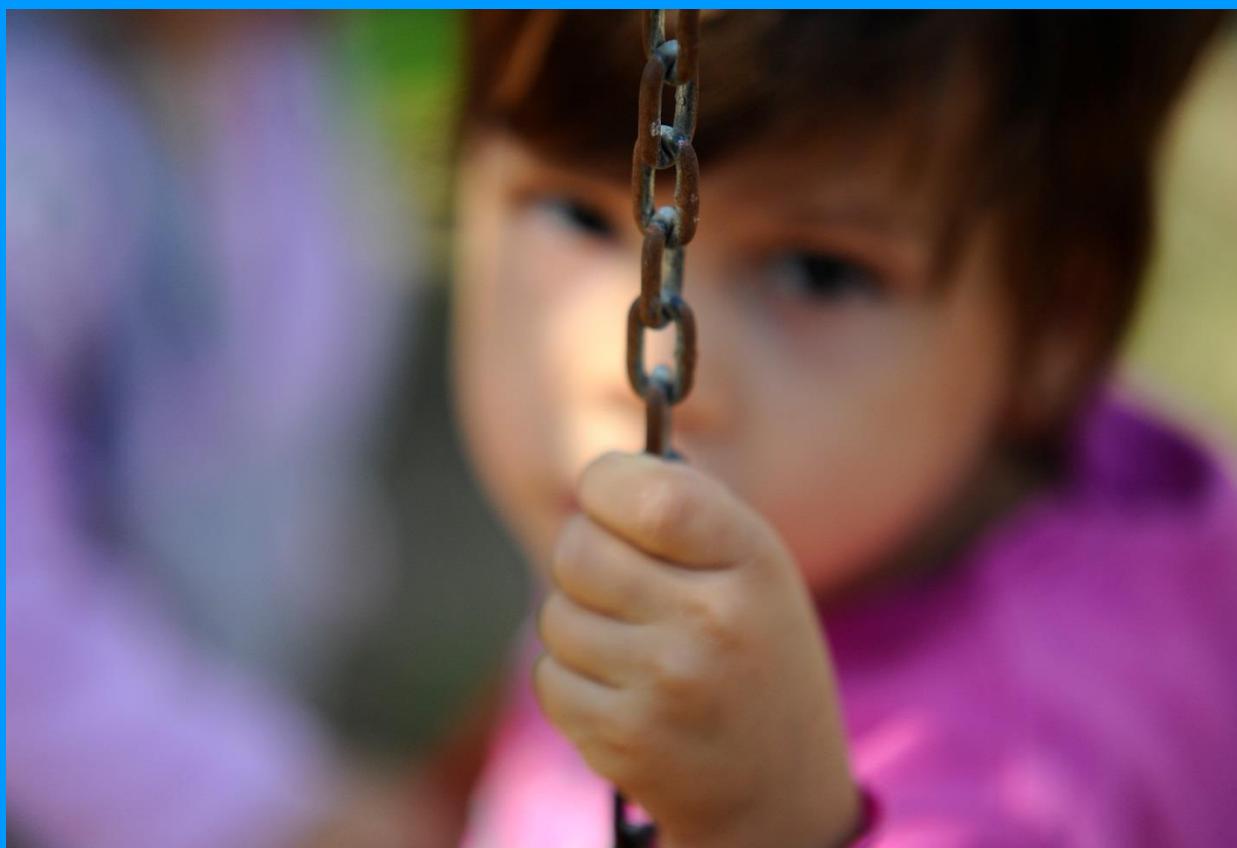


# MAPPING OF INSTITUTIONS AND CIVIL SOCIETY ORGANIZATIONS WHICH PROVIDE SERVICES TO CHILDREN VICTIMS OF VIOLENCE AND ABUSE



November 2014

**Abbreviations:**

AJP Academy for Judges and Prosecutors

ARC Association for the Rights of the Child

CSO Civil Society Organizations

CSW Centre for Social Work

DV Domestic Violence

IJDDV Inspectors for Juvenile Delinquency and Domestic Violence

IOM International Organization for Migration

IPH Institute for Public Health

ISA Institute for Social Activities

LGU Local Government Units

MoLSP Ministry of Labor and Social Policy

MoI Ministry of Interior

MoES Ministry of Education and Science

MoJ Ministry of Justice

MoFA Ministry of Foreign Affairs

MoF Ministry of Finance

MoC Ministry of Culture

SIA Sector for Internal Affairs

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## **I. BACKGROUND**

Protection of children of violence has been reinforced as an explicit priority and a cross-cutting concern which will redefine the global development agenda. In line with the wider international and national commitments on protection of children, whereby children are constitutionally defined special protection category, the country has adopted number of legal and policy documents on realization and protection of children's rights. The international obligations arise from the signed and ratified international documents in the field of human rights, primarily the Convention on the Rights of the Child (CRC). This includes the two optional protocols to the CRC on the involvement of children in armed conflict, and the one on the sale of children, child prostitution and child pornography, as well as the Conventions of the Council of Europe regulating specific segments or rights of the child, and the relevant political declarations.

However, there is no integrated policy on combating violence against children, which can create both legal and practical lacunae. The plurality of policies creates profusion of government institutions with capacities to act in situations of violence against children, and there is high probability of low coordination and/or duplication of action. Furthermore, both human and financial resources remain a challenge for these institutions.

Civil society organizations are important actors in combating violence against children, both as policy developers and service deliverers. The strong link and fruitful cooperation between these organizations and government institutions is crucial for effective and sustainable children's protection from violence.

The study aimed to map the existing legal, policy and institutional framework on violence and abuse against children, especially the relation between the existing strategic documents and institutional organization and cooperation. The research tried to identify whether and to what extent there is complementarity of spirit, principles and procedures.

## **II. METHODOLOGY**

The data presented in this mapping study were gathered through desk research and analyses of relevant materials (laws, policy documents, reports) and semi-structured interviews. The semi-structured interviews were used to discover the specific position of each actor in the system for combating violence against children in terms of number of staff, organogram, expertise etc. Each partner/interviewee was asked to comment on the following issues/questions: awareness, sensitivity and expertise; availability of

resources (human and financial); intra institutional collaboration (horizontal and vertical); availability of data; risks and challenges; international cooperation; good practices and experiences.

Due to the multitude of policies and actors, the study is presenting the data in a thematic manner separated in sectors. The presentation of institutions and other relevant actors does not include their full authority and activities and focuses solely on their capacities to provide services to children victims of violence and abuse.

### III. GENERAL LEGAL AND POLICY FRAMEWORK

**The core legal framework** refers to the laws that specifically address violence against children, provide for protection and prevention measures and ascertain responsibilities to parents/guardians and state authorities including services for children victims. However, the catalogue of analysed laws<sup>1</sup> is more extensive and other laws will be referred to in the following chapters.

**The Constitution**, in its extensive catalogue of human rights provides for protection of children indirectly by guaranteeing the right to life and the right to physical and moral dignity (articles 10 and 11). Particular protection is envisioned for the family, mothers, children and minors (article 42) and children without parents and parental care (article 40). The country is a signatory to the CRC as of 1993, as well as to both Optional Protocols, which were ratified in 2003 and 2004. These ratified international agreements are part of the integral legal order and cannot be changed by law (Article 118). The principles of the UN Convention on the Rights of the Child are obligatory for all competent state authorities, who must protect the guaranteed rights of children and avoid taking any activities or measures that would threaten or violate children's rights and conduct all the activities in the best interest of the child.

**The Law on Child Protection** aims to regulate the system and organization of child protection. This law gives a general perspective on the rights and types of protection the state provides, but in terms of an institutional structure or specific procedures for protection, the law gives a general reference to other laws without specifically stipulating them.

As of 2013 the law prohibits all forms of violence in all settings. The law obliges all state authorities to take all necessary measures to prevent all kinds of abuse of children regardless of place, gravity, intensity and time of the

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<sup>1</sup> See Annex I.

execution of the abuse. However this stipulation is more of a principle than an obligation, as it is worded in general terms and no details on what 'all necessary measures' entails. Furthermore, the law envisions an obligation for all citizens to report all forms of violence against children immediately upon the learning of such an act. The failure to report violence against children does not cause for legal consequences.

**Justice for Children Law**, adopted in 2013 and replacing the Law on Juvenile Justice, aims to: protect children from crime, violence and infringement of their rights and freedoms; provide protection for children committers of criminal acts, recurrence of criminal behavior and socialization, education and correction; and assistance, care and protection for children before the courts. The law has a broad antidiscrimination clause and strict prohibition of torture, cruel and demeaning treatment or sanctions over children.

The novelty introduced with this law is that it gives comprehensive definitions of different categories of children by age and circumstances which put children in danger not only as committers but also as witnesses and victims of criminal acts. The definition of a child at risk is quite broad<sup>2</sup> and among other refers to children victims of violence, and victims or witnesses of misdemeanors or crimes. However, the law also introduces another category - 'child victim' which is 'any child under 18 who has suffered harm, including physical or mental injury, emotional suffering, material loss or other injury or violation of child's rights and interests as a result of a committed act envisaged by law as a crime'.

The law elaborates on the obligations of all institutions within the criminal justice system when dealing with children. It provides for child sensitive court mechanisms and mediation, catalogue of preventive and protection measures and specific professionalization and continuous training for officials working with children in every phase of the case/procedure<sup>3</sup>.

