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## **EUROPEAN SOCIAL CHARTER**

6<sup>th</sup> National Report on the implementation of  
the European Social Charter  
submitted by

### **THE GOVERNMENT OF “THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA”**

Articles 7, 8, 16, 17, 19 and 27 for the period 01/01/2014 -  
31/12/2017

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**CYCLE 2019**





REPUBLIC OF MACEDONIA  
MINISTRY OF LABOUR AND SOCIAL POLICY

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**SIXTH REPORT  
ON THE IMPLEMENTATION OF THE  
REVISED EUROPEAN SOCIAL CHARTER**

**Submitted by**

**THE REPUBLIC OF MACEDONIA**

**(for the Articles 7, 8, 16, 17, 19 and 27)**

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Skopje, October 2018

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## PREFACE

On 06.01.2012, the Republic of Macedonia ratified the Revised European Social Charter.

Therefore, pursuant to Article C and Article 21 - Part IV of the Charter, the Republic of Macedonia hereby submits its Sixth Report on the Implementation of the ratified provisions of the Revised European Social Charter (1996).

The report was prepared in conformity with the new reporting system, adopted by the *Committee of Ministers* of the Council of Europe, which has been applied since October 31, 2007.

This Report covers the implementation of the obligations accepted by the Republic of Macedonia related to the articles belonging to the thematic group *Children, families and migrants*, i.e.:

- Article 7 (paragraphs 1, 2, 3, 4, 6, 7, 8, 9 and 10);
- Article 8 (paragraphs 1 to 5);
- Article 16;
- Article 17 (paragraphs 1 to 2);
- Article 19 (paragraphs 1, 5, 6 and 8);
- Article 27 (paragraph 3).

The reference reporting period of this report is 1.1.2014 - 31.12.2017.

In accordance with the Article 23 of the Part IV of the Revised European Social Charter, copies of the prepared Report have been delivered to the relevant national organizations of employers and trade unions such as:

- *Federation of Trade Unions of Macedonia;*
- *Confederation of Free Trade Unions of Macedonia*
- *Organization of Employers of Macedonia.*

Moreover, the draft text of the Report on the implementation of the revised European Social Charter, before its submission to the Government of Republic of Macedonia, was reviewed, discussed and unanimously adopted at the meeting of the Economic and Social Council (ESC) held on November 19, 2018.

This Report was reviewed and adopted by the Government of the Republic of Macedonia, at its 107<sup>th</sup> Session, held on December 11, 2018.

## **ARTICLE 7 - The right of children and young persons to protection**

### **Article 7§1**

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education.

Although the amendments that we want to emphasize in this Report are adopted outside the reference period of the Report, yet we consider that by their nature and content, they are particularly significant and that the European Committee of Social Rights (ECSR) should take them into account for this last assessment of the situation in the Republic of Macedonia in relation to this particular provision of the Charter (i.e. Article 7 - paragraph 1). This is also important because the current finding of the European Committee of Social Rights is that the situation in the Republic of Macedonia **is not in conformity with Article 7/paragraph 1** of the Charter<sup>1</sup> on the grounds that the daily and weekly “working hours” for children under the age of 15 are excessive and therefore can not be qualified as “light work“.

We hereby inform you that, taking into consideration the comments and the finding of non-conformity published by Committee (ECSR), the Law on Labour Relations was amended in 2018, published in the “Official Gazette of the Republic of Macedonia” No. 120/2018, in order to intervene precisely in the part of the provisions that regulate the “ability to conclude an employment contract with a young person under the age of 18” and the duration of the working hours and holidays of children under the age of 18. These amendments change paragraph 2 of Article 18 of the Law, which now reads as follows: *“(2) This Law shall forbid the work of a child under the age of 15 or a child who has not completed compulsory education, except for participation in activities allowed by law, but not longer than two hours a day, and not longer than 12 hours a week, and during the school holidays not longer than six hours a day, i.e. not longer than 30 hours a week, and during this period the child is entitled to a two-week holiday.”*

We believe that with these latest changes in the legislation (amendments), the remarks and findings of the Committee have been adequately addressed, and with these, the situation in the Republic of Macedonia has been improved and is in the spirit of the European Social Charter, which we expect to be confirmed in the next assessment by the European Committee of Social Rights.

In addition to the abovementioned amendments, the Law Amending the Law on Labour Relations, published in the “Official Gazette of the Republic of Macedonia” No. 129/2015 (within the reference period of this Report), changed the amount of fines. Namely, pursuant to Article 265, a fine in the amount of 3,000 euros in denar counter-value shall be imposed on an employer-legal entity if he/she concludes an employment contract with a person under the age of 15 who does not have a general health capacity, and if he/she concludes an employment contract and provides employment of a young person contrary to Article 18 of this Law. Additionally, a fine in the amount of 30% of the

<sup>1</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 6 - **Conclusion**

determined fine shall be imposed on the authorized person of the legal entity for the same offenses, while an employer-natural person shall be fined in the amount of 300 to 450 euros in denar counter-value.

In respect to the Committee's questions on how the Labour Inspection monitors the work of young people in the informal economy outside the employment contract<sup>2</sup>, the requirement to provide information on the activities and the findings of the State Labour Inspectorate regarding the monitoring of the ban on employment of children under the age of 15 years, and whether the conditions for involving children in light work are fulfilled, as well as information regarding the detected violations and sanctions by the labour inspector regarding the illegal employment of children<sup>3</sup>, and the question of the Committee on the monitoring of house work carried out by children (helping at home)<sup>4</sup>, we hereby inform that the State Labour Inspectorate (SLI) is the competent body for determining the existence of a misdemeanor in terms of employment of persons under the legally determined minimum age, in accordance with the Law on Labour Relations. The State Labour Inspectorate conducts regular inspection supervision of employers in all spheres, in accordance with their work program, and controls the employment contracts. In addition, it is important to note that there are no inspectors specialized in the protection of child labour, but all inspectors, at the beginning of the employment, receive appropriate training for the job, and they also attend other trainings for further education and improvement.

In the course of their work, inspectors conduct inspection supervisions, some of which are conducted on the grounds of received complaints, and some are unannounced, and **they have not established** existence and abuse of child labour, i.e. they have not detected employees younger than 15. The State Labour Inspectorate conducts inspections in risky sectors and geographically critical points as well, not only upon received complaints.

During control supervisions in family businesses, labour inspectors also detect children who, as family members, help in the work of the elderly, but they are not registered as employees. This phenomenon is most common in crafts and trade. The State Labour Inspectorate has been aware that there are children who, as family members, occasionally work (assist) in individual agricultural households.

Another issue which we believe is important to be mentioned in this context, is the fact that in its comments and findings, the European Committee of Social Rights is expressing concern about the "emergence of child labour in the informal economy, including street trading at intersections, on the streets and/or in restaurants". Of course, it must be emphasized that these are completely different from the previously discussed issues (employment of children under the age of 15 regulated by Law, "light work", etc.). These issues, such as prevention against child labour in cases of street trading, as well as

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<sup>2</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 5.

<sup>3</sup> European Committee on Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 6.

<sup>4</sup> European Committee on Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 6

the emergence of begging, etc., mainly fall under the Law on Child Protection, the Law on Family, and the Law on Social Protection.

In the Republic of Macedonia, the protection of children, that is, the protection against child labour abuse (street trading, begging, etc.) is regulated by social and child protection regulations. Begging and other abuse of child labour is considered maltreatment and severe neglect of parental duties, and the Law on Family specifies the Centre for Social Work as competent to act upon such cases. In cases when the Centre for Social Work discovers that the parent is forcing the child to beg or is using the child for begging, there are several activities and measures undertaken by the Centre, i.e. social worker, and other entities and institutions.

Firstly, the Centre shall inform the parent on the deficiencies and omissions in the exercise of parental right, shall bring a decision on permanent supervision over the exercise of parental right and shall conduct professional counselling with the parents and the child. If the parent does not act in accordance with the instructions of the Centre for Social Work and continues to force the child to beg or uses the child for begging, then the Centre for Social Work immediately takes the child temporarily away from the parent, initiates a procedure for revocation of parental right before a competent court, and submits criminal charges against the parent who abuses and neglects the parental right, provides adequate childcare and undertakes measures for protection of the rights and interests of the child until a final decision of the court for revocation of parental rights is brought.

*(See also Article 7/paragraph 10, in the part Street children)*

There is a call-centre within the Ministry of Labour and Social Policy, where abuse of child labour can be reported. Most of the calls and reports to this number refer exactly to the appearance of children on the street, and the cases are further processed by competent Social Work Centre.

## Article 7§2

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy.

The Law Amending the Law on Labour Relations, published in the “Official Gazette of the Republic of Macedonia” No. 129/15 changed the amount of fines. Pursuant to Article 265, a fine in the amount of 3,000 euros in denar counter-value shall be imposed on an employer-legal entity if he/she fails to provide special protection to workers under the age of 18 years in accordance with the Law (prohibition of performing heavy physical activities, work under water, work with sources of ionizing radiation and other works that can harmfully affect health, right to rest and pause, night work ban, increased annual leave and working time of 8 hours per day). For the same offenses, the authorized person of the legal entity shall be fined in the amount of 30% of the determined fine for the legal entity, while a fine in the amount of 300 to 450 euros in denar counter-value shall be imposed on an employer-natural person.

In view of the Committee’s recall that the situation in practice should be regularly monitored, and the requirement to provide information in this report on the labour inspection activities, its findings and sanctions applicable related to the ban on the employment of young workers under the age of 18 in dangerous and harmful jobs<sup>5</sup>, we hereby inform that during the regular inspections, inspectors have not detected workers younger than 15 years. Also, there have not been any complaints filed to the Inspectorate about workers younger than 15 years; therefore no measures were taken on that issue.

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<sup>5</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 7

### Article 7§3

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education

As already stated above in the Report - in the part referring to Article 7/paragraph 1, taking into account the Committee's remarks and findings, in 2018 the Law on Labour Relations was amended and published in the "Official Gazette of the Republic of Macedonia" No.120/2018. The amendments intervene in the part of the provisions referring precisely to the conclusion of an employment contract and the duration of working hours and holiday of children under the age of 18 years.

Paragraph 2 of Article 18 was amended as follows: "(2) This Law shall forbid the work of a child under the age of 15 or a child who has not completed compulsory education, except for participation in activities allowed by law, but not longer than two hours a day, i.e. not longer than 12 hours a week, and during the school holidays not longer than six hours a day, i.e. not longer than 30 hours a week, and during this period the child is entitled to two consecutive weeks of rest."

In addition to these amendments, the Law amending the Law on Labour Relations 2015 published in the "Official Gazette of the Republic of Macedonia" No.129/15, changed the amount of fines, and according to Article 265, a fine in the amount of 3,000 euros in denar counter-value shall be imposed on an employer-legal entity if he/she concludes an employment contract with a person under the age of 15 who does not have a general health capacity, and if he/she concludes an employment contract and allows work of a young person contrary to Article 18 of this Law. For the same offences, the authorized person of the legal entity shall be fined in the amount of 30% of the determined fine for the legal entity, while a fine in the amount of 300 to 450 euros in denar counter-value shall be imposed on an employer-natural person.

In accordance with the Law on Secondary Education and the Law on Vocational Education and Training, secondary education is realized through plans and programs for:

- high school education;
- vocational education;
- secondary art education and
- secondary education for students with special educational needs.

Regular (full-time) and part-time students who have completed primary education enroll in vocational secondary schools. Public vocational education can be of a three-year and four-year duration, and specialist education. The two-year vocational training can also involve people with no completed primary education, but they have to complete the primary education program along with the vocational training.

Secondary vocational education is organized in institutions for vocational education and training which, inter alia, have an obligation:

- to ensure safe working conditions during the education and training process;
- to inspect the implementation of training contracts and

- to provide employers with timely information about ongoing changes in the curricula.

Employers involved in practical training have an obligation:

- to achieve the objectives for practical training set in the curriculum, in accordance with the foreseen number of classes;
- to conclude an agreement with the institution for vocational education and training and with the student for realization of the training;
- to provide compensation for student work in accordance with the conditions stipulated in the agreement and
- to provide protection at work in accordance with the law.

For the training period, a training agreement is signed between the institution for vocational education and training, the employer and the student, and for a minor student the agreement is signed by the parent or the guardian of the student.

The agreement regulates the conditions for training, work and compensation for work. Prior to the commencement of the training, the agreement should be signed and registered in the register of students who have concluded practical training agreements with the institution for vocational education and training and the employer.

The chambers keep a register of students who have concluded practical training agreements with the institution for vocational education and training and the employer.

Rights of VET students:

- to switch (move) from one type of vocational education and training to another, i.e. from one level of professional qualification to another;
- to receive compensation for the work performed during the training, as determined in the contract;
- to be entitled to summer and winter vacations and
- to terminate the contract in accordance with the conditions of the contract.

Obligations of VET students:

- to regularly attend practical training and to fulfill the work obligations stipulated in the agreement,
- to follow the instructions of the employer and the school during the practical training,
- to keep the employer's official secrecy,
- to follow the rules on safety and health at work
- to fulfill the other obligations specified in the contract.

As regards the Committee's question on how the competent authorities will ensure that children who are still attending compulsory education use two consecutive weeks of rest during the summer holidays<sup>6</sup>, we hereby inform you that the State Labour Inspectorate conducts inspections of employers whose work activities are performed by children younger than 18 years of age, according to the Law, in order to determine whether they use two consecutive weeks of rest during the summer vacation.

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<sup>6</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 8

Regarding the Committee's request to provide information about the activities and the findings of the Labour Inspection or other competent bodies, including the detected violations and the applied sanctions regarding the work/light work carried out by children still subject to compulsory education<sup>7</sup>, we hereby inform that the State Labour Inspectorate has not found misdemeanors regarding the work of children in compulsory education at employers in the formal sector.

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<sup>7</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 8

#### **Article 7§4**

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training

During the reporting period, no changes were made, other than those already mentioned within the response in respect to the Article 7§1.

Regarding the Committee's request for updated information on the rules applicable to the periods of leave for young people under the age of 18<sup>8</sup>, we hereby inform that pursuant to Article 174, paragraph (2) of the Law on Labour Relations, an employee who has not yet reached 18 years of age and works at least four and a half hours a day, is entitled to a break during working hours of at least 30 minutes. An employee under the age of 18 has the right to rest for 16 consecutive hours over a period of 24 hours. Pursuant to Article 176 of the same law, an employee who has not yet reached 18 years of age is entitled to annual leave of seven working days.

Regarding the Committee's question as to which holiday periods are provided for young people under the age of 16 who are not subject to compulsory education<sup>9</sup>, we hereby inform that Article 18 paragraph (7) stipulates that the maximum number of working hours for a young person under the age of 16 is 30 hours per week, including when the young person works for several employers at the same time. According to paragraph 9 of the same article, the working hours for a young person must not exceed eight hours in a 24-hour period.

Regarding the Committee's request to provide information on the Labour Inspection activities, its findings and sanctions that apply in case of violation of the applicable rules for reducing the working hours of young workers who are no longer subject to compulsory education<sup>10</sup>, we provide information that during their regular inspection supervisions, the labour inspectors did not detect violations of these provisions, nor did the inspectorate receive a complaint for violation of these provisions.

In view of the vocational preparation of persons under the age of 18 who are subject to compulsory education, we hereby inform that the Law on Vocational Education and Training provides for performing of practical training, which is realized in accordance with the curricula and programmes for each educational profile, through:

- Practical teaching,
- Vocational practice and
- Summer internship.

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<sup>8</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 10.

<sup>9</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 10.

<sup>10</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 10.

The number of practice classes per week is different in each vocation and educational profile and it ranges from 3 to 11 classes.

Vocational practice is realized in several vocations and it usually lasts 10 days.

After the end of the school year (after 10<sup>th</sup> of June), certain vocations require realization of a summer internship in duration of 10 to 20 days (e.g. in healthcare).

