerned about the low level of awareness on the provisions of the Convention among the public at large and children in particular.

21. **The Committee recommends that the State party continue and increase efforts to disseminate and promote the Convention in order to raise awareness of the Convention and the rights of the child among the public at large and children in particular.**

Training

22. While noting that the Academy for Judges and Prosecutors, established in 2007, offers training on international law, including human rights and the Convention, the Committee is concerned that such training reaches only a very small number of judges and prosecutors and other professionals working with or for children.

23. **The Committee recommends that the State party increase efforts to provide training to all professionals working with and for children, in particular by including training on the provisions of the Convention in pre-service and in-service training.**

Cooperation with civil society

24. The Committee notes the adoption of a Strategy for cooperation with the civil sector and a 2007-2011 action plan for its implementation, as well as plans to increase the number of and to extend equal voting rights to NGO members of the National Commission on the Rights of the Child. The Committee is, nevertheless, concerned about the lack of consultation with civil society in the preparation of the second periodic report and inadequate cooperation in the design of legislation and policies in areas concerning children's rights, and about lack of transparent criteria for NGO participation in the work of the National Commission on the Rights of the Child. In addition, the Committee is concerned about the lack of recognition of the significant contribution of NGOs in the provision of services.

25. **The Committee recommends that the State party ensure transparency in the relations and adequate consultation with civil society in the design of legislation, policies and programmes in all areas concerning children, including in the work of the National Commission on the Rights of the Child and in the selection criteria for participation in it.**

2. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

26. While the Committee welcomes the adoption of the Law on Prevention and Protection from Discrimination and provisions for the setting up of an anti-discrimination body, the Committee is concerned that the new law does not explicitly cover certain grounds for discrimination and that it provides a long list of "exceptions" from what constitutes discrimination, which may jeopardise the best interests of the child. The Committee is concerned about *de facto* discrimination of children belonging to the minorities, especially Roma, children in institutions,

children in street situations, children with disabilities and children in conflict with the law.

27. **The Committee recommends that the State party improve further anti-discrimination legislation to render it in compliance with international and regional standards, that it explicitly covers all grounds for discrimination and consider removing the list of “exceptions” in the current law. The State party should take all appropriate measures to prevent, redress and punish acts of discrimination against children, including through ensuring the effectiveness of the anti-discrimination body. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention undertaken by the State party to follow up on the Durban Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and at the Durban Review Conference in April 2009.**

Best interests of the child

28. While noting that the new law on juvenile justice recognizes the best interests of the child as a guiding principle, the Committee is concerned that this principle is not systematically included in all relevant legislation and administrative procedures and is not adequately applied in practice.

29. **The Committee recommends that the State party review all relevant legislation to ensure that the best interests of the child as reflected in article 3 of the Convention is incorporated into legislation, regulations and judicial and administrative procedures. The State party should further undertake to ensure that the best interests of the child are of primary consideration in all actions concerning children.**

Respect for the views of the child

30. The Committee, while noting the incorporation of the principle of respect for the views of the child in parts of the State party’s legislation, regrets that this is not done systematically and legislation still does not ensure the right of the child to be heard in all judicial and administrative proceedings affecting the child and in accordance with his or her evolving capacities. The Committee further regrets that traditional societal attitudes towards children limit respect for their views, within the family, in schools, the community, and society at large.

31. **In the light of article 12 of the Convention and taking into account the Committee’s General Comment No. 12 adopted in 2009 on the right of the child to be heard (CRC/C/CG/12), the Committee recommends that the State party ensure that all relevant legislation guarantees the right of the child to be heard in judicial and administrative proceedings and in accordance with his or her evolving capacities. In addition, the Committee recommends that the State party promote and facilitate, within the family, in schools, the community, and society at large, respect for the views of children and their participation in all matters affecting them.**

3. Civil rights and freedoms
(arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)

Name, nationality and birth registration

32. The Committee welcomes the State party's commitment to and progress achieved in the area of prevention and reduction of statelessness through improvements in civil registration and issuance of identity documents. The Committee is nevertheless concerned that there remains a number of children who lack registration and identity documentation, many of whom are children in street situations and Roma children, and that there is no strategy for identifying children who lack birth registration and/or identity documentation. The Committee is further concerned that documents attesting the status of refugee children and children under subsidiary protection are only issued upon request by a lawyer. The Committee is deeply concerned that the absence of identification documents prevents children from accessing education, health, and public services, including child allowances.