The law has a separate chapter detailing the protection of child victims and witnesses in criminal procedures, including a list of their guaranteed rights: to be treated with respect for their dignity and privacy; to be protected from any discrimination; to be informed of their rights in a language understandable and appropriate to their age; inform parents or guardians on the details of the

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<sup>2</sup> 'any child who has reached seven, and is younger than 18 years of age, with a bodily disability or mental disabilities, a victim of violence, educationally and socially neglected, who is in such a condition that it is difficult or impossible to achieve the educational function of parent/s or guardian/s, who is not included in the system of education and upbringing, drawn into begging, wandering or prostitution, who uses drugs and other psychotropic substances and precursors or alcohol, and who, because of such conditions, is, or may come into contact with the law as a victim or witness in an act which by law is envisaged as a misdemeanor or crime'.

<sup>3</sup> These will be further elaborated in the chapter on Justice.

criminal act and the suspect, the accused and the convicted; claim for damages; legal aid; special protection of their safety and the safety of their family, care and attention by the authorities and entities involved in the criminal procedure; the right to special protection from secondary victimization and re-victimization and the right to psychological and other professional help and support from competent authorities, institutions and organizations.

Children victims and witnesses have the right of special procedural protection, meaning the examination and hearing of these children (especially in cases of trafficking and crimes against humanity) should happen only once in the whole procedure (this includes also the pre court segments such as the investigative activities) and by using child sensitive techniques (audio and video files, protective screens, mediated by expert etc.) in the whole procedure. Only in exceptional cases or if there are newly discovered circumstances one additional examination of the child victim may be ordered.

There is an explicit prohibition of facing between the child victim or witness and the suspect/accused of human trafficking, sexual violence or abuse, crimes against humanity and other crimes which by nature, consequences or other circumstances disturb the child or put her/him in a particularly difficult emotional situation.

Children victims of crimes have the right of damages, which if cannot be paid by the perpetrator are provided from the budget of the Ministry of Justice.

**The Family Law** regulates the relationships within a family, marriage and divorce, the treatment of children, related economic matters and protection of members of the family. The law prohibits all forms (physical, emotional and sexual) of violence in marriage and in the family. Furthermore, it elaborates on the grounds for the withdrawal of parental rights.

The law has a separate section on trafficking of children, which specifically sets the responsibilities of both the Centers for Social Work and an appointed guardian.

**Law on prevention, deterrence and protection against domestic violence** is of recent date and it will come into force in 2015. The law regulates the actions of institutions and CSOs, their mutual coordination and cooperation for prevention and deterrence of domestic violence and provision of protection to victims. The law covers all types of violence that happens in family setting and defines as victim children who are directly affected by violent acts and witness violence or live in violent surroundings.

The law elaborates on the roles of relevant bodies and institutions: Ministry of Labor and Social Policy (MoLSP), Ministry of Interior (MoI), Ministry of Education and Science (MoES), Ministry of Justice (MoJ), Local Government Units (LGU) and all the institutions that work with social protection, child protection, internal affairs, health, employment, education and competent CSOs, but their mode of cooperation will be detailed in a separate Protocol which is to be adopted by the Government in the first trimester of 2015. There is a legal obligation for all officials involved to be trained to work on matters within the competence of the law and gender related violence, but the law does not define neither the institutions which will provide the training nor the length and details of the trainings.

The CSWs are instrumental in providing protection for the victims of domestic violence and they act upon their own initiative and information or upon notification from any natural person, institution or CSO. The CSWs are responsible for placing the victim at a shelter, provide healthcare service, psychosocial interventions and treatment, assist the continuous education of children, legal aid and assist in the economic empowerment of victims. When the victim is a child, the CSW does not need the consent of the parent or guardian to take action and guided by the best interest of the child can temporarily limit or prohibit contacts with the parent/s, notwithstanding its obligations that stem from the Family Law and Justice for Children Law.

Furthermore, the law introduces a multisectoral professional team composed from representatives of the competent CSW, police, a health institution and relevant CSOs drafts a 'Safety plan' with measures and activities which will help the child victim. The possible contents of the plan are not elaborated with the law.

The law prescribes for a catalogue of temporary measures for protection, such as the 'removal of the perpetrator from the family residence' and 'ban for the perpetrator to contact or approach the family residence or school of the victim'. The court rules on the temporary measures upon an application by the competent CSW, MoI and the victim (parent or legal guardian when the victim is a child), and these measures are decided upon and implemented with utmost urgency. However, few lacunae persist especially with the measure 'removal of the perpetrator from the family residence' as the law does not provide for a place where the perpetrator would stay and mechanism to ensure that the perpetrator will not return to the residence after the police is gone.

The short chapter on prevention provides for a broad obligation for the line ministries and LGUs to implement undetailed preventive measures: promotion of values based on nonviolence, peaceful conflict resolution and equality

between women and men; early education for children; counseling; continuous training for officials; and raising awareness campaigns.

**The Law on Social Protection** regulates the rights of social protection, measures, institutional and non-institutional social protection, and the provision of social protection by public and private institutions. The staff working at the public and private institutions for social protection is required to obtain a license and go through regular monitoring and review.

The CSWs are the crucial institutions in the social protection system, providing a broad list of services and preventive activities concerning problems in life, marital issues, parental relations, relations within the family and specific services for victims of domestic violence and human trafficking.

The law envisions several types of social protection providers, closely related to the CSWs: day care centre for street children, centre for victims of domestic violence, centre for victims of trafficking, therapeutic communities, small group homes, foster families and counseling centers. These centers provide different services, such as daily and temporary reception and accommodation of victims counseling services, legal aid, nutrition services, accommodation, hygiene services and cultural and entertainment activities.

The law envisions that CSOs which have the prescribed professional capacity and the permission of the MoLSP can work on matters of social prevention and provision of services. Furthermore, the MoLSP can provide financial resources for these CSOs which implement their activities monitored and controlled by the ministry.

**The Criminal Code** operates with the term 'child victim' and defines it as any person younger than 18 years of age who has suffered any damage, including physical or mental injuries, emotional suffering, material loss or other injury, or if his or her fundamental rights and freedoms have been threatened as a result of the criminal offence committed.

Children victims are specifically referred to in trafficking and sexual abuse crimes which entail more severe sanctions for the perpetrators<sup>4</sup>. Sanctions are envisioned for the officials who in the course of their professional capacity learn of these crimes but fail to report them.

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<sup>4</sup> The catalogue of these crimes includes 'luring/enticing a minor under the age of 14 for purposes of sexual molestation or other sexual activity', and the foreseen sentence is from one to five years imprisonment. Related to these sanctions is the prohibition on engaging in a profession or business, or performing a duty (on top of a prison sentence of at least 6 months) for the criminal offenses of 'sexual assault on a minor under the age of 14' and 'sexual molestation with abuse of official position or authority', when the offense has been committed by a teacher, caregiver, doctor or another person who is abusing hers/his official position.

Serious neglect, abuse or economic exploitation of a child is strictly forbidden and calls for imprisonment from 5 to 10 years, depending on the gravity of the neglect and the consequences of this treatment.

**The Law on Elementary Education** and the **Law on Secondary Education** prohibit corporal punishment and psychological ill-treatment of students. Monitoring and inspection of schools is vested in the Bureau for Educational Development and the State Education Inspectorate to conduct professional monitoring and inspections of schools. When a child articulates violent behavior in school the parents or the guardians are to visit mandatory counseling provided by the school psychologist or pedagogue.

**The Law on Labor Relations** regulates the employment of children, which is possible for 'a young person', younger than 18 years of age and in good health. The working hours are limited and the employer must protect young people from economic exploitation and any work that may have a detrimental impact on their safety, health, physical, mental, moral or social development or it could jeopardize their education. Employment for children younger than 15 is prohibited, with the exception of remunerated participation in activities which in their scope and character do not affect adversely on the health, safety, development and education, such as cultural and artistic activities, sports and advertising activities. An employer must not use the method of award in order to increase the workload that would jeopardize the safety and health of the young person.

## 1. Core Policy Documents and National Coordinative Bodies

**The National Commission for Children's Rights in the Republic of Macedonia**<sup>5</sup>, established in 2007 by the Government of the Republic of Macedonia, has the capacity: to monitor the situation of children's rights in the country; to continuously monitor the implementation of the National Plan of Action for the Rights of the Child in the Republic of Macedonia 2006-2015, and the Convention on the Rights of the Child by the United Nations; at the request of the Government to prepare materials for thematic sessions devoted to advance in areas relating to children's rights and to propose annual priorities according to the National Plan of Action for the Rights of the Child year and monitor the implementation of the annual priorities for children's rights adopted by the Government.

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<sup>5</sup> <http://www.nkpd.gov.mk/>

This commission is presided by the Secretary General of the Government and members appointed by the Government of the MoI, MoJ, MoFA, MoF, MoH, MoES, MoLSP, MoC, the Agency for Youth and Sports, the National Statistics Office, the General Secretariat and the Secretariat for European Affairs. The work of the National Commission includes representatives of the Ombudsman, UNICEF and CSOs.

The general policy instrument which sets the priorities with regards to children is **the National Action Plan for Children (NAPC)** which was adopted in 2005 and it determines the general and strategic goals for a period of 10 years.

The Commission is currently inactive and no data was available on dynamics of meetings, reports of activities or any coordinative and supervisory actions.