The curriculum can also be downloaded from the following link:

<http://www.csoo.edu.mk/images/stories/NastavniPlanovi/nastavniplanovi.pdf>

Vocational education and training (VET) is realized through curricula and programs for:

1. Vocational skilling intended for work with lower requirements, which provides practical knowledge and skills for different areas of work. Vocational skilling programs include students who have completed primary education and those who do not have completed primary education, but with the obligation to complete primary education along with the vocational skilling. Depending on the complexity of the occupation, vocational skilling lasts up to two years. After completing vocational training, students obtain level I of professional qualifications. Students with completed vocational skilling of at least one year of duration can continue their education in the second year in appropriate vocational education for the profession.

2. Vocational education for occupations is intended to meet the needs of the economy. Students with completed primary education can enroll in vocational education for occupations. The duration of vocational education for occupations is three years. Vocational education for occupations is carried out in vocational education and training schools, and practical training is carried out at school and is also provided by the employer. After completion of the secondary vocational education, students obtain level II of professional qualifications. Students who have completed vocational education may continue their education in the fourth year of technical education or after at least three years of working practice to be included in post-secondary vocational education and training programs (hereinafter: post-secondary education).

3. Technical education is an education that primarily prepares personnel for employment in all spheres of labour, but also for continuing education. Students with completed primary education or completed vocational training can enroll in technical education. The duration of technical education is four years. After completing technical education students obtain level III of professional qualifications. Students with completed technical education can continue their education in post-secondary education on the basis of continuous programs or after two years of work experience. Students with completed technical education can continue their education to higher vocational education. Students with completed technical education can continue their education at higher education institutions as well, only if they pass the state exam (matura).

4. Post-secondary education and training is an education that prepares personnel for certain professional duties in specific segments of the labour process. After the completion of the post-secondary education students obtain level IV of professional

qualifications. Students with post-secondary education can continue their education to higher vocational education. The manner and procedure for transferring from one type of vocational education to another shall be prescribed by the Minister.

5. Adult education is realized in vocational education and training institutions as an integral part of lifelong learning, which links individual segments and forms of education into a single system. The manner of achieving, planning, programming, organizing, managing and financing adult education is regulated by a special law.

## Article 7§6

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day

During the reporting period no legislative changes were made with regard to this paragraph.

Regarding the Committee's request to provide information on the number and type of detected violations, as well as of the sanctions imposed by the Labour Inspectorate regarding the consent of the employer for the time spent by young persons in vocational training during the normal working hours to be treated as forming part of the working day<sup>11</sup>, we hereby inform that the Inspectorate has not established violations of the provisions of the law.

Adult education is regulated with the Law on Adult Education and it consist of formal, non-formal and informal education:

1. Formal adult education means an activity that is performed in accordance with the laws that regulate primary, secondary and higher education, unless otherwise stipulated by this law. The formal adult education is an institutionalized education that is implemented in state and private institutions as regular and irregular education, in compliance with appropriate curricula and programs.

Formal adult education includes:

- Primary education for adults,
- Secondary education for adults, vocational training, vocational education for occupations, technical education and post-secondary education for adults, as well as retraining and additional education, and
- Higher education for adults.

Formal adult education is conducted in accordance with the laws that regulate this activity.

2. Non-formal adult education is defined as organized learning processes aimed at training adults to work, for various social activities or personal development.

3. Informal adult education consists of activities in which adults adopt attitudes and positive values, skills and knowledge from the everyday experiences and other influences from their environment.

In accordance with the law, adult education can be performed by public and private education institutions, adult education institutions, training centres, employers

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<sup>11</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 11.

and social partners, associations or individual trainers who meet the requirements prescribed by law.

An institution for adult education can realize (implement) verified special programs for adult education, if it possess adequate space, equipment and staff for the realization of those programs, for which it submits a request for verification of the institution through the Centre for Adult Education to the Ministry for Education and Science.

### **Article 7§7**

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay

As already stated above, the Law Amending the Law on Labour Relations, published in the "Official Gazette of the Republic of Macedonia" No.129/15, changed the amount of fines, and according to Article 265, a fine in the amount of 3,000 euros in denar counter-value shall be imposed on an employer-legal entity if he/she fails to provide longer annual leave to employees who have not yet reached the age of 18 in accordance with the Law. For the same misdemeanor, the authorized person of the legal entity shall be fined in the amount of 30% of the determined fine for the legal entity, while a fine in the amount of 300 to 450 euros in denar counter-value shall be imposed on an employer-natural person.

Regarding the Committee's request to provide information on the Labour Inspection activities related to the paid annual leave of young workers under the age of 18<sup>12</sup>, we hereby inform that pursuant to Article 176 of the Law on Labour Relations, a worker who is under the age of 18 is entitled to additional seven working days of annual leave.

During the reporting period, the State Labour Inspectorate did not receive any complaints from younger workers about non-provision of these rights stipulated in the law.

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<sup>12</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 12.

### **Article 7§8**

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations

The Law Amending the Law on Labour Relations, published in the “Official Gazette of the Republic of Macedonia” No.129/15 changed the amount of fines. Pursuant to Article 265, a fine in the amount of 3,000 euros in denar counter-value shall be imposed on an employer-legal entity if he/she employs workers under the age of 18 in night work. For the same misdemeanor, the authorized person of the legal entity shall be fined in the amount of 30% of the determined fine for the legal entity, while a fine in the amount of 300 to 450 euros in denar counter-value shall be imposed on an employer-natural person.

Regarding the Committee’s request to provide information on the activities of the Labour Inspection, its findings and the applicable sanctions regarding the possible illegal involvement in night work of young workers under the age of 18<sup>13</sup>, we hereby inform that according to Article 175 of the Law on Labour Relations, a worker who has not yet reached the age of 18 must not work at night between 22:00 hours and 6:00 am the next day, except in case of force majeure.

During inspections, labour inspectors have not detected workers under the age of 18 in night work.

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<sup>13</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 13.

## Article 7§9

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control

During the reporting period no legislative changes were made with regard to this particular paragraph.

According to the data of the State Statistical Office, in the period 2011-2016, in the Republic of Macedonia, only 0.2% of the total number of employed persons in the labour market were under the age of 19 (less than 1,500 persons), and the rest were part of the secondary education system.

The Regulation on the Type, Manner, Volume and Pricing of Health Examinations of Workers ("Official Gazette of the Republic of Macedonia" No.60/2013) defines the types of health examinations (previous, periodic, systematic and targeted examinations) for all employees in the Republic of Macedonia. These examinations are performed by authorized occupational medicine institutions. The contents of the examinations and the periods of their performance are the same for all employees, regardless of their age. The type of examination and the period of performance depend only on the degree of established occupational risk at the workplace and the type of occupational hazards to which workers are exposed during their work.

According to the Law on Health Records ("Official Gazette of the Republic of Macedonia" No.20/2009), the Institute for Public Health of the Republic of Macedonia keeps records of the data for performed examinations only according to the type of examinations, but not according to age. According to their data, in 2017 a total of 167,300 preventive health examinations were carried out, 111,464 of which were systematic examinations, 45,689 periodic examinations, 9,553 previous and 594 targeted health examinations.

According to the submitted reports in 2017, the jobs, and accordingly, the periodic reviews, are categorized into several groups, as follows:

- Jobs with increased risk due to specific requirements and loads;
- Jobs with increased risk due to physical hazards:
  - Noise;
  - Unfavourable microclimatic conditions;
  - General vibrations;
  - Local vibrations;
  - Ionizing radiation;
- Jobs with increased risk due to exposure to chemical hazards:
  - Metals and non-metals;
  - Organic compounds;

- Cyclic and acyclic hydrocarbons
- Pesticides
- Vinyl chloride

Other substances

- Fibrogenic dust;
  - Asbestos;
  - Carcinogens;
- Jobs with increased risk due to exposure to biological hazards:
    - Exposure to TB bacteria;
    - Exposure to Hepatitis B and/or C virus;
    - Exposure to HIV/AIDS;
    - Exposure to other biological hazards;
  - Special hazards and dangers
    - Work at a height of 3+ metres
    - Underground work
    - Night work
    - Internal transport
    - Management and control systems

The following table contains data about completed systematic examinations of pupils and students in the Republic of Macedonia (2014-2017):

	2014	2015	2016	2017	Total
<b>Primary school students</b>	67,304	72,432	62,794	60,701	263,231
<b>Secondary school students</b>	33,242	37,631	25,470	22,729	119,072
<b>Higher education students</b>	9,192	9,086	11,752	16,303	46,333
<b>Total</b>	<b>109,738</b>	<b>119,149</b>	<b>100,016</b>	<b>99,733</b>	<b>428,636</b>

Source: Ministry of Health of the Republic of Macedonia

## Article 7§10

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work

In the Law Amending the Law on Child Protection adopted by the Assembly of the Republic of Macedonia at a session held on 17 January 2014 (published in the “Official Gazette of the Republic of Macedonia” No.12/2014, dated: 22 January 2014), the existing provision of paragraph (3) Article 12 “The state and institutions of the system shall be obliged to take all necessary measures to ensure the rights of the child and to prevent all forms of discrimination and abuse, irrespective of the place where these actions were carried out, the severity, the intensity and their duration.”, is replaced by a new provision: “It is forbidden to procure or supply drugs, psychotropic substances and precursors for a child under the age of 18 years and prohibit any illicit activities and abuse of child labour in the production and trafficking of drugs, psychotropic substances and precursors.”

Considering that the protection of children against abuse and neglect requires multisectoral approach, with a decision of the Government of the Republic of Macedonia, a **National Coordinative Body for the Protection of Children against Abuse and Neglect** has been established, which aims to monitor and coordinate the implementation of activities for the protection of children against abuse and neglect. The National Coordinative Body for the Protection of Children against Abuse and Neglect is chaired by the Minister of Labour and Social Policy, and the body is composed of representatives of all relevant ministries, civil and international organizations.

In 2013, the National Action Plan for Prevention and Management of Child Abuse and Neglect 2013-2015 was adopted with an operational plan for its implementation for 2013 and 2014.

A Joint Protocol for Acting in Cases of Detection and Treatment of cases of Abuse and Neglect of Children was also adopted in order to ensure coordinated action of the institutions and to protect the interests of children.

The Ministry of Labour and Social Policy, with the support of UNICEF and the European Commission, and through the involvement of civil society organizations, carried out several activities for protection of children against violence and abuse, as follows:

- A comprehensive study on violence against children has been prepared, whose main objective is to identify and assess the state prevention mechanisms, as well as to identify, report, refer and provide protection in cases of violence against children in the Child Protection System, and to give recommendations for strengthening the child protection system and improve the protection of children-victims of all forms of violence in the Republic of Macedonia. The recommendations of this study are taken into account in the policy making processes and future activities in this area;
- A comparative analysis of the legislation dedicated to protection of children against violence has been developed;
- A system for collecting data on violence against children has been developed, by increasing the capacity of the institutions to monitor the situation of violence

against children. In relation to this activity, during 2017, “Indicators for monitoring the situation of child victims” was developed for the needs of the National Coordinative Body for Protection of Children against Abuse and Neglect, which will provide a unified model and procedure for collection and analysis of statistical procedures in order to monitor the situation of child victims. In this process, representatives from the Centres for Social Work, the Ministry of Education and Science, relevant non-governmental organizations, the Ministry of Health, and the Ministry of Interior were involved. According to the mentioned indicators, the data from all relevant institutions are collected, reports are prepared, and the preparation of the completed report on the established situation, on the basis of the obtained data, is in progress;

- Piloting and upgrading the model for cross-sectoral services;
- In the period November/December 2017, four two-day trainings were held on the topic “Cross-Sector Team Training (CST) for the Protection against Child Abuse and Neglect”. These trainings took place in four cities (Skopje, Gostivar, Shtip and Bitola). Experts from the Social Work Centres and other institutions and civic organizations that offer assistance and support to child victims participated in the trainings. The organization of such trainings is ongoing in four more cities - Kumanovo, Veles, Gevgelija and Ohrid;
- A campaign for positive parenting was promoted in order to strengthen the parental capacities for raising children.

### **Protection of children against sexual abuse**

In the Republic of Macedonia, a multiple social reaction to the problem of sexual abuse of children and pedophilia is visible at several levels, including victims and perpetrators. The situation is being monitored, and the deficiencies are being identified and improved. There have been changes in legislation, such as the launch of online register of convicted pedophiles, increasing prison sentences, as well as introducing psychiatric, medical and pharmacological treatment for the perpetrators.

With the introduction of the Special Registry on Convicted Persons by Final Verdict for Criminal Acts of Sexual Abuse of Minors and Pedophilia, we enabled a unique monitoring system and established a database of relevant data which can be used for monitoring the issues, comparing data, improving the legal solutions, as well as improve the work in the field of prevention of sexual abuse of children. It is a safety measure primarily for all children, taking into account the right of the child to safe and secure childhood, as well as sensitizing the general public to this phenomenon, raising the cultural, social and educational level of the citizens for recognition of the issue. In this way, we carry out primary prevention in the context of raising public awareness about the possible consequences, sanctions and prevention of the activities of potential perpetrators. Since the introduction of the Register (June 2012) until 2018, a total of 236 perpetrators have been published.

The Ministry of Labour and Social Policy pays special attention to issues related to assistance and support for the reintegration of child victims. In the process of reintegration, special measures are taken based on the age and the needs of the child, taking into account the special physical, psychological and social consequences that the child victim suffered as a result of various types of abuse. The reintegration process includes services in the areas of social protection and child protection, health care, legal assistance, education, employment and housing.

These services are provided by the Centre for Social Work, with the support of its partner organizations working with child victims. The reintegration period is a long-term and multi-faceted process that is not completed until the child victim becomes an active member of society again.

Child victims and witnesses have access to assistance and support services, such as financial, legal, advisory, health, social and educational services, physical and physiological recovery services and all other services needed to reintegrate children through governmental, voluntary or other organizations. In assisting child victims and witnesses, professionals should make every attempt to coordinate support so that the child can not be exposed to excessive interventions.

Regarding the Committee's request (ECSR) to confirm that the legislation of the Republic of Macedonia criminalizes all defined activities of sexual exploitation of children for all children under the age of 18, regardless of the lower national age of consent, which refer to the part *Protection against sexual exploitation* (see "*Conclusions XX-4 (2015)*", page 15), **we hereby inform that the information requested regarding this part has already been provided within the Annex to the Fourth Report on the Implementation of the Revised European Social Charter, which was submitted in January 2017, whereby the Committee has already given a positive evaluation i.e. assessment that the situation in our country is in conformity with Article 7/paragraph 10 of the Charter.**

### **Street children**

For the purpose of strengthening the parental responsibility in relation to street children, amendments were made to the Family Law in 2014 that determined that incentivizing the child to beg or using the child for begging would be considered **an abuse and severe neglect of the parental duties**, and the actions of the Centre for Social Work were also specified in it. On the other hand, the abuse and severe neglect of the parental duties represents a basis for revoking the parental rights of the parents.

The Social Work centers, within their powers and competences, address the issue of street children and their parents by implementing field, professional, advisory, interdisciplinary team work, ensuring the right to social protection, accommodating the children in foster families or in a social protection institution and providing other rights and services in accordance with the law.

Regarding the issue of mapping the territories where street children have been identified, the Ministry of Labour and Social Policy in cooperation with the civil society organizations and through public competitions, implemented projects for social protection of children in 2017 and 2018, aimed at strengthening the field work for detecting such children and working with them on the spot, as well as at increasing the number of teams in the established Day Care Centres for street children.

Pursuant to the Law on Social Protection, the Day Care Centres for street children provide educational services, counseling with the children and the members of their family, cultural, entertainment and recreational services, etc.

The Day Care Centre for street children is a place where children spend one part of the day, and where they feel safe and cared for. With the help of the professionals from the Day Care Centre they get the opportunity to satisfy their needs, depending on the individual characteristics of each child.

The main role of the Day Care Centre for street children is, through the realization of adequate program activities, to remove children from the street and help their inclusion, that is, involvement in society through the adoption of different social skills, as well as to work with their parents and other family members for the purpose of improving their parental skills and raising their awareness about the negative impacts that street has on the health and life of children.

The Ministry of Labour and Social Policy has opened 2 Day Care Centres for street children on the territory of the City of Skopje, and: Kisela Voda and Gazi Baba. These Day Care Centres are an organizational unit of the Public Institution Inter-municipal Center for Social Work of the City of Skopje. The Ministry of Labour and Social Policy also finances the program activities of the Day Care Centre for street children, which is managed by the Association for Defense of the Rights of the Child in Shuto Orizari – Skopje.