33. **The Committee urges the State party to:**

(a) undertake a survey to identify children lacking birth registration and/or identity documents, and take immediate administrative and judicial measures to ensure retroactive birth registration and issuance of documents for these children;

(b) ensure that the status of children among refugees and persons under subsidiary protection is documented and certified;

(c) take immediate measures to ensure that children lacking identity documents are not refused access to education, health, and public services, including child allowances;

(d) continue fulfilling its international obligations and raising protection standards with regard to stateless children, in particular by establishing a specific statelessness determination procedure; and,

(e) ratify the 1961 UN Convention on the Reduction of Statelessness and the 2009 Council of Europe Convention on the avoidance of statelessness in relation to State succession.

Preservation of identity

34. The Committee is concerned about the practice of "secret" adoption and that legislation allows for adopted children to be registered with the names of the adoptive parents, for the identity of the biological parents not be revealed, and that the law does not require the preservation of information concerning the child's origin, in particular information concerning the identity of the biological parents, as well as the medical history.

35. **The Committee recommends that the State party undertake legislative and other measures to ensure the preservation of information on the origin of**

adopted children, in particular information concerning the identity of the biological parents, as well as medical history, and ensure that children are informed about the fact of their adoption and have access to such information at the appropriate age and level of development.

Access to appropriate information

36. The Committee notes the mandate of the Broadcasting Council to protect children from audio-visual content, which is potentially damaging to their physical, psychological and moral development, and that it has undertaken several measures in this regard. The Committee, however, remains concerned about children's access to appropriate information in the different languages and about the presence of pornographic and other inappropriate content in the audio-visual and print media.

37. The Committee recommends that the State party continue and strengthen measures to continue and raise efforts to ensure that children have access to appropriate information and material and protect children from information and material injurious to their well-being, in particular by enforcing existing legislation and guidelines and systematically monitoring content in the audio-visual and print media, with a view to removing pornographic and other injurious material.

Torture or other cruel, inhuman or degrading treatment or punishment

38. While welcoming the strengthening of anti-torture provisions through amendments of the Criminal Code and the amending of the Law on the Ombudsman in 2009 to bring the institution in line with the Optional Protocol to the Convention Against Torture, the Committee is deeply concerned about allegations of solitary confinement, corporal punishment and use of batons in the Educational-Correctional Institution.

39. The Committee recommends that the State party take immediate measures to remove batons and to abolish the use of corporal punishment in the Educational-Correctional Institution. In line with article 37(c), the State party should review or limit as much possible the use of solitary confinement in the Institution.

Corporal punishment

40. While noting the prohibition of corporal punishment in schools and in the penal system, the Committee is concerned that applicable law is not interpreted as prohibiting corporal punishment in the home and about the high prevalence of physical punishment and aggression in the family.

41. **The Committee recommends that the State party:**

- (a) prohibit corporal punishment in the home as a matter of urgency;**

(b) undertake a review of current legislation with a view to identifying protection gaps and ending the use of corporal punishment in all areas, including in schools, in the home, in the penal system, and in alternative care settings;

(c) take due account of the Committee's General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel and degrading forms of punishment (CRC/C/GC/8).

Follow-up to the UN Study on Violence against Children

42. The Committee encourages the State party to prioritize elimination of all forms of violence against children. With reference to the United Nations Study on Violence against Children (A/61/299), the Committee recommends that the State party:

(a) Take all necessary measures to implement recommendations of the United Nations Study on violence against children, taking into account the outcome and recommendations of the Regional Consultation for Europe and Central Asia, (held in Slovenia from 5 to 7 July 2005). In particular, the Committee recommends that the State party pay particular attention to the following recommendations:

- i. Prohibit all violence against children;**
- ii. Prioritise prevention;**
- iii. Promote non-violent values and awareness-raising;**
- iv. Enhance the capacity of all who work with and for children;**
- v. Ensure accountability and end impunity.**

(b) Use these recommendations as a tool for action, in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse;

(c) Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report; and

(d) Seek technical assistance from the Special Representative of the Secretary General on violence against children, UNICEF, the Office of the High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO), and other relevant agencies, inter alia, ILO, UNESCO, UNHCR, UNODC, as well as NGO partners.