#### **IV. SECTORAL POLICIES**

##### **2. SOCIAL POLICY**

###### **Ministry of Labor and Social Policy (MoLSP)**

The MoLSP has the mandate to create policies and strategies for prevention and social protection, as well as to develop non-institutional forms of protection for vulnerable groups of citizens. Among the wide range of priorities of the ministry and related to violence against children is the implementation of developmental social security by providing social protection; protection of children; equal opportunities for women and men; and protection and prevention of all forms of discrimination.

Key departments which work on matters related to violence against children and are closely linked with the relevant National Coordination Bodies are: Department for Equal Opportunities (composed of 2 units and one unit - Unit for Gender Equality working on trafficking of children); Department of Social Protection (composed of 10 units, out of which 2 work on violence against children – Unit for socio- legal protection of children and families, working on abuse and neglect of children and sexual abuse of children and pedophilia and

Unit on Social Inclusion working on domestic violence and street children)<sup>6</sup> and Department for Child Protection (composed of 3 units).

MoLSP defines the social protection policy with two key documents: **The National Program for Development of Social Protection 2011- 2021** and **the National Strategy for Reducing Poverty and Social Exclusion in the Republic of Macedonia 2010-2020**. Both documents are dealing with a wide range of social issues, including the reform of institutional care. The program and the strategy call for the gradual introduction of non-institutional care for children, and envisage the broader introduction of foster families, day care centers and shelters. The latter document has a chapter on child protection which specifically calls for introduction of special protection and treatment measures for children victims of family violence and sexual violence.

MoLSP has adopted a **Multidisciplinary Protocol for handling (identification and referral) children of the street / street children** and organized a network of day care centers for street children (as organizational units of the competent CSWs) in Kisela Voda, Skopje (currently accommodating 20 children), Avtokomanda, Skopje (currently accommodating 23 children) and Bitola (currently accommodating 10 children). A temporary day center functions in Ohrid during the summer tourist season when the phenomenon is present in the town.

## **National Coordination Bodies, Strategic Documents and Protocols**

**1. National Coordinative Body for Protection of Children from Abuse and Neglect**, established in 2012, composed of representatives from representatives of MoLSP, MoI, MoES, MoH, MoJ, Ombudsman, AJP, Psychiatry Clinic, Institute for mental health of children and youth, ISA, UNICEF, WHO, The First Children's Embassy in the World Megjashi, NGOs 'Happy Childhood'. The mandate of this body is to take preventive measures and develop initiatives and recommendations for adequate legal and policy framework, initiate cooperation with relevant stakeholders and inform the public and raise awareness on prevention of abuse and neglect of children. The body has developed a **Protocol for action of all institutions in the process of prevention and protection of children from abuse and neglect**. This document is comprehensive, elaborate and precise with clearly defined goals and indicators and schematic presentation on how and when institutions should act.

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<sup>6</sup> This department is responsible for the system of social protection composed of: public social protection institutions (public institutions, inter-municipal centers for social work); Institute for Social Affairs; day centers for street children; day centers for drug addicts; temporary shelters for victims of domestic violence.

The body did not produce any annual report, and other activities aside the development of the protocol cannot be assessed.

**2. National Commission for Prevention of Domestic Violence,** established in 2010, coordinates the policy making and implementation of the **National Strategy for Protection against Domestic Violence 2012 - 2015.** The body is composed of representatives from MoLSP; MoI; MoJ, MoH, MoES, IPH, and the National Network to end Violence against Women and Domestic Violence.

The Strategy is second of its kind, and it builds upon the results achieved within the framework of the preceding document in the period 2008- 2012. With regards to delivery of services for victims, the adoption of **the Umbrella Protocol for Dealing in Cases of Domestic Violence** in 2010 is very important, since it gave guidelines for all competent institutions in the system of identification, prevention and treating the consequences of domestic violence (DV). However, with the adoption of the Law on prevention, deterrence and protection against DV, new protocol should be adopted by mid 2015.

The current Strategy focuses on most vulnerable categories of victims, especially children who are facing multiplied vulnerability, aims to broaden the network of counseling centers for psychosocial treatment of children and the network of counseling centers for parents and children. The Strategy envisions services such as: shelters for victims of DV available in Skopje, Bitola, Kocani and Sveti Nikole administrated by the competent CSWs; one counseling center for parents and children and counseling center for working with perpetrators of DV, administered by CSW Skopje. These include the development of a web portal on DV managed by MoLSP, where citizens can get information on available services: <http://www.semejnonasilstvo.org.mk/>.<sup>7</sup>

The dynamics of meetings of the coordinative body and current activities cannot be assessed as no meeting minutes are available and no annual report for 2013 is produced. During the interviews it was stated the coordinative body spent most of 2013 on drafting the new Law on prevention, deterrence and protection against domestic violence, but it cannot be established whether other targets from the strategy were met.

**3. National Coordinative Body for the Implementation of the 2009-2012 Action Plan for Prevention and Countering Sexual Abuse of Children and Pedophilia,** established in 2008 and composed of

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<sup>7</sup> The web page is not regularly updated. The last entry in the events tab is from 2010.

representatives of relevant ministries and non-governmental organizations, with MoLSP coordinating overall activities.

The general objectives of the plan were to decrease and manage the consequences of sexual abuse through awareness rising, preventive measures, coordinated and efficient protection, assistance, rehabilitation and reintegration of children – victims of sexual abuse. The body has drafted the **Protocol for handling cases of reported sexual abuse of children and pedophilia** which has multisectoral approach and gives guidelines for all competent institutions: police, CSWs, health institutions, educational institutions, judicial authorities, CSOs.

New Action Plan for 2014 and 2015 was adopted in January 2014. However, no data is available on the activities of the Coordinative Body and dynamics of meetings, no reports have been published and the status of implementation cannot be assessed.

**4. The National Commission to combat Trafficking in Human Beings and Illegal Migration** and its **Sub-group for Combating Trafficking in Children**, established in 2003, are working prevention of trafficking in children and the improvement of the protection of child victims, as well as coordination of the co-operation among the relevant entities. The Sub-group members are representatives of MoI, MoES, MoLSP, Ombudsman, UNICEF, the International Organization for Migration (IOM), Organization for Security and Cooperation in Europe (OSCE), International Center for Migration Policy Development (ICMPD), GIZ, and NGOs 'Happy Childhood 'Open Gate – La Strada Macedonia', 'Equal Access'. The Office of the National Coordinator, established in 2007, provides technical assistance and logistic support to the National Commission.

The **2013-2016 National Strategy to combat Human Trafficking and the Action Plan** (for Children) is the third consecutive strategic document which sets the priorities, defines tasks for relevant institutions and aims to improve the delivery of services for victims of trafficking. Novelties introduced with these documents are the establishment of local commissions for trafficking in cooperation with LGU; creation of mobile teams for identification, assistance and support for potential victims and risky groups; increased efficiency by developing indicators for identification of child victims by type of exploitation; development of preventive measures by investigating the reasons for 'new types' of trafficking of children (labor exploitation, begging, forced marriages)

The anti – trafficking mechanism in the country also includes the National Rapporteur and National Referral Mechanism (NRM) for victims of

trafficking in human beings. The former is responsible for monitoring overall activities in the sector and collection and analyses of data (qualitative and quantitative information) for broader topics related to human trafficking in the context of prevention, protection and prosecution.

The NRM is the key anti-trafficking mechanism which, established in 2005 operates under the auspices of the MoLSP. The NRM Office has the mandate to provide adequate identification, assistance and protection, based on international human rights standards, for all victims of trafficking in human beings, particularly children. The mechanism was strengthened with the development of the **Standard Operating Procedures for the Treatment of Trafficked Victims** in January 2008, with the purpose of regulating the methods of cooperation between the stakeholders on local, national and trans-national level.

The commission regularly produces annual reports, and the annual report for 2013 is comprehensive and gives an elaborate overview of all activities implemented.

## **Institute for Social Activities (ISA) and Centers for Social Work (CSW)**

### **Institute for Social Activities**

The Institute for Social Activities (ISA) has the mandate to study social phenomena and problems, and promote social activities. Its core activities include: studying social phenomena and problems in the field of social care and social work, proposing measures for social protection and social work, drafting standards and norms for work and staff in institutions. In the past 5 years ISA has introduced several novelties that raise the standard of work of the institute and the CSWs. It is in the mandate of ISA to provide continuous education of professionals and since 2010 a curriculum for trainings has been adopted and regularly updated. The trainings are mandatory and are basis for issuance and renewal of licenses for CSW professionals. The licensing program has started in 2011 and is ongoing.

The ISA has developed a system for monitoring and evaluation on the basis of which the training program is curriculum is regularly revised. ISA staff is doing regular field monitoring, interviews with the professionals from the CSWs and case – by – case evaluation. By identifying repeating errors, new types of cases, and assessing the capacities of staff of CSWs, the ISA is able to develop modules for training based on needs. ISA also makes use of the data base LIRIKUS<sup>8</sup>, where all cases are to be recorded. Furthermore, the monitoring and evaluation exercises and the proper utilization of lessons

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<sup>8</sup> During the interviews it was established that the LIRIKUS is not user friendly and the recording of cases is time – consuming. The tool is currently being updated.

learned led to the systematization of standards and procedures in 2014 and the introduction of 'case management'.

In terms of services for children victims of violence, ISA has developed a web portal with available info and possibility to report sexual abuse ([www.stop-pedofilija.org.mk](http://www.stop-pedofilija.org.mk)) and registry of pedophiles ([www.registarnapedofili.mk](http://www.registarnapedofili.mk)).