Around 90 street children rotate in these Day Care Centres on a daily basis.

### **Assistance and support of children - victims of human trafficking**

In February 2014, in order to complete the framework for the effective reintegration of victims of human trafficking, a Reintegration and assistance program for victims of human trafficking was prepared and the Program for assistance and support of child victims of human trafficking was revised. The programs were prepared by a working group composed of representatives of the Ministry of Education and Science, the Ministry of Health, the Ministry of Interior, the Ministry of Local Self-Government, the Institute for Social Activities, the Centres for Social Work, the Employment Agency of the Republic of Macedonia and civil and international organizations. The logistic support

of this activity has been made possible through the Regional Program on Social Protection and Prevention of Human Trafficking of the German Society for International Cooperation (GIZ), with the engagement of two local experts.

The purpose of these programs is to implement activities that will enable better physical and mental recovery, rehabilitation, re-socialization and social reintegration of children/victims of human trafficking.

The programs provide a wider understanding of the use of legal instruments in the reintegration process, giving a systematic overview of legal provisions and other acts pertaining to the use of services by victims of human trafficking, which are their right and can be used for exercising the rights to: transport and safe accommodation-housing, health care, legal assistance, social and child protection, education and employment.

The programs are based on the needs of the victims and are designed as a reference material for practical application, intended for social workers from the Centres for Social Work and for their implementation, in partnership with other relevant institutions and the civil society. These programs constitute the basis for the development of an individual reintegration plan for the victim, which sets out the objectives and the undertaken measures and activities to assist the victim and the members of her family. The measures and the implementation period in the individual plan for reintegration of victims of human trafficking are prepared by the expert team from the Centre for Social Work, the responsible persons from the Centre for Victims of Human Trafficking and the Reception Centre for Foreigners.

The programs were finalized during the three public debates that took place in Skopje, Probishtip and Tetovo.

The Ministry of Labour and Social Policy is the promoter of these programs in accordance with the Strategy and the National Action Plan for Combating Trafficking in Human Beings and Illegal Migration 2013-2016, and they will be an integral part of the Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings, adopted by the Government of the Republic of Macedonia.

More information and documents are available at the following link: <http://www.mtsp.gov.mk/nacionalen-mehanizam-za-upatuvanje-na-zrtvi-na-trgovija-so-lugje.nspj>

### *Indicators for identification of victims of human trafficking*

In the direction of implementation of the Strategy and the National Action Plan for Combating Trafficking in Human Beings and Illegal Migration 2013-2016, the Ministry of Labour and Social Policy produced indicators for identification of victims of trafficking in human beings.

The aim of the indicators is to improve the identification of victims of trafficking and to be used as a practical tool by institutions and organizations that may be in contact with victims or potential victims of human trafficking. Identification is a complex and lengthy process, in which operational indicators are also clear, and they will enable timely identification of victims, assistance in detecting criminal acts, adequate and efficient criminal procedure, referral, obtaining appropriate assistance and support to victims and their inclusion in programs for reintegration.

The indicators for identification of victims of human trafficking are divided into two groups: direct indicators for identification of victims and indirect indicators for identification of potential victims. Direct indicators are divided into general and specific indicators, according to the type of trade, but they differ for adults and child victims of trafficking.

These indicators enable collection of information about the recruitment process, the transport, the means used for the person to be abused or exploited, the working conditions, the living and accommodation conditions, violence, addiction, blackmail, personal freedom, fraud and payment (activities, means and goals).

The process of preparation of these indicators involved persons who have experience and who have worked on detection and identification of victims of human trafficking. More information is available at <http://www.mtsp.gov.mk/nacionalen-mehanizam-zaputuvanje-na-zrtvi-na-trgovija-so-lugje.nsp>

### *Analysis of the status of identification and protection of child victims of human trafficking*

In order to determine the practical implementation of the national legislation by the responsible entities at central and local level, and to identify deficiencies and give conclusions and recommendations for more efficient identification and protection of victims of trafficking in children, the Ministry of Labour and Social Policy, in cooperation with the Subgroup for Combating Trafficking in Children, prepared an Analysis of the Status of Identification and Protection of Child Victims of Human Trafficking.

The analysis is the implementation of the National Action Plan for Combating Trafficking in Children 2013-2016 and the implementation of the Operational Program of the Subgroup for Combating Trafficking in Children 2014.

In addition to the domestic legislation, policies and institutional involvement, and the ratified international agreements, we are focused on the European Convention for the Suppression of Trafficking in Human Beings and the European Union Anti-Trafficking Directive 36/2011, as well as on the situation in practice. At the same time, the Analysis detects weaknesses and problems and gives recommendations for the promotion and efficient identification and protection of child victims of human trafficking.

### *Capacity building*

- **Training on the Implementation of the Resocialization and Reintegration Programs.** In order to adequately implement the “Reintegration and assistance program for victims of human trafficking” and the “Program for assistance and support of child victims of human trafficking”, the Ministry of Labour and Social Policy organized trainings in 4 municipalities (Kochani, Probishtip, Kumanovo and Debar), attended by a total of 60 people - representatives of the centres for social work, police, health centers, local self-government and education. The participants discussed the necessary services and assistance in the reintegration of victims of trafficking in human beings, their availability and the resources available at the local level.

- **Teachers’ training.** In order to strengthen the capacities of teachers in schools for the prevention of social risks and trafficking in human beings, the Ministry, in cooperation with the Municipal Centre for Social Services and NGO “Otvorena Porta”, organized a

teacher training for the head teachers and the psychological-pedagogical service in the schools. The training was organized as a result of a survey conducted to determine the popularity of the topic and the necessity of determining the situation in the schools.

- **Training of relevant professional from public institutions for social protection of children at risk and for prevention of trafficking in human beings.** In May 2015, the Ministry of Labour and Social Policy conducted a two-day training for prevention and protection of children, intended for the employees in 4 social protection institutions (PI Home for Orphans and Children without Parental Care “11 Oktomvri” - Skopje, PI Institute for Care, Nurture and Education of Children and Youth “Ranka Milanovikj” - Skopje, Public Institution for Protection of Children with Educational and Social Problems “25 Maj” and SOS Children’s Village). The training was conducted in cooperation with the Ministry of Interior, the Institute for Social Activities, the NGO “Otvorena Porta” and GIZ. A total of 14 persons have been trained about the indicators for identifying child victims of human trafficking and they will be assigned as contact persons and responsible persons in their institutions on this issue.

- **Basic and specialized trainings for police officers, especially for juvenile delinquency inspectors, for identification and referral of potential victims of human/child trafficking.** The Ministry of Labour and Social Policy, in cooperation with the National Commission for Combating Trafficking in Human Beings and the Ministry of Interior, conducted three one-day trainings for the implementation of indicators for identification of victims of human trafficking. The trainings were held in April 2015 at the Police Academy - Idrizovo, with a total of 75 participants (police officers and social workers).

- **Training of foster families for direct assistance and protection of child victims of human trafficking.** The Ministry of Labour and Social Policy conducted a specialized training for foster families in order to upgrade the capacities of the state in the area of developing alternative forms of protection and providing resources for the care of child victims of human trafficking after their identification, in case the children are not placed in the Centre for Victims of Trafficking in Human Beings, but also after they leave this centre and reintegrate in society. The training was conducted in cooperation with the Institute for Social Activities and the Association “Za sreknjo detstvo (*For a Happy Childhood*)” and support by GIZ, where 9 caregivers from foster families from Skopje and Veles were trained.

In the course of 2016, the Ministry of Labour and Social Policy, in cooperation with the OSCE Mission, conducted 2 trainings for 60 professionals (social workers from the Centres for Social Work, social workers-volunteers from the camps “Vinojug”, “Tabanovce”, and the Reception Centre for Asylum Seekers). Besides theory, the trainings consisted of field training, organized for practical application of the Indicators for identification of victims of human trafficking. The participants in the training visited these camps and talked to refugee women in order to profile victims of human trafficking among refugees. These activities were carried out in the period May-September 2016.

On September 27 and 28, 2016, a two-day training on the gender dimension of trafficking in human beings was organized in Struga, intended for police officers, social workers and citizen associations, organized by the Association of Young Lawyers and UN Office Women in the Republic of Macedonia.

In addition, the gender concept of trafficking in human beings was covered by an educational session and in the trainings organized by the National Commission for Combating Trafficking in Human Beings and Illegal Migration with the support of IOM, for the implementation of the Standard Operating Procedures for Treatment of Unaccompanied Children-Foreigners and Vulnerable Categories of Foreigners, as well as for the General indicators for preliminary identification of presumed victims of trafficking, in the context of mixed migration movements in the Republic of Macedonia, held in October 2016.

In accordance with the Law on Free Legal Aid, victims of human trafficking are entitled to free legal protection. In December 2017, we received a list of attorneys from the OSCE Mission who have conducted training of lawyers for free legal assistance to victims of trafficking in human beings, in cooperation with the Association of Young Lawyers. They received specialized training to represent victims of trafficking for labour.

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Regarding the Committee's (ECSR) request to provide full information about the monitoring mechanisms and the sanctions for sexual exploitation of children, through information technologies, and the question whether a law or code of conduct of Internet service providers is provided for the protection of children of such type of abuse<sup>14</sup>, we hereby inform that Article 12 of the Law on Child Protection prohibits all forms of sexual exploitation and sexual abuse of children (harassment, child pornography, child prostitution), violent abduction, sale or trafficking in children, psychological or physical violence and harassment, punishment or other inhuman treatment, all types of exploitation, commercial exploitation and abuse of children, that violate the fundamental human freedoms and rights and the rights of the child.“

In the Republic of Macedonia, there is no law on the possession of a special mechanism designed to monitor the sexual exploitation of children online. Within the scope of its competence, the Department of Cybercrime and Digital Forensics within the Ministry of Interior (MOI) conducts active and proactive investigations related to reported criminal offenses or operational information related to child abuse on the Internet (Article 193: Displaying pornographic material to minors, Article 193-a: Production and distribution of child pornography, Article 193-b: Enticement of a child under the age of 14 into sexual intercourse or other sexual activities).

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<sup>14</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 16.

Moreover, the Department of Cybercrime and Digital Forensics has access to the ICAC TASK FORCE PROGRAM database. The ICAC program is a national network of 61 coordinated working groups representing more than 4,500 federal, state, and local law enforcement agencies and prosecutors. These agencies are continuously engaging in proactive and reactive investigations and prosecutions of persons involved in child abuse and exploitation, including on the Internet.

The following table contains statistical data on **criminal offences** and **perpetrators** according to the abovementioned articles of the Criminal Code of the Republic of Macedonia, for the period 2014-2017:

Cybercrime	2014		2015		2016		2017		Total	
	C	P	C	P	C	P	C	P	C	P
Displaying pornography to minors - Article 193	6	8	3	3	8	5	/	/	17	16
Production and distribution of child pornography - Article 193-a	5	6	7	7	7	5	4	6	23	24
Enticement of a child under the age of 14 into sexual intercourse or other sexual activities - Article 193-b	/	/	/	/	/	/	2	2	2	2
<b>Total</b>	<b>11</b>	<b>14</b>	<b>10</b>	<b>10</b>	<b>15</b>	<b>10</b>	<b>6</b>	<b>8</b>	<b>42</b>	<b>42</b>

\* C – Criminal offences  
P - Perpetrators

In respect to the Committee's request to provide information on the implementation of the national action plans for trafficking in children, as well as statistical data regarding the identification of victims and prosecution of perpetrators<sup>15</sup>, we hereby inform that the Ministry of Labour and Social Policy is committed to implementing the fourth National Strategy and Action Plan to Combat Trafficking in Human Beings and Illegal Migration for the period 2017-2020.

In this context, the Ministry of Labour and Social Policy, in accordance with the priority activities foreseen in the reform Plan 3-6-9 of the Government of the Republic of Macedonia, and in cooperation with the Ministry of Interior and citizen associations, established mobile teams for identification of vulnerable categories, including victims of human trafficking in five cities (Skopje, Bitola, Gevgelija, Tetovo, Kumanovo). These teams aim to improve identification through proactive action in detecting and preventing trafficking in human beings. The role of these teams is working with

<sup>15</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 17.

vulnerable categories of citizens, including victims of trafficking, identification of presumed victims of trafficking, initial referral and identification, early risk assessment, providing information on the possibility of including the victim in assistance and support program, etc. In order for these teams to operate successfully, 3 workshops were conducted and a Work Program was prepared, which was adopted by the two competent ministries, i.e. MoLSP and MOI.

Within the framework of the Horizontal Co-operation between the Council of Europe and the European Union in 2017, which aims to support Southeast Europe and Turkey in aligning with European standards and the EU *acquis* within the enlargement process, the implementation of a project to combat human trafficking for labour exploitation have started. The project is focused on strengthening the capacities of labour inspectors, as well as other involved national actors in the fight against trafficking in human beings. Guidelines for labour inspectors for the identification of victims of human trafficking for labour exploitation have been prepared, and training of trainers of labour inspectors has been conducted.

Statistics on identified victims of human trafficking:

	2014		2015		2016		2017	
	children	adults	children	adults	children	adults	children	adults
Domestic	6	1	3	/	3	2	2	/
Foreign	/	1	/	1	/	1	/	/
<b>Total</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>/</b>
<b>Total no. of victims</b>	<b>8</b>		<b>4</b>		<b>6</b>		<b>2</b>	

Source: Office of the National Referral Mechanism for Victims of Human Trafficking

## **ARTICLE 8 – The right of employed women to protection of maternity**

### **Article 8§1**

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks

During the reporting period, amendments were made to the Law on Labour Relations, published in the “Official Gazette of the Republic of Macedonia” No.72/15, according to which an employed woman is entitled to paid leave from work in duration of nine consecutive months during pregnancy, birth and parenthood, and if she gives birth to more children at once (twins, triplets and more) she is entitled to paid leave in duration of 15 months. These amendments increase the duration of maternity leave from 12 to 15 months in case of giving birth to more children at once.

The Law Amending the Law on Labour Relations (“Official Gazette of the Republic of Macedonia” No.129/15) changed the amount of fines. Pursuant to Article 265, a fine in the amount of 3,000 euros in denar counter-value shall be imposed on an employer-legal entity if he/she fails to provide the right to special protection in accordance with this Law to a female employee, a father or to an adoptive parent of a child with severe developmental disabilities, including compulsory leave before and after childbirth, that is, pregnancy, birth and parenthood leave. For the same misdemeanor, the authorized person of the legal entity shall be fined in the amount of 30% of the determined fine for the legal entity, while a fine in the amount of 300 to 450 euros in denar counter-value shall be imposed on an employer-natural person.

With the purpose of improving the maternity protection, pursuant to Article 36 of the Law on Child Protection, adopted by the Parliament of the Republic of Macedonia on February 12, 2013, the right to one-off first born baby allowance is provided. It is provided to the family for the first newborn child. First newborn child is defined as the first live-born child by the mother. Also, as first newborn child will be considered the mother’s first birth regardless of the number of children born at once (twins, triplets and more). The first adopted child will be also considered as first newborn, as well as more children adopted at once (twins, triplets and more - first adoption), at the age of up to one year.

Only one of the parents shall have the right to use one-time financial assistance for a newborn child. He/she should be a citizen of the Republic of Macedonia with a permanent place of residence in the Republic of Macedonia, for a child born on the territory of the Republic of Macedonia.

The amount of one-time financial assistance for a newborn child is MKD 4,829 (about € 78), which is in line with the increase in the living costs for the previous year, as published by the State Statistical Office. With a transitional provision of the Law (Article 239) it was established that in the event that the increase in the living costs for the previous year is lower than the last year of adjustment, or is negative, no adjustment will be made to the amount of the allowance, i.e. they will be provided in the same amount as in the last year of adjustment, which would be more convenient for the beneficiaries. With the amendments to the Law on Child Protection adopted by the Assembly of the

Republic of Macedonia in January 2014, and published in the “Official Gazette of the Republic of Macedonia” no. 12/14, in the part of the rights to child protection, it is stipulated that if the increase in the living costs for the previous year is lower than the last year of adjustment, or is negative, no adjustment will be made to the amount of the allowances, i.e. it will be provided in the same amount as in the last year of adjustment, which would be more convenient for the beneficiary.