4. Family environment and alternative care
(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)

Family environment

43. The Committee is concerned that through an amendment of the law on the family in 2004, the social work centres have been granted the power to limit and suspend parental rights due to non-payment of maintenance obligations. The Committee is concerned that this measure unnecessarily severs the connection between parent and child and may result in a violation of the child's right to maintain personal relations and direct contact with both parents (Article 9(3)).

44. **The Committee recommends that the State party:**

(a) **Remove the competence of the social work centres to limit and suspend parental rights and ensure that the suspension of parental rights is only done by a competent judge and only when required for the immediate protection of the child and for the protection of his or her best interests;**

(b) **Take all appropriate measures and programmes to render assistance to parents in the performance of their child-rearing responsibilities, including through developing programmes aimed at improving parental skills (and competences).**

Maintenance Recovery

45. The Committee is concerned at the lack of efficient measures aimed to secure the recovery of maintenance of the child.

46. **The Committee recommends that the State party:**

(a) **Identify alternative measures for the recovery of maintenance from solvent parents who refuse to pay and consider establishing a national fund to ensure the payment of overdue child maintenance obligations while enforcement measures are enacted; and**

(b) **Consider ratifying Hague Conventions No. 23 on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations, No. 24 on the Law Applicable to Maintenance Obligations, and No. 34 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect to Parental Responsibility and Measures for the Protection of Children.**

Children deprived of a family environment

47. The Committee, while welcoming positive steps in the context of deinstitutionalisation and the development of the foster care system, is concerned about the fragmented approach to child protection in both policy and implementation, that a large number of children remain in institutions, including children under the age of 3 years, about the absence of periodic review and monitoring of placements, and about reported abuse in alternative care institutions.

48. **The Committee recommends that the State party:**

- (a) Ensure consistency in both policy and implementation in child protection;**
- (b) Ensure adequate periodic review and monitoring of placements in all alternative care settings to guarantee the application of standards and to prevent abuse;**
- (c) Continue and complete the process of deinstitutionalisation and ensure as a matter of priority that children under the age of 3 years are not placed in institutions; and**
- (d) Take into account the Guidelines for the Alternative Care of Children contained in United Nations General Assembly Resolution A/RES/64/142 adopted on 20 November 2009 in all measures concerning children without a family environment.**

Adoption

49. **The Committee notes information provided during the dialogue and recommends that the State party develop appropriate safeguards to ensure respect for the "subsidiarity principle" so that intercountry adoption of a child is only considered after all possibilities for domestic adoption have been exhausted.**

Abuse and neglect

50. The Committee welcomes amendments to the Criminal Code addressing domestic violence (Article 122, item 19 of the Law on changes and amendments to the Criminal Code) and the insertion in 2004 of provisions in the Law on Family to define the notion of abuse or severe neglect of children based on which courts may revoke parental rights and allowing for the initiation of court protection, regardless of whether a criminal procedure has been initiated. The Committee remains, however, concerned, about the increased number of reported cases of physical and sexual abuse and psychological violence against children in the home and in schools, and that only a small number of child victims of domestic violence have actually received assistance.

51. **The Committee recommends that the State party strengthen prevention, take measures to ensure that legislation is enforced, punish perpetrators of physical and sexual abuse in the home and in schools, and ensure that child victims have access to specialised services for recovery, rehabilitation and family reintegration.**

5. Basic health and welfare
(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)

Children with disabilities

52. The Committee notes the efforts of the State party at developing day care centres for children with disabilities but is concerned at the persisting inadequacy of educational, social and health services for children with disabilities and their families in their own living environment. In particular, the Committee notes that there remain many obstacles to ensuring equal access to education for children with disabilities.

53. **The Committee recommends that the State party, in accordance with article 23 of the Convention and taking into account its General Comment No. 9 on the rights of children with disabilities (CRC/C/GC/9, 2006), continue to strengthen measures to protect and promote the rights of children with disabilities, inter alia, by:**

(a) Developing a comprehensive policy for the protection of children with disabilities and for their equal access to social, educational and other services;

(b) Undertaking greater efforts to make available the necessary resources, especially at the local level, and to promote and expand community-based and family-focussed programmes, including parent support groups;

(c) Pursuing efforts to ensure that children with disabilities, including moderate and severe developmental disabilities, are able to exercise their right to education to the maximum extent possible;

(d) Creating the conditions for participation of children with disabilities in the elaboration, execution and evaluation of programmes directed to them;

(e) Providing training for professional staff working with children with disabilities such as teachers, social and health care workers.