## **CSW**

CSWs are instrumental in providing social protection for children. They have a broad capacity and mandate to provide services, to monitor provision of services and are involved in every stage of the procedures pertaining to children victims of violence. All relevant policy instruments give the CSWs mandate to initiate, actively participate (coordinate) and monitor procedures concerning children. Furthermore, CSWs are active before the courts in cases where children are involved.

In total there are 30 CSWs in Macedonia<sup>9</sup>, which employ total of 1012 employees. Out of these, 882 are working at the CSWs, whereas the rest 130<sup>10</sup> are stationed in the day centres. 401 of those working at the CSWs are professional staff<sup>11</sup> (social worker, pedagogue, lawyer and sociologist) and 481 are administrative staff. There are 206 social workers, 70 lawyers, 56 psychologists and 25 sociologists. Out of these, 179 are licensed professionals<sup>12</sup>.

ISA is monitoring and evaluating the work of the professional staff at the CSWs, but it is the Government who approves and the Managing board of the CSW who adopts the act of organization (number and type of departments) and systematization (work posts) based on needs assessment.

During the interviews<sup>13</sup> it was established that the staff of the CSWs are facing problems in implementation of the multiple protocols when working with child victims. For example, when a child is a victim of domestic violence, is neglected and sexually abused 3 different protocols can be referenced and staff from 2 units (DV and sexual abuse) can create a dossier and manage the case. CSW lack resources, such as child friendly rooms where they can interview children and shelters for children where proper psychotherapeutic assistance can be provided.

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<sup>9</sup> See Annex II.

<sup>10</sup> No segregated data per day centre was available.

<sup>11</sup> The law prescribes the possible specializations for staff of the CSWs: graduate social worker, andragogist, pedagogue, lawyer, economist, doctor, special education teacher, speech therapist, special educator for physiology and sociologist.

<sup>12</sup> See Annex II.

<sup>13</sup> Two interviews with 3 professionals from CSW were held. CSW Skopje covers 60 % of the cases of violence against children.

Furthermore, cooperation with other institutions is somewhat strained: schools are reluctant to report violence and even when they do report a case over the phone they usually refuse to submit a written statement. The cooperation improves when the report of violence comes from a different source and the school officials are asked to assist in the phase of monitoring of the child victim.

Cooperation with health institutions is on a very low level. In terms of reporting by health institutions there was only one case reported to the CSW Skopje in the past 4 years. With regards to providing medical services the situation is even direr, since the CSWs do not have a list of designated doctors where a child victim can be taken to receive medical treatment and a forensic examination for collection of evidence that can be used in courts. In practice, the CSW professionals ask the parents/guardians to take the child to see the family doctor, which is a problem in itself if the parents are the perpetrators of the violent acts. In addition, depending on the resourcefulness and motivation of the staff personal contacts with medical workers and other unofficial channels are used.

Cooperation with the police is commendable but during the interviews it was noted that more IJJDDV are needed.

### **Key issues:**

- **Three different departments and three different units of the MoLSP work on violence against children.**
- **There are four<sup>14</sup> coordinative bodies that have the mandate to work on issues of violence against children. There is an overlap in their mandates, duplication of efforts and lack of coordination between the coordinative bodies.**
- **Implementation of strategies is not comprehensively followed. Only one body has produced a comprehensive annual report for 2013.**
- **There are five thematic protocols for dealing with children victims of different kinds of violence. However, all the protocols involve the same actors (CSWs, police, health workers, educators). The protocols are developed by different teams and are not fully complementary in terms of wording and precision. This is creating confusion for the practitioners and impeding delivery of services for children victims of violence.**
- **Different units in the CSWs work on violence against children.**

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<sup>14</sup> Five in total, including the National Council for Prevention of Child Delinquency elaborated in Chapter Justice.

- ***Intra -institutional cooperation on provision of services for children victims of violence is not satisfactory.***

### **3. HEALTH**

The health care system in the country is organized in three levels: primary, secondary and tertiary level. Health care services are delivered at health stations, health centers, general and specialized hospitals, clinical hospitals, university clinics and institutes.

Primary healthcare is organized and carried out at the municipality level whereas secondary healthcare is organized on regional level. The latter is specialized health care provided in general hospitals, clinical hospitals, specialized hospitals, polyclinics, and centers for public health and general institutions for rehabilitation. Tertiary healthcare is the highest specialized level of provision of services and it includes 29 university clinics and 12 institutes, 3 specialized hospitals (for lung diseases in adults and children, and psychiatry), the Institute for Medical Rehabilitation and the Institute of Public Health.

**The Law on Health Protection and the Law on Protection of Patient Rights** regulate the system of health care and the rights of patients in receiving medical treatment. Access to health care for children is granted following the consent of parent or guardian and in emergencies with the consent of two doctors with appropriate surgical/medical specialty. In practice this means that if a child victim approaches a medical institution and reports a violent act, doctors are not allowed to provide for medical services.

The total number of medical workers in the country is 27462 out of which 2085 are general medicine doctors, 78 are occupational medicine 78 doctors, 371 are pediatricians, 70 are doctors for school medicine for school children and youths 7–18 years, and 322 are obstetricians and gynecologists<sup>15</sup>.

Practicing doctors are required to finish relevant education (medical school, state medical exam and specialization) and hold a license issued by the Chamber of Doctors. The license is valid for a period of 7 years and its renewal is dependent on continuous education. Each doctor needs to acquire 20 points per year from various trainings, conferences, symposia, workshops. The value of these exercises is assessed and certified by the Chamber of Doctors. Usually trainings are organized by the professional organizations of medical specialists (e.g. organization of gynecologists) or international organization present in

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<sup>15</sup> Employees of the Health Institutions in Republic of Macedonia, Institute for Public Health, 2012.

the country (e.g. World Health Organization) but there is no systematized registry of trainings, no comprehensive needs assessment and trainings are organized on ad hoc basis. There is no complete and coherent data on the capacity of medical workers in terms on trainings on working with children victims of violence; hence it is difficult to assess full capacities of the health system and the number of trained medical practitioners by territory and level of health care<sup>16</sup>.

Furthermore, during the interviews it was established that one of the most pressing needs of the system is to enhance the capacities of health care with professionals who provide psycho-therapeutic services for children victims of violence. There is only one institution in the secondary health care level which works with children, the Institute for mental health and it is based in Skopje. The Department for Child and Adolescence Psychiatry at the Psychiatry Clinic in Skopje is the unit which works with children on tertiary level of health care.

Another issue that is impeding the system for justice for children is the lack of trained forensic doctors who will examine the children victims and testify before courts. The Chamber of Forensic Experts is the body which provides for the mandatory continuous training of forensic experts, but thus far no trainings on examination of child victims have been organized. Practice has shown that children victims of violence do not receive adequate treatment and experience secondary victimization when examined by untrained medical personnel.

**MoH's** role in the health system is to formulate and implement health policies and monitor the health system's performance. With reference to violence against children, in 2014 MoH published guidelines for practicing evidence based medicine on: identification of children victims of physical violence; children and domestic violence; identification and dealing with children victims of sexual abuse; treating violence in educational setting. These guidelines, though not in collision with the already adopted protocols<sup>17</sup> cause for further confusion among medical practitioners. Furthermore, during the interviews it was established that no trainings on these guidelines were organized.

**The Institute for Public Health (IPH)** under the Law on Health Records is the designated institution to collect and analyse statistical health data. Health institutions are legally obliged to provide IPH with reports with references to

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<sup>16</sup> In 2010, under the Joint Programme on Domestic Violence "Strengthening National Capacities to Prevent Domestic Violence" 1,560 health professionals (general practitioners, psychiatrists, gynecologists, emergency medical doctors) were contacted through the specific Medical Associations and trained on working with victims of domestic violence and implementing the umbrella protocol with referral mechanisms for dealing with domestic violence cases. However there is no data available on where these medical workers are stationed (both in terms of territory and level of health care).

<sup>17</sup> See above Chapter Social Policy.

specific medical conditions using the ICD 10 Medical Codes (including codes for violence and abuse of children) which the IPH analyses, follows trends and recommends new policies and amendments to existing policies. With the ongoing reforms and the gradual computerization of the medical records, recording violence through a computer server and specialized software to cross –calculate the data on both the victims and the perpetrators was developed. This is a pilot project and not fully operational, but it is accessible to all the medical doctors registered at the Chamber of Doctors. The interview at the IPH revealed that medical practitioners are neither using this tool, nor have the practice to report violence (unless it is a grave injury), because they fear for their safety or due to social pressure and stereotypes (especially on domestic violence) choose not to ‘interfere’ in family matters.

**Key issues:**

- ***There is no coherent system for training of medical practitioners on treating children victims.***
- ***Access to health care for children victims is impeded by the requirement of parental/guardian consent.***
- ***There are no trained forensic medical experts who can examine children victims of violence and testify before courts.***
- ***Doctors do not report cases of violence against children.***

#### 4. JUSTICE

**The National Council for Prevention of Child Delinquency**<sup>18</sup> is a national coordination body responsible for development of preventive strategies and programs for juvenile delinquency. The council is comprised of 15 members of whom: seven members, nominated by the Minister of Justice are representatives of the MoJ, MoLSP, MoES, MoI, the Public Prosecution Office, the Supreme Court and the Bar Association; and seven members selected through a public call, who are distinguished scientists and professionals who work on the protection of the interests of children, with one representative from a child protection CSO. The Ombudsman and UNICEF participate in the work as non-voting observers.