Regarding the Committee’s question whether the same rules, with regard to the right to maternity leave, apply to all women employed in the public as well as the private sector<sup>16</sup>, we inform that the legal solution concerning the length of absence and of compulsory absences from work during pregnancy, birth and parenthood, applies to all employees both, in the private and public sector.

Regarding the Committee’s question whether the same rule, with regard to the right to maternity leave compensation, applies to women employed in the public sector<sup>17</sup>, we hereby inform that the legislation does not distinguish between women employed in the public and the private sector, that is, all women are equal in exercising the right to salary compensation during absence from work due to pregnancy, childbirth and maternity. The conditions and criteria for exercising this right are the same for every woman, that is, the conditions are the same for women employed in the public sector.

In view of the Committee’s (ECSR) request to clarify the criteria for entitlement to benefits during pregnancy, and the question whether interruptions in employment records are taken into account in the calculation of the qualification period and whether the fees corresponding to 100% of the salary are paid during the entire maternity leave (i.e. up to nine months or one year) or for a limited period of time<sup>18</sup>, we provide information that the Law on Health Insurance determines the following conditions for exercising the right to salary compensation during pregnancy, childbirth and maternity:

1. the employee should have a health insurance in duration of at least 6 consecutive months before the occurrence of the case;
2. the contribution for compulsory health insurance is paid regularly or with a delay of up to 60 days;
3. the assessment of temporary disability to work was given by a selected doctor, that is, the medical committee.

According to the law, the termination of employment during the use of the right to salary compensation does not affect the further exercise of the right to salary compensation until the completion of the period of maternity leave. This means that the salary compensation is paid during the whole period.

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<sup>16</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 18.

<sup>17</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 18.

<sup>18</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 18

Regarding the Committee's question whether the minimum rate of benefits during pregnancy corresponds to the poverty threshold, defined as 50% of the median equivalent income, calculated on the basis of the value of the Eurostat poverty risk threshold<sup>19</sup>, we hereby inform that the Law on Health Insurance, in addition to determining the conditions for exercising the right to salary compensation (Article 15), and the basis for salary compensation (Article 16), it also determines the amount of the salary compensation during the absence due to pregnancy, childbirth and maternity (Article 17):

- (1) The amount of salary compensation during temporary disability to work is determined by the employer, i.e. the Fund, with a general act, but in the amount of minimum 70% of the base salary.
- (2) Notwithstanding paragraph 1 of this Article, the amount of salary compensation during temporary disability to work caused by an injury at the workplace, occupational disease, during blood, tissue or organ donation, as well as during absence due to pregnancy, childbirth and maternity, shall be 100% of the base salary, determined in accordance with Article 16 of this Law.

The table below shows an overview of the **minimum paid amounts of monthly allowances for maternity leave** per years, according to the information obtained from the Health Insurance Fund of the Republic of Macedonia:

Year	Base salary per hour	Paid amount (MKD)
2015	27.95	4,835
2016	30.98	5,360
2017	33.84	5,854

**Source:** Health Insurance Fund of the Republic of Macedonia

<sup>19</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 18

In respect to the part related to poverty indicators, the State Statistical Office of the Republic of Macedonia determined (defined) the poverty threshold as 60% of the median equivalent income. The latest published data, based on the Survey on Income and Living Conditions (SILC), refer to 2016.

In order to respond to the specific request of the European Committee of Social Rights, the following table shows the relevant data published by the State Statistical Office, as well as our calculation of the amount of funds (income) corresponding to 50% (and additionally, 40%) of the median equivalent income for a single-person household:

	Poverty threshold for a single-person household - Annual equivalent income <b>60% of the median equivalent income*</b>	Poverty threshold for a single-person household - <b>Monthly</b> equivalent income <b>60% of the median equivalent income**</b>	single-person household  50% of the median equivalent income**	single-person household  40% of the median equivalent income**
<b>2014</b>	MKD 71,925	MKD 5,994	<b>MKD 4,995</b>	MKD 3,996
<b>2015</b>	MKD 78,362	MKD 6,530	<b>MKD 5,442</b>	MKD 4,353
<b>2016</b>	MKD 82,560	MKD 6,880	<b>MKD 5,733</b>	MKD 4,587

\* **Source:** State Statistical Office, Survey on Income and Living Conditions (SILC)

\*\* Ministry of Labour and Social Policy – own calculations based on data from SSO

## Article 8§2

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period

The Law Amending the Law on Labour Relations, published in the “Official Gazette of the Republic of Macedonia” No.129/15 changed the amount of fines, and according to Article 265, a fine in the amount of 3,000 euros in denar counter-value shall be imposed on an employer-legal entity if he/she terminates the employment contract contrary to Article 101 of this Law. Article 101 of the Law on Labour Relations refers to “prohibition of employment termination due to pregnancy, childbirth and parenthood”. For the same misdemeanor, the authorized person of the legal entity shall be fined in the amount of 30% of the determined fine for the legal entity, while a fine in the amount of 300 to 450 euros in denar counter-value shall be imposed on an employer-natural person.

As regards the Committee’s request for any relevant examples of case law, i.e. conditions under which the employee may be dismissed from work for serious breach of contractual obligations, during her absence on pregnancy or maternity leave<sup>20</sup>, we hereby inform that in terms of the case law, the Ministry of Labour and Social Policy is aware of a case in 2016 in which on March 3, the Primary Court - Skopje 2, issued a judgment establishing discrimination and unequal treatment based on personal status, family and marital status, i.e. pregnancy with termination of employment. This information is provided by the Macedonian Young Lawyers Association (MYLA) which reported that “In this specific case, the defendant did not extend the contract for a fixed-term work and made a decision to terminate the employment relationship, after the plaintiff became pregnant. The court found that the defendant had behaved in a manner and with the intention to discriminate against the plaintiff because of her pregnancy”.

According to the court, if the plaintiff had not been pregnant, the employer will have concluded an annex-employment contract with her as before, and she would still have been employed. The court ordered compensation for non-pecuniary damage. The Association of Young Lawyers reported that this decision of the Court is of particular importance because this is the first case in Macedonia when discrimination based on pregnancy has been established. They say that in the last year, a large number of cases of pregnant women have been reported, whose contracts were not extended after they notified their employer about their pregnancy.

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<sup>20</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 19.

Regarding the Committee's request whether the same rule with regard to the ban on dismissal applies to women employed in the public sector<sup>21</sup>, we hereby inform that the same rule applies to women employed in both, the public and private sectors.

In view of the Committee's request to provide detailed information concerning the applicable provisions relating to the procedures available to the employee to dispute dismissal during pregnancy or maternity leave and how such provisions are interpreted in the domestic case law<sup>22</sup>, we provide the information that according to the Law on Labour Relations, regarding the procedures available to the female employee during pregnancy or during maternity leave, they do not differ from the procedures available to all workers who believe that their employment contract is unlawfully terminated. Pursuant to Article 101, paragraph 4, the prohibition on dismissal from work does not refer to the termination of the employment contract due to serious violations of the contractual obligations, that is, due to violation of the working order and discipline or the working obligations for which the dismissal is given without a notice period, in accordance with the law and the collective agreement.

Thus, in case of cancellation of the employment contract without a notice period, during pregnancy or during absence for pregnancy, childbirth and parenting, Article 91 of the Law on Labour Relations provides for the employee the possibility to file an objection to the management body or the employer.

The objection shall be filed within eight days from the day of receiving the decision for cancellation of the employment contract without a notice period. The decision on the objection shall be made within eight days from the date of filing the objection. When no decision is made regarding the objection complaint or when the employee is not satisfied with the decision, she has the right to initiate a dispute before the competent court within 15 days. At the request of the employee, the trade union can represent the employee in the complaint procedure.

Furthermore, in accordance with Article 102 of the Law, if the court decides that the employment was terminated unlawfully, the employee has the right to return to work after the decision becomes effective if she so requests. In addition to returning to work, the employer is obliged to pay to the employee the gross salary that she would receive if she was at work, in accordance with the law, the collective agreement and the employment contract, reduced by the amount of income that the employee earned on the basis of work, upon termination of employment. In this way, the compensation is limited to the amount of the employee's gross salary.

The employee who disputes the dismissal may request by the court to order her return to work temporarily, until the termination of the dispute.

If the court determines that the employment was terminated unlawfully and it is not acceptable for the employee to remain in employment, the court shall, at the request of the employee, determine the day of termination of the employment and will award damages.

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<sup>21</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 19.

<sup>22</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 19.

The employee may also initiate a dispute before a competent court for compensation of non-pecuniary damage. This rule applies to both public and private sector employees.

During the reporting period, the Labour Inspectorate received two requests from employers for consent to terminate the employment contract of a pregnant woman. In both cases, the inspectorate has not given consent, which is why the employment contracts of the female workers have not been canceled.

Regarding the Committee's questions in respect to the Article 8, paragraph 2 - *Unlawful dismissal during maternity leave*, in the part *Compensation in case of unlawful dismissal*, such as: "Does the law envisage the return of unlawfully dismissed female employees during pregnancy or maternity leave? Does it provide adequate compensation for such employees, especially when their re-employment can not be realized? Is there a limit on the amount that can be awarded as compensation for damages to the employee and if so, whether this limitation covers both pecuniary and non-pecuniary damage or the victim may also require unlimited non-pecuniary damage through other legal possibilities (eg. the Law on Prevention and Protection against Discrimination)? Are both types of damages awarded by the same courts? How long does it take for the courts to award compensation for damages? Is the same principle applicable to women employed in the public sector?", **we hereby inform that the requested information regarding this part/issues has already been provided within the Annex to the Fourth Implementation Report on the Revised European Social Charter, submitted in January 2017. The provided information has been evaluated (assessed) and we received a positive evaluation by the European Committee of Social Rights, i.e. conclusion that the situation in our country is in conformity with Article 8/paragraph 2 of the Charter.**

### Article 8§3

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose

The changes in legislation made within the reference period refer to the Law Amending the Law on Labour Relations, published in the “Official Gazette of the Republic of Macedonia” No.129/15, which changed the amount of fines. Pursuant to Article 265, a fine in the amount of 3,000 euros in denar counter-value shall be imposed on an employer-legal entity if he/she fails to provide the right to a breastfeeding breaks to a female employee. For the same misdemeanor, the authorized person of the legal entity shall be fined in the amount of 30% of the determined fine for the legal entity, while a fine in the amount of 300 to 450 euros in denar counter-value shall be imposed on an employer-natural person.

Regarding the Committee’s request to provide information (ECSR) on whether breastfeeding breaks are given in addition to the regular daily work breaks and what is the situation with part-time employees, and whether the right to paid breastfeeding breaks is exercised until the child has reached at least nine months<sup>23</sup>, we hereby inform that the employees are entitled to paid breastfeeding break time in addition to the regular daily work breaks. This allowance is available until the child turns 1.

Pursuant to Article 171 (Rights of breastfeeding women) of the Law on Labour Relations: “After the end of maternity leave period, an employee who is still breastfeeding will begin to work full-time, and has the right to a paid break during working hours, in duration of one and a half hour per day, which includes the daily break time. The employee is entitled to this right until her child turns 1 year of age.”

During the reporting period, the State Labour Inspectorate has not received complaints from employees, referring to the non-provision of this right.

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<sup>23</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 21.

## Article 8§4

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants

The Law Amending the Law on Labour Relations (“Official Gazette of the Republic of Macedonia” No.129/15) changed the amount of fines, and according to Article 265, a fine in the amount of 3,000 Euros in denar counter-value shall be imposed on an employer-legal entity if he/she fails to provide the right to special protection to a female employee, a father and adoptive parent of a child with severe developmental disabilities, in accordance with this law, including the ban on night work during pregnancy and one year after childbirth. For the same misdemeanor, the authorized person of the legal entity shall be fined in the amount of 30% of the determined fine for the legal entity, while a fine in the amount of 300 to 450 euros in denar counter-value shall be imposed on an employer-natural person.

Regarding the Committee’s request to clarify whether workers are transferred to daily work and which rules apply if such transfer can not be realized<sup>24</sup>, we hereby inform that pursuant to Article 3 of the Rulebook on the minimum requirements for safety and health at work for pregnant women, women who have recently given birth and women nursing their infants, for all activities that may involve a specific risk associated with the exposure of pregnant women, women who have recently given birth and women nursing their infants, the employer should:

- assess the risks to the safety and health of the pregnant employee in relation to the negative impact on the health of the physical, chemical and biological dangers and workplace hazards associated with the onset of illness and/or injury at work and their possible harmful effects on pregnancy and breastfeeding, whereby the equipment and schedule of the workplace, the nature and duration of exposure to physical, chemical and biological agents, the type, scope and method of use of working tools, procedures and organization of work, the level of education and training will be taken into consideration;
- assess the impact of night and overtime work on the health of the pregnant employee and the fetus, i.e. the child’s health during breastfeeding;
- determine the preventive and corrective measures to be undertaken; and
- inform the employees and their representatives about the results of the performed risk assessment and the precautionary measures prior to deployment, as well as any substantial change in the working conditions.

According to Article 4 of the Rulebook on the minimum requirements for safety and health at work for pregnant women, women who have recently given birth or are breastfeeding, the employer will change the working conditions or working hours for the employee, if the workplace risk assessment determines the existence of a risk for the health of the pregnant employee or her infant, that can not be eliminated in another way.

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<sup>24</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 22.

If the change of working conditions or working hours is technically and/or objectively impossible, the employer will deploy the worker to another appropriate work post where there are no risks to her health, fetus and infant.

If the deployment to another work post is technically and/or objectively unfeasible, the employer will exempt the employee from the normal course of work for the entire period that is necessary for the protection of her health and safety at work, as well as the protection of and health of her infant.

## Article 8§5

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining, and all other work which is unsuitable by reason of its dangerous, unhealthy, or arduous nature and to take appropriate measures to protect the employment rights of these women

In respect to legislative changes made during the reference period, we are reporting on the Law Amending the Law on Labour Relations, published in the “Official Gazette of the Republic of Macedonia” No. 129/2015, which changed the amount of fines, so that pursuant to Article 265, a fine in the amount of 3,000 euros in denar counter-value shall be imposed on an employer-legal entity if he/she fails to provide the right to special protection to a female employee, a father and adoptive parent of a child with severe developmental disabilities, in accordance with this law, including the ban on performing works, if they pose an increased danger to their health or the health of the child. For the same misdemeanor, the authorized person of the legal entity shall be fined in the amount of 30% of the determined fine for the legal entity, while a fine in the amount of 300 to 450 euros in denar counter-value shall be imposed on an employer-natural person.

In view of the request of the European Committee of Social Rights (ECSR) to clarify whether the prohibitions of carrying out any work that would present an increased risk to the health of the employee and the health of their child, relate only to pregnant women or to women who have recently given birth and women nursing their infants, and to confirm whether the same provisions apply in the private and public sector<sup>25</sup>, we hereby inform that the list of harmful factors and working conditions stated in the aforementioned **Rulebook on the protection of pregnant women, women who have recently given birth or are breastfeeding** applies to all, pregnant women, women who have recently given birth and women nursing their infants, and the same provisions apply to employees in both, the private and public sectors.

Regarding the Committee’s request to verify that there is no salary reduction due to changes in the working conditions or transfer to another work post, and that in case of absence due to pregnancy and maternity leave, the woman to whom this applies is entitled to paid leave<sup>26</sup>, we hereby provide information that although the legislation does not explicitly state that pregnant women, women who have recently given birth and women nursing their infants, are entitled to the same salary when moving to another, safer workplace or in another working time, in the event of a defined risk to the health of, it is implied and implemented whatsoever, given that the risks to the health of the worker and the child come from the workplace, i.e. the employer.

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<sup>25</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 23.

<sup>26</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 23.