Health and health services

54. While welcoming significant reductions of infant and under-5 mortality, of registered infectious diseases, and the elimination of iodine deficiency disorders in recent years, the Committee is concerned that infant mortality rates among Roma children remain higher than the national average, and that peri-natal mortality is the highest in the region. The Committee is further concerned about rural-urban disparities in accessing healthcare services and that refugee children and children under humanitarian protection who lack proper documentation have been refused medical treatment.

55. **The Committee recommends that the State party continue raising the standard of health among children, in particular by:**

(a) Strengthening efforts to prevent and reduce infant mortality among the Roma community;

- (b) Increasing the quality and availability of health services to eliminate urban-rural disparities;**
- (c) Ensuring the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care, in particular by extending coverage to children belonging to the most vulnerable segments of the population; and**
- (d) Raising the quality of pre-natal and post-natal health care for mothers with a view to preventing peri-natal mortality.**

Breastfeeding

56. The Committee welcomes the insertion of provisions of the International Code banning breast milk substitutes in the Law on food safety and the Law on consumer protection and that paid maternity leave and breast-feeding breaks are guaranteed by law. The Committee, nevertheless, regrets the declining rate of exclusive breastfeeding, that the paediatric association, which controls breastfeeding guidelines, accepts sponsorship from the baby food industry; and that baby food products are marked “for 4 months” and are widely promoted in private maternity clinics and available in pharmacies and supermarkets.

57. The Committee recommends that the State party enforce existing legislation, enhance efforts to promote exclusive breastfeeding practices and comply with the International Code of Marketing of Breast-milk Substitutes.

Adolescent health

58. The Committee notes that the safe motherhood program prioritises ensuring access to information and counselling on preventing adolescent pregnancies and abortion and the State party's plans to introduce sex education in schools. The Committee is, nevertheless, concerned about the high rate of teenage births and abortions, particularly among girls belonging to the Roma and other minority communities, that the availability of reproductive health care for adolescent girls has dropped significantly in rural areas, and that confidentiality is not respected. In addition, the Committee is concerned about the absence of prevention measures and rehabilitation services for children using drugs or alcohol.

59. The Committee recommends that the State party:

(a) ensure that adolescents have access to age-appropriate and confidential counselling services and life skills training programmes in all regions and communities of the country;

(b) strengthen efforts to increase information and knowledge on reproductive health and rights in order to reduce the number of teenage pregnancies, and develop adolescent-friendly programmes to assist teenage mothers and their children;

(c) develop prevention measures and rehabilitation services for children abusing drugs and alcohol;

(d) take further measures, including the allocation of adequate human and financial resources to support the development of culturally- and adolescent-sensitive and confidential counselling, care and rehabilitation for children, taking into account the Committee's General Comment No. 4 on adolescent health and development (CRC/GC/2003/4, 2003).

Mental health

60. The Committee takes note of the State party's concern that promotion and prevention programmes are far from meeting the needs of children and adolescents and recommends that it develop comprehensive child and adolescent mental health policy, which includes all obligatory components as recommended by the World Health Organisation, *inter alia*, regarding mental health promotion, prevention of mental disorders in primary care, out-patient and in-patient mental health services, with a view to improving mental health and emotional well-being of children.

Harmful traditional practices

61. The Committee, while noting that the minimum legal age of marriage is set at 18 years, is concerned about the practice of early and forced marriages of girls in certain communities, including traditional marriages not registered with the authorities, and about reported instances of sale of children for the purpose of marriage, and notes that such practices may be exacerbated in times of economic hardship.

62. The Committee urges the State party to:

(a) Explicitly criminalise early and forced marriages and prosecute those responsible for such acts;

(b) Enforce existing legislation and ensure that marriages of children under the age of 18 years are allowed only in exceptional cases with a judicial decision and only when it is in the best interests of the child;

(c) Undertake surveys to assess the number of children affected in early and forced marriages, including traditional marriages not registered with the authorities, in order to develop targeted measures for reducing and eradicating this practice; and,

(d) Provide training and support to professionals working with families and children so that they can help those at risk of early and forced marriage and work with affected communities and undertake sensitization campaigns on the negative impact that early and forced marriage has, particularly on the rights and development of girls.