The National Council has adopted **National Strategy for Prevention of Juvenile Delinquency** for the period 2010 – 2020, which aims to establish strategic directions and priorities for prevention of juvenile delinquency. The Strategy has an encompassing approach and calls for preventive policies and

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<sup>18</sup> <http://www.dspmp.com.mk/>

measures that should be developed and implemented with the participation of families, schools, communities, the media, the legislative branch, and all those who work with children at risk. The strategy is multifaceted and works on primary, secondary and tertiary prevention. The Primary prevention section of the strategy specifically targets children victims of violence and calls for reanimation of the fund for damages for children victims of crimes (secured by the Ministry of Justice) and enhancement of the psychosocial services for children victims.

The National Council prepares annual reports on its work and the situation in the field of children's rights and juvenile delinquency as submitted to the Parliament and the Government, the Judicial Council and the Supreme Court of the Republic of Macedonia. The Justice for Children law obliges these institutions to review the reports and take appropriate measures and activities, in accordance with their responsibilities. This obligation

In the 5 years of its existence the Council has had a proactive role, has been meeting regularly<sup>19</sup> and has prepared comprehensive analyses (including data collection), projects, raising awareness campaigns, established networks and liaised with partners (e.g. business community) and developed recommendations for improvements in the field (e.g. proposed amendments to the Justice for children law on the provision of psychosocial services for children in detention).

## **Judiciary**

The judicial system is multi – tiered and comprised of 27 Primary courts, 4 Appellate courts, Administrative Court, Higher Administrative Court and the Supreme Court. The judges in the courts are appointed by an independent Judicial Council after fulfilling the necessary general and special criteria which include initial and continuous training provided by the Academy for Judges and Prosecutors (AJP). The total number of Judges in the country is 640.

The 12 Primary Courts with extended jurisdiction established Councils for children and employ 42 judges who work on justice for children, including cases where children are at risk or in conflict with law. The Appellate Courts employs 12 and the Supreme Court has 5 Judges for Children.

The Justice for Children requires the President of the Court to appoint an advisor (social worker, psychologist or a pedagogue), upon the proposal of the CSW, who is to counsel the Councils for children in their work. However, this requirement is not been implemented in any of the courts in the country.

As stipulated in the Law on Courts and the Judicial Rulebook, the president of each court on a Court session adopts the Annual Work Schedule for Judges.

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<sup>19</sup> 19 sessions in 2010, 12 sessions in 2011, 14 sessions in 2012 and 15 sessions in 2013.

This schedule sets the organization of the Court in different departments, usually the Civil Law and Criminal Law department. The Judges who are assigned in these departments state their topic of preference in accordance with their professional experience and the trainings they followed at the AJP. Practice has shown that there is continuity in specialization and no significant changes in the topic of preference. Judges are legally obliged to go through continuous training provided by the AJP and at the beginning of each calendar year the AJP distributes a calendar of trainings with different topics and specific themes for which the judges apply, again based on their preference and topic of interest<sup>20</sup>.

During the interviews it was established that the number of judges acting on juvenile delinquency cases fits the needs in terms of cases that reach the courts. Judges need to fulfill a monthly provisional norm of cases resolved, set annually by the Judicial Council (currently 17 cases per month), and aside from the Skopje I Court, it is impossible for the judges to fulfill the provisional norm by acting solely on cases of juvenile delinquency.

However, not only the judges who act on juvenile delinquency deal with children. Other criminal cases (where a child is a sole or one of the victims) and civil law cases (where a child is an interested party) may call for hearing of a child or other types of dealings with children. This means that potentially all judges can work on cases which involve children, but judicial practitioners assess that this number is between 250 and 300 judges.

Therefore, there is a need of organized, systematic training for all the judges. Thus far, the AJP has organized a series of trainings, counseling and workshops. In 2014, after the adoption of the Justice for children law, which obliges the judges who work on justice for children to follow a minimum of 5 days per year of specialized training, the AJP organized 9 counseling sessions on working with children victims and witnesses of violence, which were followed by a total of 102 judges<sup>21</sup>. However, there is no data on the specialization of these judges (whether they work on criminal or civil law cases) or the courts where they work (both in terms of territory and level).

### **Public Prosecutors Office**

The Public Prosecutors Office is an independent body, organized in a multitier manner as a Public Prosecutor Office of the Republic of Macedonia, 4 Higher Public Prosecutor Offices (for the territorial jurisdiction of the Appellate Courts), Primary Prosecution Office for prosecuting organized crime and corruption, and 22 Primary Prosecution Offices (for the territorial jurisdiction

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<sup>20</sup> See Annex III for the specific trainings by the AJP in 2013 and 2014

<sup>21</sup> The number applies for years 2013 and 2014, following the adoption of the Justice for Children Law. See Annex III.

of the Primary Courts). The Primary Prosecution Offices which cover the territorial jurisdiction of the Primary Courts with extended jurisdiction form specialized units for juvenile delinquency. The total number of Prosecutors in the country is 270. Public Prosecutors work on criminal cases and usually prosecutors of the bigger prosecution offices are specialized on cases where children are perpetrators of criminal acts. However, there is no specialization on cases where children are victims or witnesses of crimes.

The Public Prosecutors are obliged by the Law on Public Prosecution to follow continuous training provided by the AJP. This requirement is detailed with the Justice for Children Law for Public Prosecutors who work on justice for children to follow a minimum of 5 days per year of specialized training. In 2014 a total of 31 Public Prosecutors followed 9 counseling sessions on working with children victims and witnesses of violence , but there is no data on the rank and territory these trained prosecutors cover<sup>22</sup>.

### **Ministry of Interior**

The Ministry of Interior and its Bureau for Public Security is responsible for law enforcement. The later runs the national police force which is territorially organized in eight Sectors for Internal Affairs (Skopje, Bitola, Veles, Kumanovo, Ohrid, Strumica, Tetovo and Stip).

The internal systematization of the police force introduces the position Inspectors for Juvenile Delinquency and Domestic Violence (IJDDV) work with children victims, children at risk, and children in conflict with law. In total 51 police officers hold this title across the country. The stationing of the IJDDV in the different Sectors for Internal Affairs (SIA) is based on needs assessment:

SIA Skopje	20 IJDDV
SIA Stip	4 IJDDV (2 stationed in the External Office Kocani)
SIA Bitola	5 IJDDV (2 stationed in the External Office Prilep)
SIA Strumica	4 IJDDV (1 stationed in External Office Gevgelija and 1 stationed in External Office Radovis)
SIA Tetovo	6 IJDDV (2 stationed in External Office Gostivar)
SIA Ohrid	6 IJDDV (1 Stationed in External Office Struga and 1 stationed in External Office Kicevo)

<sup>22</sup> See Annex III for the specific trainings by the AJP in 2013 and 2014.

SIA Kumanovo	4 IJDDV
SIA Veles	2 IJDDV

SAI Skopje has a specialized unit for Juvenile Delinquency which employs total of 20 staff: 1 Chief, 5 Chief Inspectors, 4 Independent Inspectors, 5 Senior Inspectors, and 5 Inspectors.

Certain police stations do not station an IJDDV and when matters of juvenile delinquency and domestic violence emerge, the Inspectors for general crime deal with those cases. During the interview at the MOI it was stated that these inspectors have been trained to work with children, and that as a regular practice when a complicated and highly sensitive case is before them, they do seek assistance from the IJDD of the relevant SAI. However, interviews with victims of domestic violence show that when it comes to reporting these kinds of crimes, victims in practice see multiple police officers before and if they reach the IJDDV. The victim needs to first talk to the police officer at the front desk, than report to the inspector on duty, than to the head of inspectors and finally to the IJDDV. This is a clear indication that the number of IJDDV is inadequate and should be increased.

Total of 42 Inspectors for prevention work on matters of prevention of violence against children and juvenile delinquency. All 8 SAIs provide for 4 positions on matters of prevention, out of which 1 position for a 'chief inspector for prevention' and 3 positions 'independent inspector for prevention' .

There are no specific mechanisms for specialization and each sector does its internal needs assessment and on the job training. Justice for Children Law envisions a minimum of 5 days per year of specialized training on justice for children for the officials from the MOI, but it is not assessable whether budget for trainings of this kind has been provided or whether the MOI training centre has the capacity to conduct the necessary trainings.

## **Ombudsman**

Public Attorney or Ombudsman<sup>23</sup>, established by the Constitution and regulated by Law on Ombudsman (Official Gazette of the Republic of Macedonia No. 60/03, 114/2009) protects the constitutional and legal rights of citizens when violated by the organs of the state administration and other organs and organizations with public authorities.

The Ombudsman has a special Department for protection of children's rights, led by the Deputy Ombudsman and staffed with 2 employees (1 social worker,

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<sup>23</sup> <http://www.ombudsman.mk/>

1 jurist). Furthermore, six regional offices also have the capacity to work on children's issues.

The competences of the Ombudsman, in terms of specific services is the proceedings of petitions, which can be filed by children, parents or guardians, institutions, organizations or at the initiative of the Deputy Ombudsman upon receive of information of violation of child's rights. The limits in its mandate restrict the scope of services it can provide, for example the Ombudsman does not have investigative capacities to assess facts on the ground; does not have the capacities to engage in direct work with a child at need etc.