Regarding the Committee's request to confirm that women who were transferred to another work post due to the change of working conditions reserve the right to return to their previous work at the end of their protection period<sup>27</sup>, we inform that after the termination of the risks due to which the employee was transferred to another work post, or after the child turns 1, the employee returns to the previous work post, and in accordance with Article 164 paragraph (2) of the Labour Law, the employee who has a child aged one to three years, may be requested to perform night or overtime only upon prior written consent.

Regarding the Committee's question whether the same rule applies to women employed in the private as well as the public sector<sup>28</sup>, we respond positively, that the same rule applies to employees in both, the private and public sectors.

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<sup>27</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 23.

<sup>28</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 23.

## **ARTICLE 16 - The right of the family to social, legal and economic protection**

### **Article 16**

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

### **Social protection of families**

#### *Housing for families*

In reference to the specific request by the European Committee of Social Rights (ECSR) to provide information for the legal protection of persons threatened with unlawful eviction, which must include: the obligation to consult the parties concerned in order to find alternative solutions for eviction; the obligation to provide timely notification prior to eviction; access to legal remedies; access to legal assistance; and compensation in case of unlawful eviction, and in order to provide access to adequate housing for families<sup>29</sup>, we are hereby providing the following information:

The **Law on Housing** (“Official Gazette of the Republic of Macedonia” No. 99/2009, 57/10, 36/11, 54/11, 13/12, 55/13, 163/13, 42/14, 199/14, 146/15, 31/16) regulates the types of housing facilities, the management of apartment buildings, the relations between the owners of separate parts and third parties, the owners’ community, the record keeping on the apartments, the lease relations in the housing, the manner of managing and maintaining the facilities, the rights and obligations of the Republic, the municipalities, the municipalities within the City of Skopje and the City of Skopje, in housing, inspection and administrative supervision, and other issues in the area of housing.

The housing of persons at social risk, their rights, obligations, protection, etc. are mainly regulated by the Law within Chapter VI - Lease Relations (Section 8: Non-profit housing, Articles 91 to 95), as well as Chapter VIII - Subsidized Lease (Article 98, Article 98-a).

Firstly, the **Article 91** (paragraphs 1, 2, 3, 4 and 5) of the Law on Housing defines the categories of persons who are entitled to non-profit housing, according to which: “*A non-profit apartment for rent shall be primarily allocated to persons at social risk who are the most prevalent in the area of local self-government units, such as low-income families, young people who are particularly prominent in certain areas, young married couples, single parents, retired persons above the age of 60 who do not own an apartment, and other categories of persons at social risk*”.

Furthermore, Article 93 lists the features of the non-profit housing lease agreement, while **Article 94 (paragraphs 1, 2, 3 and 4)** contains the conditions under which a non-profit housing lease agreement can not be terminated, according to which:

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<sup>29</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 24.

„(1) The lessor of the apartment can not terminate the non-profit housing lease agreement of the lessee who has ceased to pay the rent and other necessary expenses that he is obliged to pay under the contract, in the following cases:

- 1) if the lessee or some of the other beneficiaries of the housing indicated in the lease agreement are affected by extraordinary circumstances, the occurrence of which he/they can not and could not have influenced;
- 2) if he initiated a procedure for exercising the right to subsidized lease within 30 days from the day of termination of the extraordinary circumstances or a procedure for exercising the right to permanent financial assistance before the competent authorities and
- 3) if he notified the lessor within the same time limit referred to in item 2 of this paragraph.

(2) The lessee referred to in paragraph (1) of this Article who does not have the right to subsidized lease or who despite the subsidy could not pay the rent and other necessary expenses under the contract due to extraordinary circumstances, can be granted emergency assistance by the state administrative body competent for issues in the field of labour and social policy.

(3) In case of circumstances that indicate a long-term impossibility for payment of the rent and other expenses to which the lessee is obliged under the contract, the state administrative body competent for residential and communal issues will offer the lessee another type of adequate accommodation with a non-profit rent, enough to meet the minimum housing requirements or accommodation in a residential building designed to temporarily address the housing needs of persons at social risk. If the lessee fails to reply within 30 days from the day of receiving the written offer, he shall be considered as a person who uses the apartment without a lease agreement.

(4) If it is established that the lessee of a non-profit apartment or his spouse or the person who lives with the lessee in an extramarital community has his own apartment suitable for minimal housing at the place of residence or acquires such for the duration of the lease, the lessor may terminate the lease agreement at any time without a notice period.“

**Article 98** (Chapter VIII - Subsidized leases) of the Law on Housing regulates the right to subsidized lease, the amount of the subsidy, the manner and the period of exercising the right to subsidy and appeals procedures. Moreover, this article establishes the following:

- „(1) A lessee has the right to a subsidized lease of a non-profit apartment or a residence unit designed to temporarily solve the housing needs of persons at social risk, according to the regulations for social protection.
- (2) When determining the amount of the subsidized lease, the total income of the lessee and the users of the apartment specified in the lease agreement, the area of the apartment determined in the lease agreement, the total number of apartment users, and the costs for regular maintenance of the building are taken into consideration.
  - (3) The validity of the request for subsidized lease and the amount of the subsidy are determined by the Social work centres.
  - (4) The lessee shall have the right to submit an appeal against the decision referred to in paragraph (3) of this Article to a state administration body competent in the field of labour and social policy, within 15 days from the receipt of the decision.

- (5) The right to subsidized lease can be realized for a period of one year. In case the amount of rent increases during the year due to the gradual increase of the non-profit rent or in case the number of persons indicated in the lease agreement changes, the lessee can apply for a new calculation of the subsidy.
- (6) The lessor of the apartment reduces the rent of the lessee to the amount of the approved subsidy. The amount of the approved subsidy is paid to the lessor by the state administration body competent for labour and social policy, in accordance with the annual program adopted by the Government of the Republic of Macedonia. The funds for subsidized lease are provided from the Budget of the Republic of Macedonia.
- (7) After the expiration of the period for which the subsidized lease was approved to the lessee, he may again request that it be approved if the circumstances on the grounds of which the subsidized lease was approved have not changed.
- (8) The manner of exercising the right to subsidized lease and the methodology for calculating the amount of the subsidy as well as determining the extraordinary circumstances for termination of the lease payment and other necessary expenses shall be prescribed by the Government of the Republic of Macedonia at a proposal from the Minister competent for labour and social policy issues.“

The Law on Housing is available at the following link:

[http://www.mtc.gov.mk/media/files/PTV\\_Zakon\\_za\\_domuvanje\\_38\\_21032012.pdf](http://www.mtc.gov.mk/media/files/PTV_Zakon_za_domuvanje_38_21032012.pdf)

\* \* \*

Regarding the Committee's request (ECSR) to provide information on the results of the measures taken for social housing for low-income families<sup>30</sup>, we hereby inform that the implementation of the Program for construction and maintenance of housing owned by the Republic of Macedonia, according to the Framework Loan Agreement concluded between the Council of Europe Development Bank and the Republic of Macedonia, is under the authority of the Ministry of Transport and Communications and the Joint Stock Company for construction and management of residential and commercial property significant to the country, and it is being implemented as planned.

The built housing units are allocated according to established rules, i.e. Decision on the criteria for allocation of social apartments, as well as the conditions for their use. Beneficiaries of social lease housing may be different categories of citizens who do not own housing, among which:

- children without parents or parental care, i.e. persons older than 18, who until 18 years of age were fostered in institutions and other forms of orphanage care
- beneficiaries of social or permanent financial assistance
- people affected by natural disasters
- disabled persons and persons who need care and assistance from another person, and families with disabled persons

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<sup>30</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 24

- socially endangered persons from the Roma community (in accordance with the “Strategy for the Roma population in the Republic of Macedonia“)
- single parents of minors, and
- blind persons who are beneficiaries of social and permanent financial assistance.

The **F/P 1674 (2009) Housing Project for People at Social Risk and other Vulnerable Groups** is partly financed by the Council of Europe Development Bank and it envisages the construction of 32 buildings with a total of 1,750 dwellings intended for persons at social risk and other vulnerable groups. The size of the apartments will be 35-45 m<sup>2</sup>. The total value for realization of the Project is € 50,700,000; 50% of which will be allocated from the Budget of the Republic of Macedonia, including the value of the construction land.

According to the information received from the Joint Stock Company for construction and management of residential and commercial property significant to the country, 16 buildings with 731 housing units have been built and allocated so far. Two buildings are under construction, and construction of the other buildings is also planned.

In addition, the Law on Social Protection provides the **right to financial assistance (monetary compensation) for social housing**, intended for socially endangered persons – without housing, as follows:

- to beneficiaries of permanent financial assistance; and
- to persons who, by the age of 18, had the status of orphans and children without parental care, and after the termination of the guardianship, and up to the age of 26.

The manner of exercising the right to financial assistance for social housing for a person who, by the age of 18, had the status of an orphan or a child without parental care, that is, after the termination of the guardianship, and up to the age of 26, shall be regulated by a Rulebook (“Official Gazette of the Republic of Macedonia” No.54/10). According to this act, social housing will enable:

- lease of an individual residential building or a part thereof;
- renovation, adaptation and reconstruction of their own real estate property;
- compensation for accommodation in a dormitory.

In order to exercise the right to financial assistance for social housing, the person must have previously exercised the right to accommodation in a social protection or foster care institution, to be in a situation of social endangerment and not to possess apartment.

The Social Work Centre determines the amount of the social housing allowance depending on the average amount of the rent in the territory of its local competence and the lease agreement, with a decision on the right to social housing allowance for an individual residential building or its part, in line with the increase in the living costs for the previous year:

- for a single person - up to MKD 4,156 for a monthly lease;
- for a family of two to four members - up to MKD 6,234 for monthly lease; and
- for a family of five or more members - up to MKD 8.312 for monthly lease.

The Social Work Centre also includes utility costs (electricity, heating, water and waste) in the decision, in line with the increase in the living costs for the previous year, published by the State Statistical Office, for:

- a single person - up to MKD 1,558;
- a family of two to four members - up to MKD 2,078; and
- a family of five or more members - up to MKD 2,597.

Social housing by years (beneficiaries of the right to financial assistance for social housing):

2014	2015	2016	2017	2018
22 persons	33 persons	31 persons	34 persons	20 persons

In respect to the Committee’s request to provide information on the measures taken to improve the housing situation of Roma families<sup>31</sup>, we inform that the Ministry of Transport and Communications, in order to improve the housing situation of Roma families in the period 2014-2017 within the sub-program for the implementation of the Strategy for Roma, implemented projects in the field of communal infrastructure as capital grants to the Units of Local Self-Government, for the settlements inhabited mainly by Roma population. The Government spent funds from the 2014 Budget of the Republic of Macedonia to intervene in these projects with a total of MKD 14.6 million. 17 residential units damaged in the fire in Topansko pole, municipality of Butel, have been reconstructed.

In 2015, funds in the amount of MKD 9,972,409 were allocated for construction of communal infrastructure facilities in 8 municipalities in the Republic of Macedonia, for reconstruction of streets, asphaltting works and construction of sewers in settlements inhabited mainly by Roma citizens.

In 2016, funds in the amount of MKD 6,198,022 were allocated for construction of communal infrastructure facilities in 7 municipalities in the Republic of Macedonia, for reconstruction of streets and asphaltting works in settlements inhabited mainly by Roma citizens.

In 2017, funds in the amount of MKD 8,000,000 were allocated for the construction of communal infrastructure facilities in 3 municipalities in the Republic of Macedonia, for settlements inhabited mainly by Roma citizens. The implementation of these projects is in progress.

According to the Annual Program of the Government of the Republic of Macedonia for the construction, sale and maintenance of residential property owned by the Republic of Macedonia, a housing project for socially vulnerable groups/construction of social

<sup>31</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 25

housing is being implemented, with total amount of € 50,700,000; 50% of which are a loan from the Council of Europe Development Bank (CEB), and 50% of the value for the realization of this project is provided by the Republic of Macedonia. The project envisages the construction of 32 buildings with 1,750 dwellings in 26 cities in the Republic of Macedonia.

A total of 16 residential buildings with 731 apartments were built by the end of 2017. Since 2017, there have been two residential buildings under construction, in the cities: Gostivar with 70 social apartments and Strumica with 41 social apartments.

At the announcements for allocation of social housing built after the project, a total of 669 social apartments were allocated by the end of 2017, **118 of which are allocated to Roma**. These apartments are used by all categories of socially vulnerable groups, and their allocation is determined by the Decision on allocation of social apartments, adopted by the Government of the Republic of Macedonia.

Regarding the Committee's request to provide information on the functioning of Marriage and Family Counseling Centres<sup>32</sup>, we hereby inform that in 2014, counseling Marriage and Family Counseling Centres have been opened in all 30 Social Work Centres, as organizational units of the Centres, and they provide support for family issues, and contribute to reducing conflicts and improving family relationships and parental functions. These counseling centres are a regular activity of the centres for social work through the implementation of the advisory and expert support of the users.

Within the Inter-municipal Social Work Center of the City of Skopje there is an integrated counseling center for psycho-social support and treatment, which is visited by about 70 users on a monthly basis.

## **Legal protection of families**

### **Domestic violence against women**

Regarding the incrimination of domestic violence, we report that the Criminal Code of RM contains a general definition of the term domestic violence.

Namely, according to Article 122, item 21: "Domestic violence shall mean abuse, rude insults, threatening of the safety, inflicting physical injuries, sexual or other physical and psychological violence which causes a feeling of insecurity, being threatened, or fear towards a spouse, parents or children or other persons which live in a marital or other community or joint household, as well as towards a former spouse or persons which have a common child or have close personal relations."

The act of committing domestic violence is contained in the following criminal acts: Article 123: Murder, Article 125: Momentary murder, Article 130: Bodily Injury, Article 131: Severe bodily injury, Article 139: Coercion, Article 140: Deprivation of liberty, Article 144: Endangering Security, and Article 191: Mediation in Prostitution.

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<sup>32</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 26.

On December 22, the Assembly of the Republic of Macedonia adopted the Law on Ratification of the 2011 Council of Europe Convention on the Preventing and Combating Violence against Women and Domestic Violence (the so-called **Istanbul Convention**), published in the “Official Gazette of the Republic of Macedonia” No.198/2017, dated 29.12.2017). The Ministry of Labour and Social Policy has established a working group for the preparation of an Action Plan for the implementation of this Convention.

Regarding the Committee’s request to provide information whether the spouses are equal in terms of Article 16 of the Charter<sup>33</sup>, we inform that under Article 6 of the Law on Family, marriage is defined as a union between a man and a woman, regulated by law, in which the interests of the spouses, family and society are being realized. The relationship between the spouses is based on their free will to conclude marriage, based on equality, mutual respect and assistance.

Regarding the Committee’s request to confirm that it is clear that mediation services in resolving family conflicts are free<sup>34</sup>, we hereby inform that the Law on Family stipulates that matters related to special protection and assistance to the family, adoption, and guardianship, determined in this Law, are carried out by the Centre for Social Work.

In the Republic of Macedonia, there are 30 social work centres that offer advisory and expert team work in resolving family conflicts, arranging the relations of parents and children, exercising the parental right, entrusting a child to one of the parents in a divorce procedure and arranging the personal relationships of the child with the parent with whom it does not live together. In this way, the services are available to all citizens and they are free of charge. In this regard, the Law on Family establishes that parental rights are performed jointly by both parents. In the event of their disagreement, the Centre for Social Work is competent to mediate and make decisions.

In order to improve the social services for citizens in accordance with their needs, the Ministry of Labour and Social Policy works on developing the process of pluralization and decentralization in the execution of social services, by involving other entities from local level and civic organizations. If this is enabled, mediation in solving family conflicts will not be centralized, but will allow pluralism in the provision of services in this area and greater accessibility for the citizens.

### **Economic protection of families**

The economic protection of materially unsecured families and socially excluded persons is provided through the social protection system.

During the reference period there was no change in the conditions and criteria for access to rights to financial assistance, determined by the Law on Social Protection. The

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<sup>33</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 26

<sup>34</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 26

Ministry of Labour and Social Policy is currently in the process of preparing a comprehensive reform of the social and child protection systems. The purpose of the reform is to redesign the types and adequacy of social welfare cash benefits, to help and support the most vulnerable categories for dealing with poverty, to improve the effectiveness and efficiency of welfare and social services delivered to end users.