Standard of living

63. The Committee notes that children from economically disadvantaged and socially-excluded families were identified as a priority in the State party's written replies and information that a national strategy for poverty reduction and social exclusion as well as a national program for development of social protection were under way. The Committee is, however, concerned that the system of child allowances is discriminatory and excludes children in vulnerable situations as it is limited to children who attend school regularly and whose parents are either employed or are already covered under a social protection scheme.

64. The Committee recommends that the State party prioritise the protection of an adequate standard of living for children in vulnerable situations, including in forthcoming legislation, strategies and programmes for social protection and particularly in the distribution of child allowances, and ensure that this is observed in practice by the relevant state institutions. The State party should take immediate measures to remove all forms of discrimination in the distribution of child allowances and other forms of social welfare.

6. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)

Education, including vocational training and guidance

65. The Committee notes that the right to education of all nationals and resident stateless children is guaranteed by law, that efforts have been made to improve the quality of education, and that the State party plans to introduce conditional cash transfers with a view to encouraging enrolment and attendance in secondary schools. The Committee is, nevertheless, concerned that:

- (a) There exist barriers to accessing education for children lacking birth registration and identity documents, children with disabilities and children in street situations;
- (b) There is an increasing trend of separation along ethnic lines in schools, which has resulted in disparities in the quality of education and limited opportunities for children belonging to the different communities to interact with one another and in the intensification of inter-ethnic violence;
- (c) The primary-level enrolment and completion rates remain low for Roma children, particularly girls, and that Roma children experience segregation and discriminatory treatment in schools;
- (d) Roma children are allegedly overrepresented in schools for children with special needs and that the decision to refer children to such schools is not done by interdisciplinary teams and based on objective criteria;

- (e) There is low availability of holistic early childhood development and education, facilities and institutions; and
- (f) Religious education may be a factor of division and conflict among children in school and does not sufficiently contribute to a spirit of understanding, tolerance and friendship among all ethnic and religious groups as stipulated in Article 29(1)(d) of the Convention.

66. The Committee recommends that the State party:

- (a) Undertake immediate measures to ensure that children are not denied access to education on any grounds;**
- (b) Develop specialised services to prepare children in street situations for reintegration into the school system;**
- (c) Work with the communities to encourage the enrolment of children in ethnically-mixed schools and provide in practice possibilities for children from the different communities to study together in a manner that allows every-day interaction and possibilities to learn about one another. The State party should undertake immediate measures to reverse the current trend of segregation along ethnic lines at all levels – national, regional and municipal;**
- (d) Taking into account its General Comment No. 1 (CRC/GC/2001/1) on the aims of education and Article 29(1) of the Convention, the Committee recommends that the State party invest in the training of teachers, in the development of curricula, textbooks and other aides for the active promotion of understanding, peace, tolerance and multi-cultural solidarity and cohesion among the different ethnic and religious communities;**
- (e) Continue and strengthen the measures to promote the integration of Roma children in mainstream education, especially by sensitising teachers and other professionals and assisting families in economic hardship;**
- (f) Strengthen measures to ensure that the decision to refer children to special schools is based on objective criteria, is taken by an interdisciplinary team of professionals, is subject to a periodic review, takes due account of the child's linguistic and cultural background, and is not based on socio-economic reasons;**
- (g) Promote, develop and ensure access to early childhood development and education, especially for children at risk of delayed development and socioeconomic deprivation, taking into account the Committee's General Comment No. 7 on implementing child rights in early childhood (CRC/C/GC/7);**
- (h) Implement plans to introduce reproductive education in both primary and secondary school as indicated during the dialogue; and**
- (i) Ensure that religious education is optional taking into consideration the best interests of the child, and is conducted in a manner that contributes to a**

spirit of understanding, tolerance and friendship among all ethnic and religious groups as stipulated in article 29(1)(d) of the Convention.

**7. Special protection measures
(arts. 22, 30, 38, 39, 40, 37 (b)-(d), 32-36 of the Convention)**

Asylum-seeking and refugee children

67. The Committee notes that the State party is taking over responsibility for the health care, social protection and housing of asylum-seekers, refugees and persons under subsidiary protection as of 1 January 2010. Notwithstanding the statement of the State party's delegation, the Committee is concerned that unaccompanied and separated children are not always appointed a guardian and are not accommodated separately from adults.