The Ombudsman is instrumental in providing information and publishing special reports on children, based on continuous monitoring and visits to relevant educational, health, social care institutions which deal with children.

During the interview it was established that the Ombudsman Office has a proactive approach, and widely cooperate with the MoLSP and provides for opinions and comments in policy making<sup>24</sup>. The office closely cooperates with other partners i.e. OSCE, MoI and MoSE, especially on prevention activities.

## **Lawyers**

The Justice for Children Law entails that legal representation and presence of a Lawyer is mandatory in all court proceedings against a child, including the pre-trial procedures before the CSWs and the MOI. The parents or guardians have the right to choose the lawyer, but if they do not do so, the CSW will appoint the lawyer from the list of lawyers drafted by the Bar Association. The costs of representation are to be covered by the parents or guardians, but if they cannot afford to do so, the lawyer will be remunerated from the state Budget in accordance with the Law on Free legal aid. The problem with the execution of this right is that the parents have 5 days to prove that their monthly income is below the average monthly salary, which practice has shown is a very short period of time<sup>25</sup>.

This right of legal representation is declaratively guaranteed for children victims and witnesses of crimes. However, there is a legal gap as the remuneration for this representation is neither elaborated with the Justice for Children Law nor covered by the Law on Free Legal Aid. This in practice means

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<sup>24</sup> Representatives from the Ombudsman are members of National Commission for Prevention of Domestic Violence, National Commission on Prevention of Child Sexual Abuse; National Commission on Prevention of Abuse and Neglect, National Subgroup to Combat Child Trafficking, National Commission on Child Rights participates in the work of the The National Council for Prevention of Child Delinquency.

<sup>25</sup> Interview at the Foundation Open Society Macedonia, Project Access to Justice.

that legal representation will not be secured for a child victim whose parents are the perpetrators of the crime or cannot afford a lawyer.

The Bar Association is the professional body which issues licenses for lawyers who can practice law and certifies the continuous trainings which lawyers are obliged to follow under the Law on Attorneys. Furthermore, this body is obliged by the Justice for children law to draft a list of lawyers who fulfill the legal requirements of 5 day annual training on work with children out of which the Court or the CSW will appoint legal representation<sup>26</sup>. In terms of trainings, the Bar Association has not organized<sup>27</sup> any activities on preparing the lawyers to work with children, but the AJP has invited them to all the events in 2014. The attendance data received from the AJP shows that no lawyer has participated in the 2013 and 2014 trainings on working/justice for children.

## **Mediation**

Mediation, as a form of non-judicial resolution of cases for a criminal act punishable with imprisonment of up to five years is introduced with the Justice for Children Law. The public prosecutor, upon informing and acquiring a written consent from the child and his or her representative and counsel and the injured party may refer the parties to a mediation procedure. The law is not clear whether this option is available for all categories of children covered by the law including children at risk, children in conflict with law and children victims of crimes.

The law requires for the chosen mediator to fulfill the requirements from the Law on Mediation and be trained on mediation for children. The 2013 Law on Mediation has introduced drastic changes in the system of mediation and introduced a new body - 'Board on providing, monitoring and evaluating the quality of the works of mediation' - which is to issue licenses for mediators, keep the Registry of Mediators and Trainers for Mediators and certify trainings. Since the Board was established in September 2014, no data is available on the total number of mediators and whether the training curriculum will include specialized training on children. However, it is viable to assume that some of the mediators who were licensed under the previous legal framework will continue to work on mediation, and the professional specialization provided in the past, such as the 2011 training on child cases for 28 mediators, will be utilized in future.

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<sup>26</sup> The list has been prepared and has 306 lawyers.

<sup>27</sup> In 2010 MoJ and UNIFEM organised training for members of the Bar Association on providing legal assistance to victims of domestic violence. 34 lawyers were trained.

In 2013, no cases under the Justice for Children Law were referred to mediation procedure<sup>28</sup>.

**Key Issues:**

- **Given the possibility that all Judges and Public Prosecutors can potentially work on cases which include children, mandatory training on dealing with children should be provided by the AJP.**
- **The number of IJDDV does not fit the needs for children victims. The trainings of police officers are not continuous and systematized.**
- **Free legal representation is not secured for children victims and witnesses of crimes.**

**5. EDUCATION**

The education system in Macedonia follows 3-tier logic: mandatory elementary and secondary schools and tertiary education. Total number of schools is 359 primary and 103 secondary schools.

MoES is the competent ministry which creates and implements policy adopts the curricula for preschool, elementary and public secondary school (upon the proposal of the Bureau for Education Development) and monitors the level of implementation.

Within its mandate and aiming to reduce violence in educational settings, MoES developed the **National Strategy and Guidelines on Violence free schools 2012 - 2015**. The Strategy aims to achieve equal opportunities for all children and non – discrimination; non – violent setting and non-violent conflict resolution; respect and promotion of the rights and responsibilities of students, teachers and parents and encourage responsibility for their own choices, care for others in the community and the environment. To that end, **a Protocol for safety and handling of students in cases of violence 2012 was** adopted which instructs teachers on how to identify violence and types of violence in schools, stop violence, implement preventive measures and monitor the post – violence atmosphere.

However, in the massive structure and mandate of MoES there is no single source for gathering data on the results of the strategy and other activities that address different types of violence which not necessarily happen in the school (DV, sexual abuse etc.). During the interviews it was established that a significant number of activities, campaigns and trainings for teachers were

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<sup>28</sup> Annual report of the National Council for Prevention of Child Delinquency 2013.

conducted in the past 5 – 10 years<sup>29</sup>, but it there is no follow - up on completed projects and comprehensive data base on trainings. Neither the MoES nor the Bureau of Education could give an overview of the level of implementation of relevant strategies and current situation in terms of trained educators, number of victims, cases reported<sup>30</sup>.

Furthermore the laws do not impose a clear obligation on schools to record and report any incidents of violence and abuse. These kinds of requirements are found in the strategic documents and protocols for action. However, different protocols envision similar tasks for the school staff which if implemented can cause for confusion and duplication. For example, under the Umbrella protocol on domestic violence, schools are obliged to establish 'Teams for protection of students' and the National Strategy on Violence free schools require schools to form 'Teams for decreasing violence in schools'. It remains unclear whether these are to be separate teams or a single team. If the former is true how it will be decided which members of which team members will receive training. If the later is true why are there different guidelines and obligations for the team in the two separate strategic documents.

**Key Issues:**

- ***There is no legal requirement in the principal laws on elementary and secondary education to report violence. This requirement is stipulated in strategic documents and protocols, but practice has shown that schools rarely identify and report violence against children which occurred outside school settings<sup>31</sup>.***
- ***The multiplicity of strategic and implementing documents creates for incoherence in the work of educators in terms of protection and prevention form violence in schools.***

## 6. CIVIL SOCIETY

There is a multitude of CSOs which work on protection of children's right. This chapter however focuses on those who provide services for children victims of

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<sup>29</sup> For example: In the frameworks of the project "Making schools free of violence" (implemented in 2010 by UNICEF), 1384 teachers from 336 primary schools were trained on methods, principles and ways of dealing with school violence; MoLSP, ISA, CSWS in 2011 – 2012 organized workshops on sexual abuse of children and pedophilia for a total of 156 schools (125 primary and 31 secondary schools), of which 59 schools (45 primary and 14 secondary) located in Skopje; In 2013-2014 the MoLSP in cooperation with the Red Cross of the Republic of Macedonia realized a campaign entitled "With education and knowledge to prevention of sexual abuse and paedophilia". They prepared an educational leaflet that was distributed in 200 primary and secondary schools. Additionally, a total of 187 informative workshops were organized and attended by 4941 professional school staff members, students and parents.

<sup>30</sup> See Chapter on CSW where is stated that cases of violence against children are rarely reported by schools.

<sup>31</sup> See above Chapter Social Policy, CSW

violence and abuse and children at risk of violence. These CSOs have dual role: firstly, to initiate, change, and improve policies and secondly to provide services to victims. This later role complements the institutions of the systems which due to limited or inadequate capacities cannot fully respond to the needs of victims.

**1. National Network to End Violence against Women and Domestic Violence**<sup>32</sup> established in 2010 has 20 CSO members<sup>33</sup> who are engaged in the field of prevention and dealing with domestic violence and are the most active organizations in the country working on gender based violence. The mission of the Network is to coordinate the actions of the civil society organizations in order to improve the policies and practices for dealing with the issue of violence against women and domestic violence<sup>34</sup>. Among the range of activities are the SOS lines for information and support to victims of violence, referral of victims of domestic violence to the relevant institutions, support and education of victims of domestic violence, support in economic empowerment of victims of domestic violence, shelter facilities<sup>35</sup>, crisis centres<sup>36</sup> and provision of emotional support. Children are not direct beneficiaries of services and usually use the services when accompanying the parent/guardian victim. During the interviews it was established that the organizations of the network lack adequate trainings for delivering services to children victims. They have wide experience on working with women but they neither have the financial resources nor the skills to provide services for children, especially the much needed professional counselling.

**2. HERA Association for Health Education and Research**<sup>37</sup>, established in January 2000 is working on advancing human rights in the area of sexual and reproductive health, based on principles of social justice and gender equality, and using strategies of advocacy, education and the provision of services and continuous and systematic development and research. With reference to children HERA has a number of activities: firstly, 'I want to know' – youth centre for sexual and reproductive health with two premises – clinic Vodno and clinic Suto Orizari and secondly, the first Family Centre in Skopje.