An analysis of the social protection system was conducted and it showed that the current design of social transfers is quite uneven and inadequate, and as such contributes to the deepening of inequality in the society. Regarding the social protection services, it has been determined that they do not follow the individual needs of end users, therefore they should be provided in the community, through further implementation of the process of deinstitutionalization, decentralization and pluralization.

The reform of the social protection system is planned to be implemented in 2019 with the adoption of a new Law on Social Protection, which will include changes and upgrade in the existing software solution for administering monetary rights and strengthening the capacities of the experts in the social protection system.

In order to improve the financial support for families, the Law on Child Protection was subject to several amendments during the reporting period:

**In 2014 (January), the Law Amending the Law on Child Protection was adopted (“Official Gazette of the Republic of Macedonia” No.12/14).** The amendments to this Law are aimed at improving the financial situation of single parents entitled to a special child allowance for children with specific physical or mental disabilities or combined developmental disabilities, up to 26 years of age. The amount of the special child allowance for single parents who have a child with specific physical or mental disabilities or combined developmental disabilities, up to 26 years of age, is increased by 50% and in the Law that is expressed in nominal amount of MKD 6.303. The Law also defines the term “single parent entitled to an increased special child allowance”, with effect from January 1, 2014. The amounts are aligned with the increase in the living costs for the previous year, published by the State Statistical Office, in January for the current year.

**In 2015 (January), the Assembly of the Republic of Macedonia adopted the Law Amending the Law on Child Protection, published in the “Official Gazette of the Republic of Macedonia” No.10/15 -** which enables the right to a special allowance for children with Down syndrome, and improvement of the financial situation of materially unsecured parents-beneficiaries of social welfare and permanent financial assistance, who have a child with specific needs that has physical or mental developmental disabilities or combined developmental disabilities up to 26 years of age, by increasing the amount of the special child allowance by 25% (with effect from 1 June 2015). These changes have an impact on the improvement of the standard of materially unsecured persons (beneficiaries of social welfare and permanent financial assistance) who have a child with developmental disabilities and are entitled to special allowance. The right to special allowance applies to all children with Down Syndrome.

**Law Amending the Law on Child Protection, adopted in November 2017 (“Official Gazette of the Republic of Macedonia” No. 163/17), with effect from 1 January 2018.** Based on the experience in the application of this law, as well as on parents requests, interventions were made to this law in the part of facilitating the procedure before the centres for social work when extending the right to a special allowance for a child with specific needs and physical and mental disabilities or combined developmental disabilities. It is necessary for the parents to provide an Expert evaluation, assessment and opinion on the need for a special allowance by an expert body for assessing the type and degree of mental and physical disability.

In 2018 (August), the Draft Law Amending the Law on Child Protection is in a legislative procedure. This Draft Law will intervene in the provisions of the Law related to the right to a special allowance by providing health insurance for children for whom the right to a special allowance already applies, but do not have a health insurance, and in the provisions related to the amount of the special allowance. Specifically, it is proposed to intervene in Article 35 of the Law by adding a new paragraph (4) proposing an increase in the determined amount of the special allowance, from MKD 4,202 to MKD 5,021, as well as an increase in the determined amounts of special allowance for single parents, from MKD 6,303 to MKD 7,351, for a child with specific needs that has physical or mental developmental disabilities or combined developmental disabilities up to 26 years of age, as well as for materially unsecured parents who are beneficiaries of social welfare and permanent financial assistance with specific needs, from MKD 5.252 MKD to MKD 6,276, and with the aim of improving child protection.

In 2018, an analysis of the allocation of child allowance was made by a working group and consultants engaged through the World Bank, as well as an analysis of child benefit in the Republic of Macedonia and a comparative analysis of child benefit in separate countries of the European Union. This was made in order to serve as a basis for the preparation of the planned **reform of the social and child protection system**, as one of the strategic goals of the Ministry of Labour and Social Policy.

The support of the social protection reform should be made through an appropriate standardization of the rights for child protection in the Law on Child Protection, especially the child allowance. The reforms, which are planned to apply from 1 January 2019, propose for the right to be used depending on the financial situation of the household, as a right that will monitor child poverty and cover recipients of guaranteed minimum assistance as well, as well as with enabling an educational supplement for schoolchildren (in primary and secondary schools), strengthening the right to one-off financial assistance in relation to the amount and the number of children, enabling and continuing the exercise of entitlement to parental benefit.

In order to successfully implement the Law on Child Protection, specifically in the part of children’s rights, the following bylaws were adopted:

- Rulebook amending the Rulebook on the detailed conditions, criteria and manner of exercising the rights to child protection (“Official Gazette of the Republic of Macedonia” No.51/14);

- Rulebook amending the Rulebook on the detailed conditions, criteria and manner of exercising the rights to child protection (“Official Gazette of the Republic of Macedonia”, No.43/15);
- Rulebook amending the Rulebook on the form and content of application forms and necessary documentation for exercising the rights to child protection (“Official Gazette of the Republic of Macedonia” No.51/14);
- Rulebook amending the Rulebook on the form and content of application forms and necessary documentation for exercising the rights to child protection (“Official Gazette of the Republic of Macedonia, No.43/15);
- Rulebook on the detailed conditions, criteria and manner of exercising the right to participation in the costs of childcare, upbringing, holiday and recreation in public institutions for children (“Official Gazette of the Republic of Macedonia” No.19/14);
- Rulebook amending the Rulebook on the detailed conditions, criteria and manner of exercising the right to participation in the costs of childcare, upbringing, holiday and recreation in public institutions for children (“Official Gazette of the Republic of Macedonia” No.48/18).

<b>Child allowances</b>				
	2014	2015	2016	2017 *
<b>Beneficiaries</b>				
<b>Child allowance</b>				
Number of children	17,602	14,762	12,955	11,006
Number of families	8,531	7,397	6,293	5,205
<b>Beneficiaries of special allowance</b>				
Number of children	7,165	7,104	7,346	7,292
Number of families	6,904	6,917	7,166	7,129
<b>First Born Baby One-off Allowance</b>	8,773	8,472	8,058	7,375
<b>Expenses (in thousands denars)</b>				
Child allowance	133,985	119,479	103,931	87,813
Special allowance	378,565	382,882	396,346	388.391
First Born Baby One-off Allowance	44,174	42,413	40,393	38,505

- data from SSO (State Statistical Office) and MLSP (Ministry of Labour and Social Policy (\*))

Regarding the Committee’s request to provide information on the monthly equivalent income or similar indicators such as the national subsistence level, average income or the national poverty threshold, etc.<sup>35</sup>, we hereby inform that Article 29 of the Law on Child Protection stipulates that a child in a family whose income per family member on all grounds is up to MKD 2,490, and a child of a single parent whose income is up to MKD 4,980, has the right to child allowance. The amounts are aligned with the

<sup>35</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 27.

increase in the living costs for the previous year, published by the State Statistical Office in January for the current year.

The amounts for exercising the right to child allowance on all grounds per family member for 2018 are MKD 2,587, and for single parents up to MKD 5,174.

In respect to the available data on the poverty threshold, median equivalent income, etc., information is provided earlier in this Report – under the replies within Article 8§1.

In the course of 2018, a **reform of the child protection system** was prepared with application from January 1, 2019, through the appropriate standardization of the rights to child protection in the Law on Child Protection, such as: child allowance, education supplement, special allowance, first born baby one-off financial assistance, parental allowance for a child, co-payments.

These reforms envisage for the right to child allowance to be paid depending on the financial situation, as a right intended to monitor child poverty - material security of the child, including recipients of the guaranteed minimum income as well.

Regarding the Committee's question about the measures undertaken to ensure the economic protection of vulnerable families such as Roma families<sup>36</sup>, we hereby inform that in relation to the activities for improving the social inclusion of the Roma, a number of activities in all areas are being continuously implemented, in accordance with the Strategy for Roma 2014-2020.

The Ministry of Labour and Social Policy, in cooperation with the Roma Education Fund (REF), has been implementing the project "Inclusion of Roma children in the Public Municipal Institutions – kindergartens" in 19 kindergartens/municipalities for eleven years. During the last school year out of the total number of 34,521 enrolled children in all kindergartens in the Republic of Macedonia, 718 or 2.07% were Roma children. Outside the project (parents who pay for kindergarten themselves) at a national level, there are 204 enrolled Roma children. The project implemented activities for Roma parents, that raise the awareness about the importance of education of children from the youngest age. Numerous workshops and meetings on the topic of Early childhood development, the Importance of pre-school education and the Importance of access and involvement of parents in child's life during early childhood were organized.

Apart from the obligations undertaken by the Ministry of Labour and Social Policy in administrative and financial terms, kindergartens and the municipality also support enrolment of a certain number of Roma children in kindergartens, for which they sign an agreement with the Ministry of Labour and Social Policy. The municipalities also provide transport for Roma children from/to the kindergarten. In this way, the Government of the Republic of Macedonia and the Local Self-Government show their will to contribute to the development of the Roma community in Macedonia.

Since 2007, 12 Roma Information Centres (RICs) have been operating in 12 municipalities, with the engagement of 16 people working in RICs (Shuto Orizari, Topansko Pole, Tetovo,

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<sup>36</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 27

Gostivar, Bitola, Prilep, Shtip, Kochani, Delchevo, Vinica, Berovo and Kumanovo). These centres represent a link between the Roma community and the local institutions.

Roma Information Centres work is mainly field-based, they establish intensive communication with the citizens, within the framework of the legal regulations, the work obligations and the program of RICs. They provide timely information, counseling, referral and logistical support to the citizens in order to realize their rights and obligations (in the areas of social security, employment, health, housing and education, obtaining personal documents, etc.), in a timely manner without any particular problems and consequences. Depending on the needs, the RICs provide services in the form of representation of certain problems for the persons in institutions.

In the course of 2018, a total of 3,271 different types of services/support were provided by the RICs (in the field of social protection - 1,512 services, health care - 277 services, education - 242, employment - 450, personal documentation - 277, housing - 362, anti-discrimination - 7, and other issues - 144).

Since 2011, activities/actions have been continuously carried out in order to solve the problem of persons without proper personal identification documents and not recorded in the registry books. During these actions, about 700 people were detected for which parallel checks were carried out in the identification number database, as well as in the birth registers. In November 2017, with the support of the OSCE, a process was initiated for the preparation of a database for persons not registered in the birth register and for street children.

In the period January-May 2018, a public call for registration of persons not registered in the birth register was prepared and published by the Office for Management of Registers of Births, Deaths and Marriages and the Ministry of Labour and Social Policy.

Guidelines for dealing with persons not registered in the Birth Register were prepared for the non-governmental organizations, the Centres for Social Work and the registrars, in order to facilitate their work and provide useful information to all involved parties regarding the announced call. For more information about the solution of this problem, training for the registrars of the regional units was held. With the support of the OSCE, the findings of the Analysis regarding the legal initiatives for solving this problem were presented at a public event.

Requests for submitting data on the status of the cases for which DNA analysis was made (a total of 130 cases in the period since 2012) were submitted to the Office for Management of Registers of Births, Deaths and Marriages.

Since the beginning of 2017, measures have been taken to provide temporary interventional accommodation for the persons displaced from the "Kale" location in Skopje, in cooperation with the Inter-municipal Centre for Social Work of the City of Skopje and Roma NGOs. 112 people were displaced and accommodated in institutions that are under the authority of the Ministry of Labour and Social Policy. Roma organizations have been engaged for the purpose of social inclusion of these persons, to work with them for 12 hours a day in two shifts, prepare individual social plans for their integration on the labour market, social protection, health care, providing documents for personal identification and inclusion of the children in the education system. This activity is an opportunity for integration of these people who are in extreme poverty. The process enables raising their awareness of education, employment, health, housing and obtaining personal documentation.

Since April 2018, the Ministry of Labour and Social Policy have started the implementation of a new social mapping project funded by the European Commission, which will map the Roma settlements and it is expected to obtain qualitative and quantitative data for the Roma in the area of education, employment, housing, health, social inclusion, possession of personal documentation and other important data for Roma families. The activity will be implemented in 3 phases and will cover the following 14 municipalities: Shuto Orizari, Prilep, Kumanovo, Bitola, Tetovo, Gostivar, Shtip, Kochani, Kichevo, Vinica, Debar, Veles, Kavadarci, Delchevo or Strumica.

Since February 2018, the implementation of the ROMA KTED program in Macedonia, financed by the Council of Europe and the European Commission, have started. The project is planned to be implemented for a period of 3 years, in 12 municipalities that are included in the program. The involvement of the Units of Local Self-Government is a key element in the implementation of the National Action Plans of the Roma Strategy at the local level. Preparation of joint local plans, capacity building of municipal council representatives, support to local development, will contribute to additional input of existing policies and practices for more effective and inclusive functioning. As a joint program of the Council of Europe and the European Commission, ROMA KTED will promote good governance and empowerment of Roma at the local level, which will indirectly influence the improvement of the situation of Roma communities at the local level.

The Program for conditional financial compensation for secondary education has been implemented since 2010/2011 school year and is intended for children beneficiaries of social financial assistance who regularly go to high school. In order to qualify for compensation, they should have a presence of at least 85% at the realized classes in the quarter. The compensation is paid four times a year after the end of each quarter. The amount is MKD 12,000 per year, that is, MKD 3,000 at the end of each quarter.

In the academic year 2014/2015, the total number of beneficiaries of the conditional financial compensation was 5,561, of which 394 were Roma; in the academic year 2015/2016 the total number of beneficiaries of the conditional financial compensation was 4,958 - 311 of which were Roma; in 2016/2017 the total number of beneficiaries was 4,223 - 238 of which were Roma and in the school year 2017/2018 the total number of beneficiaries of conditional financial compensation was 3,598 - 236 of which were Roma.

Regarding the Committee's request to provide information whether stateless persons and refugees are treated equally with regard to family benefits<sup>37</sup>, we inform that Article 23 of the Law on Child Protection stipulates the following: "A foreign citizen who has a place of residence on the territory of the Republic of Macedonia can receive a child allowance for a child in accordance with this law and the international agreements ratified in accordance with the Constitution of the Republic of Macedonia."

The reforms that are being prepared in the area of child protection will also take into account persons with recognized refugee status and persons under subsidiary protection.

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<sup>37</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 27.

## **ARTICLE 17 - The right of children and young persons to social, legal and economic protection**

### **Article 17§1**

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

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

The Law on Child Protection was subject to several amendments in the course of the reporting period.

**The Assembly of the Republic of Macedonia adopted the Law on Amending the Law on Child Protection on February 28, 2014** published on March 5, 2014 in the “Official Gazette of the Republic of Macedonia” No.44/14. The amendments to the Law on Child Protection are aimed at the improvement of the quality of the candidates for directors, as well as the uniform determination of the status of the employees in the public institutions for children, in accordance with the Law on Public Sector Employees and the Law on Administrative Officers.

**The Law on Amending the Law on Child Protection was adopted in September of the same year**, published in the “Official Gazette of the Republic of Macedonia” No.144/14, which regulates the performance of the activity of care and upbringing of pre-school age children on public holidays and other holidays determined by law and on non-working days, in the event of emergencies (natural disasters, epidemics and other), as well as in the event of interruption of work and inability to continuously perform the activity of care and upbringing of pre-school age children due to strike in the public institutions for children.

**The Assembly of the Republic of Macedonia adopted the Law on Amending the Law on Child Protection in August 2015** (“Official Gazette of the Republic of Macedonia” No.150/15), which enabled the harmonization with the Law on Misdemeanors. With the adoption of the new Law on Misdemeanors, innovations that were of indispensable importance for successful, efficient and effective implementation of a misdemeanor procedure, before both the misdemeanor bodies and the courts, were introduced, and the procedure was likewise facilitated and simplified. In order for a systemic approach to this area of the Law on Misdemeanors to be created, the obligation for the state bodies and other organizations and institutions to harmonize the material laws with the Law on

Misdemeanors arose. The stated reasons also imposed the need for the adoption of this Law.