68. **The Committee recommends that the State party ensure that unaccompanied and separated children are appointed a guardian and are accommodated separately from adults and that children among refugees and asylum seekers are assured of access to education, health care, social protection and housing, taking into account the Committee's General Comment No. 6 (2005) on the treatment of unaccompanied and separated children outside their country of origin (CRC/GC/2005/6).**

Economic exploitation including child labour

69. While noting that under the Law on Labour Relations the minimum age for admission to employment is 15 and persons employed under the age of 18 years are entitled to special protection, the Committee is concerned about weak implementation of child labour laws and policies and about the incidence of child labour in the informal sector, in particular begging and street vending at intersections, on street corners, and in restaurants.

70. **The Committee recommends that the State party strengthen the implementation of labour laws and policies and investigate the root causes in order to prevent children at risk from child labour, particularly in the informal economy.**

Children in street situations

71. The Committee, while noting the development of a protocol for the treatment of children in street situations, is deeply concerned about the growing number of these children, the majority of whom are Roma, and about the absence of progress towards durable solutions, ensuring the children protection, access to education and social reintegration. In addition, while noting plans to open day care centres outside of Skopje, the Committee is concerned that currently there are only two state-owned day care centres providing protection to children in street situations in the capital.

72. **The Committee recommends that the State party:**

- (a) Provide adequate protection and assistance for recovery and reintegration to children in street situations and develop a comprehensive strategy addressing the root causes, in cooperation with organizations assisting these children;**
- (b) raise public awareness of the rights and needs of children in street situations and combat misconceptions and prejudices; and**
- (c) ensure that children in street situations are consulted when planning programmes designed to enhance their living conditions and improve their development.**

Sexual exploitation and abuse

73. The Committee notes increased awareness and efforts for prevention and countering child sexual abuse, including the establishment of a national coordinating body, ongoing research and training activities. The Committee is, however, concerned about the reported rise in the number of cases of child sexual abuse and exploitation, that only children younger than 14 years are protected under Art. 188 of the Criminal Code (“sexual attack upon a child under 14”) and that in cases of rape the burden of proof falls on the victim above the age of 14 years. In addition, the Committee is concerned that sentences for child sexual abuse pronounced by certain courts have been mostly short and suspended.

74. **The Committee recommends that the State party provide equal protection to all children under the age of 18 years from the crime of child sexual abuse, and in particular eliminate the burden of proof for children older than 14 years, and ensure that perpetrators are prosecuted and punished for such crimes. The Committee further recommends that the State party ratify the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2010).**

Sale, trafficking and abduction

75. The Committee notes that the adoption of a new action plan against trafficking in children is underway, that a national referral mechanism for trafficking victims operates since 2005, and that a program for social reintegration for child victims exists since 2006. The Committee is nevertheless concerned that children are trafficked for various purposes to, from and within the borders of the State party.

76. **The Committee recommends that the State party continue and increase efforts to prevent, protect children from and strengthen measures to prosecute the crimes of sale and trafficking and in particular:**

- (a) Fully implement national legislation against trafficking in persons;**
- (b) Conduct capacity-building programmes for law-enforcement officers, judges and prosecutors;**

- (c) **Investigate and prosecute all cases of sale and trafficking to avoid impunity;**
- (d) **Strengthen measures to protect child victims and ensure access to child-sensitive social and psychological assistance for their recovery and reintegration;**
- (e) **Address the root causes the sale of children, child trafficking and abduction, in particular by giving special attention to families in its programmes to combat poverty, to prevent school dropout and gender-based discrimination; and**
- (f) **Carry out awareness-raising activities, in cooperation with NGOs and the media, in order to make both parents and children aware of the dangers and consequences of these crimes.**

Helplines

77. While noting the 24-hour, toll-free SOS helpline for Children and Youth operated by an NGO, the Committee is concerned that it lacks long-term financial support and that it can only be accessed through one specific telephone operator and that it is not accessible from mobile phones.

78. **The Committee recommends that the State party ensure the continuity, including through the allocation of adequate resources, of a toll-free, 24-hour helpline, expand its capacity to receive calls from all telecom operators, allocate to it the six-digit European harmonised number, and recognise it as a source of information and data for policy and legislation on children's rights, and as a tool for early intervention and prevention.**

Administration of juvenile justice

79. The Committee notes the establishment of a council for the prevention of juvenile delinquency and plans to improve the conditions in the Educational-Correctional Institution, which was transferred to the premises of the Skopje prison following the conflict. The Committee is, however, concerned:

- (a) That children under the age of 14 years may be subject to correctional measures decided and applied by the social work centres;
- (b) That in several cases children have been allegedly treated as adult offenders;
- (c) That children are not separated from adult prisoners;
- (d) About poor conditions in places where children are detained, especially in the Educational-Correctional Institution and in the juvenile detention centre in Ohrid, and about overcrowding in juvenile cells; and
- (e) That children are subjected to compulsory drug testing in the Educational-Correctional Institution.