The youth centre in its two stations provides for gynaecological examinations and counselling (diagnosis of sexually transmitted infections, administration of therapy and contraception, ultrasound), dermovenerial examinations

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<sup>32</sup> [www.glasprotivnasilstvo.org.mk](http://www.glasprotivnasilstvo.org.mk)

<sup>33</sup> See Annex IV

<sup>34</sup> The Network is a member of the National Commission for Prevention of Domestic Violence.

<sup>35</sup> Currently none of the network members offers shelter.

<sup>36</sup> Currently two crisis centers exist, both situated in Skopje: "Hope" and "Organization of women of the city of Skopje – OWS", which can shelter women and their children for a period of 24 to 48 hours.

<sup>37</sup> [hera.org.mk](http://hera.org.mk)

(diagnosis of sexually transmitted infections, and administration of therapy), HIV testing, psychological counselling, peer consultation / consultation with a pedagogue, distribution of condoms and educational materials, counselling for prevention of drug use, legal aid.

The First Family Center, opened in 2014 in cooperation with the City of Skopje and co-financed by Commercial Bank - Skopje, provides for specialized counselling for families affected by the problem of DV. Services in the Center are free and confidential and are offered by a professional team of 6 psychotherapists who through psycho-social treatment strengthen all individual family members. The psychotherapists work in 3 teams for perpetrators, adult victims and children.

Currently, 64 service users receive counselling with a therapist, and 19 completed the counselling. The majority, or 30 of them are victims, 14 offenders, 20 children under 18, and 19 are other family members who participate in counselling.

**3. Open Gate La Strada**, established 2000 is working on prevention, care and direct support to victims and potential victims of trafficking.

Open Gate / La Strada is managing the state shelter (opened by the MoLSP in 2011) and provides psycho-social assistance programs to trafficked victims. The shelter for victims of trafficking provides housing and assistance to all victims of trafficking as well as potential victims of trafficking: temporary accommodation, free food, clothing and hygiene products, medical assistance, legal aid, emotional support, psychological and social support, assistance in obtaining personal documents, relationship with family members, training / trades courses, assistance in finding work after leaving the shelter, contacts with foreign NGOs. The shelter is capacitated with 6 trained professionals and 2 volunteers.

Open Gate operates SOS hotline since 2002, which is the only phone service that offers information, prevention and counselling for citizens, victims of human trafficking and the country. There are 2 phone numbers available every day, from 8h to 20h: +38922777070 and 0800 11111 (which is cost-free number for all calls from Macedonia). Services provided over the hotline range from emotional support and psycho-social assistance to basic legal advice and information and assistance when in trouble.

In the course of the interview with representatives from Open Gate it was confirmed that the staff engaged needs to be fully prepared to work with children, since most of the victims staying at the shelter are younger than 18 (in 2013 out of 15 victims, 9 were children). Their professionals had initial training by IOM and continuously follow other relevant trainings.

**Happy Childhood**, association to help and support children and families at risk, closely collaborates with Open Gate in providing all victims at the shelter with daily individual and group psycho-educational and therapeutic activities and counselling, depending on the needs of each victim. In 2013 Happy Childhood trained 20 students for observation of street children and the application of indicators for recognizing potential child victims of trafficking for labour exploitation<sup>38</sup>. An important partner is the association for equal opportunities **Equal Access**, which under the project "Provision of support and services for victims of trafficking and vulnerable groups at local level", works to improve the identification process in three cities, Gostivar, Bitola, Kumanovo, managed mobile teams responsible for identifying, direct assistance and support to victims, their families and vulnerable groups. Mobile teams conducted identification and accommodated 3 victims of human trafficking, 1 at the centre for foreigners and 2 at the shelter for victims of trafficking.

**4. The First Children's Embassy in the World Megjashi**, founded in 1992, aims to protect children and their rights and to strengthen the CSO movement for the children's rights. Megjashi has a wide range of activities and services.

The SOS helpline, active for 20 years each working day from 8h to 17h, is a tool for children to report violence or any infringement of rights. The number 08000 12222 is free only if called from a T- home number. The line is operated by one psychologist, who offers emotional support and basic legal aid, and upon receive of information of violence it reports the case to the competent CSW and police.

Megjashi is also offering psychological counselling in their premises. This service is provided by one psychologist who provides for psychosocial support and referral to competent institutions.

The day centre for street children from municipality Aerodrom is operational since 2007 and works from September to June (closed during the summer). It has the capacity for 20 children and it is administered by 1 psychologist and 2 volunteers. The centre provides for basic needs (hygiene, clothes, and meals), life skills, creative workshops, joint workshops with parents/guardians, help with school work<sup>39</sup>.

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<sup>38</sup> 11 children were found, of which 3 children suspected to be victims according to the established methodology of association, and 8 are presumed victims of economic exploitation.

<sup>39</sup> The first draft of the report was written in the summer period when the centre is inactive. At the time of finalization of the report conflicting information on whether the centre is working appeared, hence there is no confirmation on whether any children are using the services of the centre.

5. **Association for the Rights of the Child (ARC)**<sup>40</sup>, established in November 1998 is an organization whose main goal is to protect the rights of the child. In line with this, the association's activities are aimed at introducing and implementing laws, policies and practices that enable the improvement of the welfare of children, protection of rights and full participation of the child in the society. One of the services they provide is the **Day Centre for street children** in Suto Orizari which opened in February 2006. The centre functions with a team of four: social worker, psychologist, pedagogue and school teacher. Services provided range from basic needs (toiletries, shoes and clothing, meals), medical protection from economic exploitation, emotional and physical care and protection from abuse and neglect, inclusion in the educational process as well as help and support in school tasks.

The Day Centre accommodates a total of 105 children at social risk, aged 04-17 years from the Roma community, out of whom 88 children are included in the regular educational system.

The day centre started with funds provided by World Bank in the framework of a project for municipal development, and currently is dependent on monthly donation of 60 000 denars by private company Tinex.

## V. CONCLUSIONS AND RECCOMENDATIONS

The main goal of this mapping was to discover how the system of delivery of services for children victims of violence works, whether is efficient and coherent and whether there are clear roles for all involved actors. The lack of integrated policy on the issue is causing for a creation of an inert system with several important impediments. The existence of multiple coordinative bodies, strategies and protocols causes confusion, duplication of efforts and hinder institutional cooperation. The relevant institutions and the practitioners are 'lost' in the sea of documents and operate and cooperate without reference to them.

Data collection, maintenance of data bases on human capacities and registry of trainings remain a serious problem. For example, the process of assessment of capacities and specialization of staff trained on DV<sup>41</sup> is a challenging one

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<sup>40</sup> [www.zpd.org.mk](http://www.zpd.org.mk)

<sup>41</sup> The following trainings on DV were conducted: 559 professionals from the CSWs, Health Institutions, Educational Institutions, LGU, and CSOs from 31 municipalities trained on multiagency work on domestic violence; 280 professionals trained on the Umbrella Protocol for Dealing in Cases of Domestic Violence; 30 professionals from CSWs trained on standards for dealing with domestic violence victims; 15 professionals from CSWs, ISA trained on counseling for children and mothers victims of domestic; 14 professionals trained to work with perpetrators of

since there is no coherent data base on where (which CSW, Health Institution etc.) the trained personnel is working. Institutional memory is lost with staff turnover and development of capacities and modernization of operational procedures is unfeasible without precise situation analyses. Ownership of results achieved with implementation of donor funded projects<sup>42</sup> is problematic. This can also be ascribed to the multitude of strategic documents which set multiple tasks for the institutions without considering their core mandate and their capacities to take on more responsibilities.

There is a lack of crucial services, such as psychotherapeutic counseling and trained forensic medical experts for children victims of violence.

The role of CSOs is important and their efforts are highly welcomed in times when the state system cannot respond to the needs of the victims. Furthermore, proactive behavior of CSOs and establishing good cooperation with governmental units can spur reform, modernization and continuous raise of standards. However, CSOs should not replace or create a parallel system to the state one. Continuity and sustainability cannot be demanded from CSOs, as they usually depend on donors and have a project cycle type of operation.

#### Recommendations:

1. There should be one coordinative body working on all forms of violence against children. However, if this recommendation is not achievable because of the already established mechanisms and differences in thematic approach, at least the coordinative bodies on abuse and neglect and sexual abuse should be merged.
2. The framework of strategic documents should be revised. It is recommended that the new documents be more precise, take into account the capacities of the involved institutions and bodies, and promptly be disseminated to the relevant institutions.
3. The multi sectoral protocols should be revised and merged in a single document. This new protocol should be precise, concise and prescribe realistic tasks to the relevant institutions. This should be followed by a comprehensive plan for coordinated trainings for implementation.

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domestic violence; 160 police officers, judges, prosecutors and professionals form CSWs trained for coordinated action in domestic violence cases.

<sup>42</sup> Web pages are not updated, expired action plans, no follow up on implemented projects, lack of coordination between partners.

4. Comprehensive monitoring mechanisms should be developed. Capacities to report should be strengthened and reporting dynamics should be intensified.

5. In order to assess the capacities of each institution it is necessary for the institutions to create system for monitoring of the number, type, scope of trainings and to follow where (which department, unit, position) trained professionals are working. Only with this kind of system any occurrence of staff reshuffling will not jeopardize the mechanism for delivering services to children victims of violence.