**The Law on Amending the Law on Child Protection was adopted on November 2, 2015** (published in the “Official Gazette of the Republic of Macedonia” No.192/15). The main goal of this Law is to improve the transparency of the procedure for passing the professional exam for licensing of professionals in the system for care and upbringing of pre-school age children and of directors of children’s institutions, and at the same time to intensify the penal measures in relation to the procedure for conducting the exam, both for the candidates and for the authorized representatives participating in the exam. The adoption of these amendments to the Law on Child Protection contributes to the improvement of the quality of the exam question bases, as well as to the improvement of the transparency of the procedure for passing the exam, and at the same time to the intensification of the penal measures in relation to the procedure for conducting the exam, both for the candidates and for the authorized representatives participating in the exam.

**The Law on Amending the Law on Child Protection**, adopted on February 9, 2016 and published in the “Official Gazette of the Republic of Macedonia” No.27/16, which enables the harmonization with the Law on General Administrative Procedure. With the adoption of the new Law on General Administrative Procedure, innovations aimed at the successful, efficient and effective implementation of the administrative procedure were introduced. In order for a systemic approach to this area of the Law on General Administrative Procedure to be created, the obligation for the state bodies and other organizations and institutions to harmonize the material laws with this Law .

**With the Law on Amending the Law on Child Protection** (“Official Gazette of the Republic of Macedonia” No.21/2018), according to which the education of pre-school age children can be performed by natural persons in the home of the parents of the child, in the home of the natural person or in another home, a change is made in the conditions that refer to the selection/appointment of a director of a public institution for children (kindergarten, early childhood development centre, summer camp), in order for the requirements for the certificates in proficiency in English to be supplemented and the requirement for a passed psychological test to be deleted. With the adoption of the Law, interventions are also made in the provisions that refer to natural persons who provide care for pre-school age children through the facilitation of the procedure for obtaining a decision for the performance of activities for care and education of pre-school age children by natural persons. These amendments also provide the possibility for the natural persons to perform the activity in another suitable area. Namely, the possibility for the care and education of the child to be carried out in a suitable residential/office space that meets the requirements established by law is given. Of course, any natural person who independently performs certain tasks within the framework of the activity of care and education of children as a professional activity must possess a valid license for a carer and a decision for performing certain tasks within the framework of the activity.

In accordance with the amendments to the Law on Child Protection, several specific bylaws were also adopted in the past period:

- Rulebook on specific requirements, criteria and manner of exercising of the right to participation in the costs for care, education, rest and recreation of children in public institutions for children (“Official Gazette of the Republic of Macedonia” No.19/2014);
- Rulebook on the standards and norms for performance of the activities of the institutions for children (“Official Gazette of the Republic of Macedonia” No.28/2014);
- Rulebook on amending and supplementing the Rulebook on the standards and norms for performance of the activities of the institutions for children (“Official Gazette of the Republic of Macedonia”, No. 40/2014; No. 136/2014, No. 71/2015; No.170/2016);
- Rulebook on amending and supplementing the Rulebook on the form, content and manner of keeping the pedagogical documentation and records in a kindergarten and an early childhood development centre (“Official Gazette of the Republic of Macedonia”, No.127/2014);
- Rulebook on amending and supplementing the Rulebook on the form, content and manner of keeping the pedagogical documentation and records in a kindergarten and an early childhood development centre (“Official Gazette of the Republic of Macedonia”, No.146/2015);
- Rulebook on amending and supplementing the Rulebook on the form, content and manner of keeping the pedagogical documentation and records in a kindergarten and an early childhood development centre (“Official Gazette of the Republic of Macedonia” No.159/2016);
- Rulebook on the form and content of the request for the adoption of a decision by the Minister of Labour and Social Policy (“Official Gazette of the Republic of Macedonia”, No.48/2015);
- Rulebook on amending and supplementing the Rulebook on the form, content and manner of keeping the Central Registry of institutions for children, the registry of public institutions for children established by the municipality and the City of Skopje, the Registry of Agencies for provision of services for education and care of pre-school age children and the registry of natural persons who independently perform certain tasks within the framework of the activity of care and upbringing of children as a professional activity (“Official Gazette of the Republic of Macedonia”, No.158/2016);
- Rulebook on specific requirements, criteria and manner of exercising of the right to co-financing of the costs for care, upbringing, rest and recreation of children in the public institutions for children (“Official Gazette of the Republic of Macedonia” No.19/2014);
- Rulebook on amending and supplementing the Rulebook on specific requirements, criteria and manner of exercising of the right to co-financing of the costs for care, upbringing, rest and recreation of children in the public institutions for children (“Official Gazette of the Republic of Macedonia”, No.48/2018);
- Rulebook on the manner of conducting the annual interview and the assessment, as well as the form and content of the annual interview report and of the

assessment form for public service providers in the public institutions for children (“Official Gazette of the Republic of Macedonia” No.168/2016);

- Early Learning and Development Program (“Official Gazette of the Republic of Macedonia” No.46/2014);
- Program for education of pre-school age children in institutions for care and education of children, with the process of cultivation and consumption of healthy food (“Official Gazette of the Republic of Macedonia” No.98/2014);
- Early Learning and Development Program for children with disabilities (“Official Gazette of the Republic of Macedonia” No.82/2015);
- Guidelines for the planning of activities from the Early Learning and Development Program in order for pre-school age children to acquire health lifestyle habits and safe behavior in the institutions for care and education of children – prescribed on June 5, 2015;
- Guidelines for realization of the Early Learning and Development Program and achievement of the standards for early learning and development through the inclusion of traditional games in the institutions

#### Project “Introduction of Respect for Diversity and Multiculturalism in Early Childhood Development in Macedonia“

The respect for diversity (in terms of ethnic, cultural, religious affiliation, gender and opportunities) is continuously being developed, in the Republic of Macedonia, as a multi-ethnic state, as well as the multiculturalism in young children (0-6 years) and the integration of these aspects into the national system for early childhood development.

In this direction, the Ministry of Labour and Social Policy, in cooperation with UNICEF and with the support of the British Embassy, implemented the “Introduction of Respect for Diversity and Multiculturalism in Early Childhood Development in Macedonia” Project. A manual, materials and picture books for the educational staff in kindergartens and early childhood development centres for respect for diversity and multiculturalism were, among other things, prepared and issued within the framework of this project, and they are available in Macedonian, Albanian and Turkish language.

#### Project for using free service for rest and recreation of children from families at social risk and children beneficiaries of a special allowance

The services within the framework of this project can be used by children from families beneficiaries of social financial assistance, permanent financial assistance, children beneficiaries of special allowance, child allowance and children without parents and parental care – regular students in the fifth, sixth, seventh and eighth grade. The service is used by 2,000 children during the summer holidays and 1,000 children during the winter holidays.

The free service for rest and recreation of children includes 6 full boards (accommodation and three meals a day) and educational and entertainment activities. The children beneficiaries of a special allowance (children with disabilities) are entitled to a companion during the rest and recreation time. This project, in addition to providing

rest and recreation for children with disabilities and children from families at social risk, also affects the promotion of the psychomotor development of children and the ability to bargain, respect diversity and cooperate in groups, the ability to accept oneself and the others and the orientation in space.

The project, which is being implemented since 2012, has so far covered a total of 13,161 children.

#### Increase of the fund for purchase of logical games and puzzles in the public institutions for children – kindergartens

583 sets of logical games have been purchased so far through these activities, which were used for 583 groups in public municipal kindergartens.

#### Activities for expanding the coverage of children and capacities in the Republic of Macedonia for care and education of pre-school age children

The Ministry of Labour and Social Policy has in the past period been paying particular attention to the increase in the capacities for care and education of pre-school age children through the construction of new facilities intended for public municipal institutions – kindergartens (PMIK), construction of facilities within the public municipal institutions kindergartens or adaption of the space for opening groups in other spatial conditions, that is, kindergartens in rural areas.

#### **Achieved results:**

##### **2014**

##### Public municipal institutions kindergartens (PMIK):

- Municipality of Dojran, settlement (s.) Nov Dojran, PMIK “Kokiche”
- Municipality of Vasilevo, village of Vasilevo, PMIK “Prva radost”

##### Facilities:

- Municipality of Gevgelija, village of Bogorodica, within the PMIK “Detska radost”
- Municipality of Prilep, village of Krivogashtani, within the PMIK “Nasha Idnina”, Prilep
- Municipality of Gjorche Petrov – Skopje, within the PMIK “Rosica”
- Municipality of Kisela Voda, s.Crnice “Perunika”, within the PMIK “Veseli cvetovi”, Skopje
- Municipality of Vinica, village of Isti Banja, within the PMIK “Goce Delchev”, Vinica

##### Group in other spatial conditions:

- Municipality of Bitola, village of Dolno Orizari, within the PMIK “Estreja Ovadija Mara”, Bitola
- Municipality of Debar, village of Mogorche, within the PMIK “Breshia”, Debar

##### **2015**

##### Public municipal institutions kindergartens (PMIK):

- Municipality of Lipkovo, village of Orizare, PMIK “Rezja”
- Municipality of Krabinci, village of Tarinci, PMIK “Kokichinja”

- Municipality of Saraj, s. Saraj, PMIK "Filizi"

Facilities:

- Municipality of Kisela Voda – Skopje, s. Pripor, within the PMIK "8 Mart", K. Voda
- Municipality of Cheshinovo – Obleshevo, within the PMIK "Dzvezdichki", village of Obleshevo
- Municipality of Kavadarci, village of Vatasha, within the PMIK "Rada Poceva", Kavadarci
- Municipality of Bosilevo, village of Monospitovo, within the PMIK "Prva Radost", Vasilevo
- Municipality of Gostivar, within the PMIK "Detska radost"

Group in other spatial conditions:

- Municipality of Ohrid, settlement Radojca Novichikj, within the PMIK "Jasna Risteska"

**2016**

Public municipal institutions kindergartens (PMIK):

- Municipality of Jegunovce, village of jegunovce, PMIK "Jabolchinja"
- Municipality of Petrovec, Petrovec, PMIK "Avionche"

Facilities:

- Municipality of Kochani, village of Orizari, within the PMIK "Pavlina Veljanova", Kochani
- Municipality of Ilinden, s. Marino, change in the spatial conditions of a facility within the PMIK "Goce Delchev"
- Municipality of Kisela Voda, s. Pintija, within the PMIK "Veseli cvetovi"
- Municipality of Butel, s. Radishani, change in the spatial conditions of the facility "Tashko Karadza", within the PMIK "11 Oktomvri" – Butel
- Municipality of Gjorche Petrov – Skopje, settlement Deksjon, within the PMIK "Rosica"
- Municipality of Prilep, facility of Worker's University within the PMIK "Nasha idnina" – Prilep
- Municipality of Aerodrom – Skopje "Lavche", within the PK "Buba Mara", Aerodrom

Group in other spatial conditions:

- Municipality of Ohrid, village of Peshtani, within the PMIK "Jasna Risteska", Ohrid
- Municipality of Zelenikovo, in the village of Zelenikovo, within the PMIK "8 Mart", Kisela Voda – Skopje
- Municipality of Prilep, in the village of Berovci, within the PMIK "Nasha idnina" – Prilep
- Municipality of Prilep, in the village of Kanatlarci, within the PMIK "Nasha idnina" – Prilep
- Municipality of Prilep, in the village of Golemo Konjari, within the PMIK "Nasha idnina" – Prilep

**2017**

Facilities:

- Municipality of Aerodrom – Skopje, change in the spatial conditions of the facility "Chekorche", within the PMIK "Srnicka", Aerodrom – Skopje

- Municipality of Gjorche Petrov, change in the spatial conditions of the facility “Detelinka”, within the PMIK “Rosica” – Gjorche Petrov – Skopje
- Municipality of Valandovo, facility in the village of Udovo, within the PMIK “Kalinka” Valandovo
- Municipality of Delchevo, change in the spatial conditions of the facility located on Svetozar Markovikj Street No. 12, within the PMIK “Veseli cvetovi” Delchevo
- Municipality of Karposh – Skopje, facility “Bumbarche” in s. Kozle, within the PMIK “Prolet”, Karposh

## **II. Early Childhood Development Centres within the PMIK/Public Early Childhood Development Centres:**

### **2014**

- Municipality of Aerodrom, village of Dolno Lisiche “Slonche”, within the PMIK “Buba Mara”, Aerodrom – Skopje
- Municipality of Probishtip, village of Ratavica “Jagotka”, within the PMIK “Goce Delchev”, Probishtip

### **2015**

- Municipality of Tetovo – 3 Early Childhood Development Centres, within the PMIK “Mladost”, Tetovo in:
  - Village of Falishe
  - Village of Rechica
  - Village of Selce
- Municipality of Gostivar – 2 Early Childhood Development Centres, within the PMIK “Detska radost”, Gostivar in:
  - Ciglana
  - Debresh
- Municipality of Shtip – 2 Early Childhood Development Centres:
  - within the PMIK “Astibo”, Shtip, and
  - within the PMIK “Vera Ciriviri Trena”, Shtip
- Municipality of Radovish – 3 Early Childhood Development Centres within the PMIK “Aco Karamanov”, Radovish in:
  - s. Shein Maale,
  - village of Jargulica and
  - village of Podaresh
- Municipality of Konche, as a Public Early Childhood Development Centre.
- Municipality of Zhupa, as a Public Early Childhood Development Centre
- Municipality of Mogila, as a Public Early Childhood Development Centre
- Municipality of Dolneni, within the PMIK “Nasha Idnina”, Prilep

### **2016**

- Municipality of Kumanovo – “Bambi”, within the PMIK “Angel Shajche”, municipality of Kumanovo
- Municipality of Kumanovo, - “Sonce”, within the PMIK “Angel Shajche”, municipality of Kumanovo

- Municipality of Bitola – 5 Early Childhood Development Centres, 3 of which within the PMIK “Estreja Ovadija Mara” located in the village of Gorno Orizari, the village of Karamani and the village of Logovardi and 2 of which within the PMIK “Majski Cvet” located in the premises of the primary school “Gjorgji Sugarev” and the school community “Taki Daskalo”
- Municipality of Krivogastani, s. Obrshani, as a Public Early Childhood Development Centre
- Municipality of Tetovo – 3 early childhood development centres, within the PMIK “Mladost” – Tetovo, located in the village of Falishte, s. Potok and s. Tekje.
- Municipality of Prilep “Trizla” within the PMIK “Nasha idnina”, municipality of Prilep
- Municipality of Radovish “Vredni Pchelichki”, within the PMIK “Aco Karamanov”, village of Zleovo, municipality of Radovish

### **III. Private institution for children – Early Childhood Development Centre:**

#### **2014**

- Municipality of Karposh – Skopje, municipality of Taftalidze, “M-Edukativen centar”, Skopje

#### **2015**

- Municipality of Chair – Skopje “Sumnal”, Skopje
- Municipality of Kumanovo “Baltazar”
- Municipality of Kumanovo “Prizma”
- Municipality of Bitola “Bonbonchinja”
- Municipality of Centar – Skopje, “Miss Poppins”

#### **2016**

- Municipality of Bitola “Volshebno Sonce”

### **IV. Private institutions for children – kindergartens:**

#### **2014:**

- “Snezhana-Blanshnezh”, Skopje
- “Guldeste”, Gostivar
- “Crvenkapa”, Skopje
- “Detsko carstvo”, Skopje
- “Spirit”, Skopje
- “International Kids Academy”, Skopje
- “Bushava Azbuka”, Skopje
- “Abecedar”, Ohrid
- “Mali genijalci”, Bitola

#### **2015:**

- “Tweety” – Bitola
- “Rea”, Tetovo
- “Star”, Gostivar
- “International Kids Academy”, Skopje

- “TiA”, Tetovo

**2016:**

- “Liliput Dvorche”, Skopje
- “British Children’s Academy”, Skopje

**2017:**

- “Little Me International Pre-school”, Skopje
- “Svetot na kolores”, Skopje
- “COOL KIDS KINDERGARTEN”, Skopje

**V. Kindergarten – organized as an organizational unit within a private school:**

- “Nova”, Skopje
- “Wilson Kindergarten”, Municipality of Brvenica
- “QSI” Pre-school, Skopje
- “Gondza”, Skopje

**VI. Kindergarten – organized as an organizational unit within legal entities for the needs of their employees:**

- “Okitex Bambini”, Skopje
- “Mini fini budzetchinja”, Skopje

As a result of these activities, the number of facilities for care and education of children, as of 2017, is 309, and it has increased by 80 facilities compared to 2014 (when the number was 229 facilities), that is, the number of facilities for care and education of children during the last 4 years has increased by about 35%, which provides an opportunity for increased coverage of pre-school age children in terms of care and education.