80. **The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 39 and 40 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). In particular, the Committee urges the State party to take into account the Committee's General Comment No. 10 (2007) on the administration of juvenile justice. It also recommends that the State party:**

- (a) Ensure that children under the age of criminal responsibility (14 years) are not punished in any manner for criminal actions;**
- (b) Review practices to ensure that children are not treated as adult offenders in the administration of juvenile justice;**
- (c) Ensure the separation of juvenile and adult offenders;**
- (d) Take effective measures to improve conditions in all places where children are detained and reduce overcrowding;**
- (e) Ensure that children are deprived of their liberty only as a measure of last resort especially by developing measures alternative to detention, including possibilities for restorative justice, and that sentences are reviewed; and**
- (f) Abolish the practice of compulsory drug testing in the Educational-Correctional Institution.**

Protection of witnesses and victims of crimes

81. While noting plans to elaborate a protocol for handling cases of child sexual abuse, the Committee is concerned that so far activities have not focused on the protection of child victims. The Committee is, in particular, concerned about reports that child victims have been asked to give testimony in the presence of the perpetrator and that victims of abuse within the family have not been provided with adequate protection, which has led to their re-victimisation and the withdrawal of testimonies. The Committee is further concerned that as a result of the low age of protection for certain crimes child victims above the age of 14 years were not accorded protection in recent years. The Committee, while noting the recent elaboration of a Code of Conduct for journalists, is deeply concerned that media attention has led to the identification of child victims.

82. **The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and/or witnesses of crimes, e.g. children victims of abuse, domestic violence, armed conflict, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

83. **In addition, the Committee recommends that the State party, in cooperation with the media, take the necessary measures to respect the privacy of children in the media by strengthening implementation of existing legislation and awareness-raising and educational campaigns.**

Children belonging to minority groups

84. While noting with appreciation that mother tongue education is available for most communities, namely in the Macedonian, Albanian, Turkish and Serbian languages and the introduction of “Romani language and culture”, the Committee regrets the limited availability and lower quality of education in the language of certain minorities, particularly the Roma and Vlach communities.

85. **The Committee recommends that the State party:**

(a) **Take all necessary measures to protect the rights of children belonging to minority groups, respect their culture and guarantee their enjoyment of the rights enshrined in the national constitution, domestic law and the Convention;**

(b) **Train educators and develop curricula, textbooks and other aides in order to increase the availability and raise the quality of minority language education, particularly for Roma (for all those groups who are using their own language) and Vlach children; and**

(c) **Ratify the European Charter for Regional and Minority Languages, which it has already signed.**

8. Ratification of international human rights instruments

86. **The Committee recommends that the State party ratify the core United Nations human rights treaties and their Protocols to which it is not yet a party, namely, the International Convention on the Rights of Persons with Disabilities and its Optional Protocol and the International Convention for the Protection of All Persons from Enforced Disappearances, which the State party has signed; as well as the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.**

9. Follow-up and dissemination

Follow-up

87. **The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia, by transmitting them to the Parliament, relevant ministries, the National Commission on the Rights of the Child, the Ombudsman, and to local authorities, when applicable, for appropriate consideration and further action.**

Dissemination

88. The Committee recommends that the second periodic report and written replies submitted by the State party and the related concluding observations and recommendations it adopted be made widely available in the languages of the country, including (but not exclusively) through the Internet to the public at large, civil society organisations, the media, youth groups, professional groups, and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

10. Next report

89. The Committee invites the State party to submit the combined third, fourth, fifth and sixth periodic report by 16 March 2017 (i.e. 18 months before the date established in the Convention for the submission of the sixth periodic report). This next report should not exceed 120 pages (see CRC/C/118, 2002) and should also include information on the concrete implementation and impact on children of these concluding observations and the two Optional Protocols to the Convention on the Rights of the Child.

90. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the “Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents”, approved at the Fifth Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).