6. Communication channels with CSOs should be strengthened and their experience utilized in the drafting and revision of the policy framework.

7. Lack of certain services should be immediately addressed. The Chamber of Forensic Experts should be approached and trainings for medical forensics for children victims of violence should be developed; number of IJDDV should be increased; psychotherapeutic services should be provided in the whole territory of the country; shelters for children victims should be established.

## VI. ANNEX I

**Law on Child Protection** (Official Gazette of Republic of Macedonia, No. 23/2013, 12/2014, 44/2014)

**Justice for Children Law** (Official Gazette of the Republic of Macedonia No. 148/2013)

**Law on Juvenile Justice** (Official Gazette of the Republic of Macedonia, No.87/2007, 103/2008, 161/2008, 145/2010)

**Family Law** (Official Gazette of the Republic of Macedonia, No. 86/1992, 9/1996, 19/2000, 29/2001, 38/2004, 60/2005, 33/2006, 84/2009, 112/2009, 67/2010, 157/2010, 39/12, 44/12, 38/14)

**Law on prevention, deterrence and protection against domestic violence** (Official Gazette of the Republic of Macedonia, No.138/2014)

**Law on Social Protection** (Official Gazette of the Republic of Macedonia, No.79/2009, 36/2011, 51/2011, 166/2012, 15/2013, 79/2013)

**Criminal Code** (Official Gazette of the Republic of Macedonia, No. 37/1996, 80/1999, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/2011, 135/2011, 185/2011, 142/2012, 16/2012, 5/2013, 82/2013, 14/2014, 27/2014, 28/2014 and 15/2014)

**Law on Courts** (Official Gazette of the Republic of Macedonia, No.58/2006, 35/2008 and 150/2010)

**Law on Public Prosecution** (Official Gazette of the Republic of Macedonia No.

**Law on Academy for Judges and Public Prosecutors** (Official Gazette of the Republic of Macedonia, No.88/2010, 166/2012 and 26/2013)

**Law on Attorneys** (Official Gazette of the Republic of Macedonia, No. 59/2002, 60/2006, 29/2007, 106/2008, 135/2011, 113/2012 and the Constitutional Court decisions published in Official Gazettes No. 134/2002, 34/2003, 20/2009 and 117/2009)

**Law on Free Legal Aid** (Official Gazette of the Republic of Macedonia, No.161/2009, 185/2011 and 27/2014)

**Law on Mediation** (Official Gazette of the Republic of Macedonia No. 60/06, 22/7, 138/09, 114/09, 188/2013)

**Law on Police** (Official Gazette of the Republic of Macedonia No.

**Law on Elementary Education** (Official Gazette of the Republic of Macedonia, No.103/2008, 33/2010, 116/2010, 156/2010, 18/2011, 51/2011, 6/2012, 24/2013, 41/2014, 116/2014, 135/2014)

**Law on Secondary Education** (Official Gazette of the Republic of Macedonia, No.44/1995, 24/1996, 34/1996, 35/1997, 82/1999, 29/2002, 40/2003, 42/2003, 67/2004, 55/2005, 113/2005, 35/2006, 30/2007, 49/2007, 81/2008, 92/2008, 33/2010, 18/2011, 51/2011, 6/2012, 100/2012, 24/2013)

**Law on Labor Relations** (Official Gazette of the Republic of Macedonia, No.62/2005, 106/2008, 161/2008, 114/2009, 130/2009, 50/2010, 52/2010, 124/2010, 47/2011, 10/2012, 11/2012, 13/2012, 25/2013, 170/2013, 187/2013, 34/2014, 113/2014)

**Law on Health Protection** (Official Gazette of the Republic of Macedonia, No.43/2012, 145/2012, 10/2013, 164/2013, 39/2014 and 132/2014)

**Law on Protection of Patient Rights** (Official Gazette of the Republic of Macedonia, No.82/2008, 12/2009 and 53/2011)

**Law on Health Records** (Official Gazette of the Republic of Macedonia, No.20/2009)

**Law on Forensic Expertise** (Official Gazette of the Republic of Macedonia, No. 115/2010)

## VII. ANNEX II

TRAININGS ON WHICH PROFESSIONALS FROM THE CENTRES FOR SOCIAL WELFARE IN R.M. HAVE PARTICIPATED, IN ACCORDANCE WITH THE PROGRAMME FOR CONTINUOUS DEVELOPEMNT OF THE INSTITUTE FOR SOCIAL ACTIVITIES – SKOPJE

Fort the years: 2012, 2013, and 2014

Nr.	CSW	Total number of licensed professionals	Adoption	Children's rights	Module 3 Work with children	Module4 Work with family	Trafficking of children
1	Berovo	16	4	4	4	6	1
2	Bitola	34	4	4	6	11	1
3	Makedonski Brod	4	2	/	1	1	1
4	Valandovo	4	2	2	2	3	1
5	Veles	23	3	4	8	11	2
6	Vinica	8	3	3	4	3	2
7	Gevgelija	11	3	3	4	3	2
8	Gostivar	27	4	3	9	11	1
9	Debar	8	3	4	4	2	1
10	Delchevo	9	3	2	3	2	/
11	D. Hisar	3	/	1	1	1	/
12	Kavadarci	22	4	5	9	4	/
13	Kichevo	20	4	4	5	5	2
14	Kochani	12	3	4	3	4	1
15	Kratovo	7	1	3	2	5	1

16	K.Palanka	11	3	3	5	3	1
17	Krushevo	9	2	3	2	2	2
18	Kumanovo	35	3	4	9	9	2
19	Negotino	11	2	4	3	2	/
20	Ohrid	22	4	4	14	2	2
21	Prilep	24	4	3	9	4	1
22	Probishtip	12	4	4	3	2	1
23	Radovish	10	3	4	2	1	/
24	Resen	15	2	3	3	2	1
25	Sv. Nikole	13	4	4	3	4	2
26	Skopje	137	5	15	19	29	4
27	Struga	14	4	4	2	2	/
28	Strumica	13	3	2	5	3	1
29	Tetovo	26	3	2	6	11	1
30	Shtip	14	4	3	6	5	1

## VIII. ANNEX III

### Trainings provided by AJP 2013 – 2014

Topic	Type of event	Dates	Area	Subarea	Cooperation	Judges	Public Prosecutors
Practical application of the Law on Juvenile justice 13.3.2013	Counseling	13/3/2013	Criminal Law	Juvenile Justice	Independent	22	17
Practical application of the Law on Juvenile justice 25.4.2013	Counseling	25/4/2013	Criminal Law	Juvenile Justice	Independent	7	5
Standards for dealing with children victims of violence / interviewing techniques (hearing ) of children victims and witnesses of violence 11.2.2014	Counseling	11/2/2014	General Law	General Law	Independent, MoLSP	19	6
Standards for dealing with children victims of violence / interviewing techniques (hearing ) of children victims and witnesses of violence 12.3.2014	Counseling	12/3/2014	General Law	General Law	Independent	38	16
Juvenile justice	Workshop	4 - 5/11/2013	Criminal Law	Juvenile Justice	TAIEX	9	9
Practical application of the Law on Juvenile justice	Counseling	15/4/2014	Criminal Law	Juvenile Justice	Independent	9	8
Standards for dealing with children victims of violence / interviewing techniques (hearing ) of children victims and witnesses of violence	Counseling	16/4/2014	General Law	General Law	Independent	31	4
Standards for dealing with children victims of violence / interviewing techniques (hearing ) of children victims and witnesses of violence 10.06.2014	Counseling	10/6/2014	Criminal Law	Civil Law	AJP	12	4

Intersectoral teams for working with child victims	Counseling	1 - 3/4/2014	Criminal Law	Juvenile Justice	UNICEF	2	1
Questioning children in court proceedings	Counseling	27 - 28/6/2014	Criminal Law	Juvenile Justice	UNICEF	0	0
Questioning children in court proceedings	Counseling	30.6 – 7.1/2014	Criminal Law	Juvenile Justice	UNICEF	0	0
Questioning children in court proceedings	Counseling	4- 5/7/2014	Criminal Law	Juvenile Justice	UNICEF	0	0
Questioning children in court proceedings	Counseling	2 - 3/7/2014	Criminal Law	Juvenile Justice	UNICEF	0	0

## IX. ANNEX IV

### NATIONAL NETWORK TO END VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

#### Members:

- Helsinki Committee for human rights of the Republic of Macedonia
- Organization of women "Kumanovka" – community Kumanovo
- Organization of women of municipality Sveti Nikole
- Organization of women of the city of Skopje – OWS
- Organization of Turkish women in Macedonia – DERJA
- NGO "Prodolzen zivot" – Strumica
- NGO "Golden hand" – Tetovo
- National council for gender equality
- Crisis Centre "Hope" – Telephone of confidence
- Association of women "PRESTIGE" – Bitola
- Association of Albanian women – Kicevo
- Association of citizens "Florence Nightingale" – Kumanovo
- Association of citizens "SUMNAL"
- Association of citizens "Women Forum " – Tetovo
- Association for local rural development – Kamenjane
- Association for equal opportunities "Semper" – Bitola
- Women's civic initiative – ANTIKO
- Educational humanitarian organization EHO – Stip
- Macedonian Women's Rights Centre – Shelter Centre Skopje
- Association for health education and research