According to the data for 2017, the coverage of children in kindergartens/early childhood development centres is 33,826 children aged 0 to 6 (or 29% of the total number of children at that age in the Republic of Macedonia – 116,379), while the coverage of children aged 3 to 6 in all institutions for children is 25,146 children, which represents 35% coverage of children at that age (3-6) in the country (70,302).

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**Protection of the rights of children against abuse and neglect**

**Street children**

For the purpose of strengthening the parental responsibility in relation to street children, amendments were made to the **Family Law** in 2014 that determined that making (incentivizing) the child to beg or using the child for begging would be considered an abuse and severe neglect of the parental duties, and the actions of the Centre for

Social Work were also specified in it. On the other hand, the abuse and severe neglect of the parental duties represents a basis for revoking the parental rights of the parents.

The Social Work Centres, within their powers and competences, address the issue of street children and their parents by implementing field, professional, advisory, interdisciplinary team work, ensuring the right to social protection, accommodating the children in foster families or in a social protection institution and providing other rights and services in accordance with the law.

Regarding the issue of mapping the territories where street children have been identified, the Ministry of Labour and Social Policy in cooperation with the civil society organizations and through public competitions, implemented projects for social protection of children in 2017 and 2018, aimed at strengthening the field work for detecting such children and working with them on the spot, as well as at increasing the number of teams in the established Day Care Centres for street children.

Pursuant to the Law on Social Protection, the Day-Care Centres for street children provide educational services, counseling with the children and the members of their family, cultural, entertainment and recreational services, etc.

The Day-Care Centre for street children is a place where children spend one part of the day, and where they feel safe and cared for. With the help of the professionals from the Day-Care Centre they get the opportunity to satisfy their needs, depending on the individual characteristics of each child.

The main role of the Day-Care Centre for street children is, through the realization of adequate program activities, to remove children from the street and help their inclusion, that is, involvement in society through the adoption of different social skills, as well as to work with their parents and other family members for the purpose of improving their parental skills and raising their awareness about the negative impacts that street has on the health and life of children.

The Ministry of Labour and Social Policy has opened 2 Day-Care Centres for street children on the territory of the City of Skopje, in Kisela Voda and Gazi Baba. These Day-Care Centres are an organizational unit of the Public Institution Inter-municipal Center for Social Work of the City of Skopje. The Ministry of Labour and Social Policy also finances the program activities of the Day-Care Centre for street children, which is managed by the Association for Defense of the Rights of the Child in Shuto Orizari – Skopje.

Around 90 street children rotate in these Day-Care Centres on a daily basis.

The Law on Juvenile Justice adopted in 2009 established a justice system for children based on international standards. This Law was later replaced by the **Law on Justice for Children** adopted in 2013 (“Official Gazette of the Republic of Macedonia” No.148/2013), which further improved the rights of the child.

The **Law on Justice for Children** is based on the provisions of the Convention on the Rights of the Child. The provisions of this Law are aimed at achieving a priority interest and protecting the children from crime, violence and any form of endangerment of their

freedoms and rights and their proper development, protecting the children who have committed acts that according to law are considered as criminal acts and violations, their socialization, education and re-education, providing assistance and care for the children and protecting their freedoms and rights guaranteed by the Constitution, the Convention on the Rights of the Child and the other ratified international agreements on the status of children in proceedings before court and other bodies.

The Law regulates the following principles: the right of the child to protection against discrimination, torture and trial within a reasonable time, the use of the deprivation of liberty of a child only as a last resort in the procedure and only under the conditions and for the duration determined by this law, the right of the child to be informed about the course of the procedure and the right to file complaints for protection of his rights before the Ombudsman and other bodies and institutions that have the power to take care of the rights of the child, treatment of children at risk, restorative justice, mediation and deterrence measures and system of prevention of child offences.

Pursuant to the Law, a child aged between 14 and 16 that has committed an action defined by law as a criminal offence can only be imposed educational measures: reprimand or referral to a children's center, increased supervision by the parents, or the guardians, increased supervision by the foster family or by the center and institutional measure – referral to an educational institution or to an educational-correctional facility.

A child aged between 16 and 18 may be imposed educational measures for an action defined by law as a criminal offence, and a punishment or an alternative measure may be imposed as an exception.

According to the conditions determined by this Law, a child aged over 16 may be imposed the following penalties: prison for children, fine, prohibition of driving a motor vehicle of a certain type or category and banishment of a foreigner from the country. A criminally responsible child aged over 16 may be punished only if due to the severe consequences of the committed offence and the high degree of criminal responsibility the imposing of an educational measure would not be justified.

The prison for children measure may only be imposed as a main punishment. The prison for children measure may be imposed on a criminally responsible child aged over 16 who has committed an action which is defined by law as a criminal offence, for which a prison sentence of five years or a more severe sentence is determined, if the offence is committed under particularly aggravating circumstances and a high degree of criminal responsibility of the perpetrator and the imposing of an educational measure would not be justified. The prison for children may not be shorter than one, nor longer than ten years, and is pronounced for a full number of years or half a year.

A criminally responsible child aged over 16 may be imposed the following alternative measures for a committed action that is defined by law as a criminal offence: conditional sentence with protective supervision, conditional termination of the procedure against the child and community work.

**Indicators** for monitoring the implementation of the Law on Justice for Children, are being used for six years now. In addition to showing how the rights of children are exercised in the juvenile justice system, these indicators also enable the creation of policies and practices for their further promotion. Thus, according to the Annual Report on the Work of the State Council for the Prevention of Juvenile Delinquency for 2014, it was concluded that the institutions in the justice system for children in most cases apply measures/sanctions that do not involve deprivation of liberty, which corresponds to the Law on Justice for Children.

Namely, in 2014, the courts imposed:

- on 53% of children – increased supervision by parents/guardians and increased supervision by the Centre for Social Work. Increased supervision by the foster family has not been imposed on any child;
- on 15% of children – disciplinary action reprimand;
- on 4% of children – institutional measure;
- on one child – referral to a Youth Centre and
- on two children – imprisonment.

The data are similar for 2015. The courts imposed:

- on 63% of children – increased supervision by parents/guardians and increased supervision by the Centre for Social Work;
- increased supervision by the foster family has not been imposed on any child;
- on 17% of children - disciplinary action reprimand;
- on 3% of children - institutional measure;
- on two children - referral to a Youth Centre;
- on six children - imprisonment and
- a detention measure on six children, which represents a threefold reduction of this measure, compared to 2014;

The State Council concluded that in 2016:

- there is no deviation from the previous year in relation to the imposed disciplinary action reprimand on 18% of the children;
- the measure referral to a Youth Centre has not been imposed on any child, unlike the previous year when it was imposed on two children;
- there is no deviation in relation to the number of imposed sanctions – increased supervision by parents/guardians and increased supervision by the Centre for Social Work, that is, these sanctions have been imposed on 60% of children;
- the measure of increased supervision by the foster family has not been imposed, as it is the case in the previous years;
- an institutional measure has been imposed on 2.5% of children;
- unlike the previous year, there is an increase in the imposing of the sentence of imprisonment from 6 to 10 children;

In relation to the request of the European Committee of Social Rights (ECSR) for precise provisions and case law that explicitly prohibit all forms of physical punishment of children (including the mildest forms) at home and in the institutions to be specified<sup>38</sup>, we inform that the protection of children from any form of violence is foreseen in the **Law on Prevention and Protection from Domestic Violence**.

Pursuant to Article 3 of this Law, domestic violence refers to maltreatment, insulting, endangerment of the safety, physical injuries, sexual or other psychological, physical or economic violence that causes a feeling of insecurity, endangerment or fear, including threats for such actions, to a spouse, the parents or other children who live in a marital or non-marital community or a common household, as well as to a current or former spouse, a non-marital partner or people who have a child together or maintain close personal relations, regardless of whether the perpetrator shares or has shared the same place of residence with the victim or not.

In accordance with the provisions of this Law:

- a perpetrator of domestic violence is any person who performs an act of violence referred to in Article 3 of this Law;
- a victim of domestic violence is any person who suffers any form of violence referred to in Article 3 of this Law on the territory of the Republic of Macedonia;
- close personal relations are personal relations between people who are or have been partners;
- a child is any person under 18 years of age;
- physical violence is any act of applying physical force or action that violates the health of the victim;

Furthermore, Article 12 of the **Law on Child Protection** “prohibits all forms of sexual exploitation and sexual abuse of children (harassment, child pornography, child prostitution), forced pandering, sale or trafficking of children, psychological or physical violence and maltreatment, punishment or other type of inhumane treatment, all kinds of exploitation, commercial exploitation and abuse of children that violate the basic human rights and freedoms and the rights of the child.”

Every citizen is obliged to report to a competent authority any form of discrimination, abuse, harassment and exploitation of a child immediately after becoming aware of such event.

Article 228 of the **Law on Child Protection** envisages fines, and “A fine in the amount of 1,000 euros in denar counter-value shall be imposed for the misdemeanor of an institution for children, a kindergarten/an early childhood development center, an organizational unit established by and within legal entities, a higher education institution and a private school and an agency for providing services for accommodation and care of pre-school age children, if:

- it organizes political or religious organization and activities, and if children are being abused in the institution for children, that is, the agency for the same reasons, as well as if the children are being psychologically or physically abused, punished or treated in another inhumane manner or abused“

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<sup>38</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 30.

Regarding the Committee's (ECSR) question on whether the poor financial conditions or material circumstances are the only reasons for the placement of the child outside of the family<sup>39</sup>, we inform that the cases in which a procedure for the revoking of the parental rights due to abuse and neglect of a child can be initiated are stated in the Family Law, Article 90. The Law does not envisage for the child to be taken away from the parents solely because of the bad financial situation of the family if it is established that the parents have the capacity to provide care for the child. In such cases, The Centre for Social Work has the legal possibility to provide financial assistance to the family if it finds that it is at social risk.

Regarding the specific question of the European Committee of Social Rights regarding the maximum length of detention and the prison sentence for children, as well as the question of whether young offenders are accommodated separately from the adult offenders<sup>40</sup>, we inform that pursuant to Article 118 of the **Law on Justice for Children** ("Official Gazette of the Republic of Macedonia", No.148/2013) **detention** is determined with a decision of the children's Judge for Children and can last for a maximum of 30 days. The Judge for Children may determine a detention measure for the child only upon a proposal of the public prosecutor, and after the receipt of an opinion from the center. The child may be imposed a detention measure in the presence of the grounds provided for in the Criminal Procedure Law. A detention measure may be imposed only as a final measure if the conditions for applying other measures for ensuring the presence of the child provided for in the Criminal Procedure Law are not fulfilled.

After the receipt of an elaborated proposal from the Judge for Children and the submission of an opinion from the public prosecutor and the center, the Council for Children of the primary court may, due to justified reasons, extend the detention for another 60 days. If the detention is determined only for the purpose of identifying the child, the Judge for Children, that is, the children's Council is obliged to adopt a decision for its termination immediately after the identity is determined. The Judge for Children is obliged to inform the parent/s, i.e. the guardian/s of the child, his lawyer and the center immediately upon the establishment of the detention. The deadline for filing an appeal is three days after the submission of the detention order. The criminal Council for Children of the primary court decides on the appeal to the decision of the Judge for Children within a period of three days from its submission, and the children's council of the appellate court decides on the appeal to the decision of the children's council of the primary court.

The child is placed in detention separately from the adults. (Article 120).

During the duration of the detention, the child is guaranteed and provided the right to contact his family at least once a week, the right to private and confidential contact as needed, the right to medical assistance and protection and the right to receiving information through the mass media.

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<sup>39</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 30

<sup>40</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 31

Pursuant to Article 51 of the **Law on Justice for Children**, the prison for children measure may only be imposed as a main punishment. The prison for children measure may be imposed on a criminally responsible child aged over 16 who has committed an action which is defined by law as a criminal offence, for which a prison sentence of five years or a more severe sentence is determined, if the offence is committed under particularly aggravating circumstances and a high degree of criminal responsibility of the perpetrator and the imposing of an educational measure would not be justified. The prison for children may not be shorter than one, nor longer than ten years, and is proclaimed for a full number of years or half a year.

Regarding the request of the Committee for information on the measures that are being undertaken for the purpose of providing assistance to unaccompanied minors or minors who are staying illegally in the country<sup>41</sup>, we inform that the Government of the Republic of Macedonia adopted the Standard Operating Procedures (SOP) in 2015 for acting in cases of unaccompanied alien children that are intended for the competent bodies and organizational units within the Ministry of Interior, the Ministry of Labour and Social Policy, civil and international organizations.

The Standard Operating Procedures (SOP) rely on precisely defined competent institutions, civil society and international organizations, precisely defined responsible persons and individual contacts in government/state institutions, civil society and international organizations. They are monitored and updated regularly (once a year) by the National Commission for Fight against Trafficking in Human Beings and Illegal Migration at the Government of the Republic of Macedonia.

The Standard Operating Procedures refer to an inter-sectoral and multidisciplinary approach in dealing with UMAC (unaccompanied minor – alien children) that will provide the minimum required standards in line with the best interests of the child.

The Standard Operating Procedures for dealing with unaccompanied alien children can be downloaded at the following link:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806c0638>

In the period from 2014 to June 2018, a total of 232 unaccompanied children applied for asylum in the Republic of Macedonia and were accommodated in a Reception Centre for Asylum Seekers or another location determined by the Ministry of Labour and Social Policy, adequate for providing child protection.

From the aspect of the assistance measures in the competence of the Ministry of Labour and Social Policy, an unaccompanied child is immediately appointed a guardian following the regular procedure conducted by the local competent Centre for Social Work, afterwards an assessment of the needs and a social anamnesis are prepared, after which the basic measures are carried out, such as: adequate accommodation, health care, psychosocial support, procedures for family reunification or finding of members of the child's family, and others. In case of an unaccompanied minor for whom, on the basis of a

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<sup>41</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 31.

quick assessment and the best interest of the child, an additional asylum application is submitted, in which case the assistance measures will also include measures related to integration, such as learning the Macedonian language and enrolling in regular curriculum

## **Article 17§2**

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

## **Educational system in the Republic of Macedonia**

### **Law on Primary Education**

Pursuant to the Law on Primary Education, every child has the right to primary education. Primary education is available to every child for which a concept of free education is implemented through:

- free textbooks for all students in primary education, and
- free transport for students attending schools that are located more than 2.5 kilometres away from their homes. The students with special educational needs and their accompanying persons have the right to free transport regardless of the distance between their place of residence and the primary school

Pursuant to the Law on Primary Education, children with foreign citizenship or children without citizenship who reside in the Republic of Macedonia have the right to primary education under the same conditions valid for children citizens of the Republic of Macedonia.

The primary education is organized and conducted in a primary school.

The primary education is also organized and conducted in healthcare institutions, social institutions, penitentiary and educational and correctional institutions, in accordance with this Law.

The Ministry of Education and Science in cooperation with UNDP and the Directorate for Execution of Sanctions, started a pilot project, that is, a cycle of activities, for conducting primary education in the PI (Penitentiary Institution) Ohrid and the ECI (Educational Correctional Institution) Ohrid. This pilot project covered 24 persons accommodated in the PI and ECI Ohrid. The previously prepared programs for linguistic and numerical literacy (Macedonian language and mathematics) were adjusted in the period from July to October 2017, and they were prepared within the framework of the joint activity of the MES and UNDP for operationalization of the Concept Paper for Adult Primary Education. In the period from October 2017 to April 2018, within the framework of the pilot project, the teaching staff of the municipal primary school “Hristo Uzunov” – Ohrid conducted trainings for Macedonian language and mathematics in the PI and ECI Ohrid. Prior to the commencement of the classes, a verification of the previous knowledge of 24 minors was conducted. According to the acquired results, the classes were started, whereby, according to the information, the minors completed the envisaged program.

Upon the completion of the training, a verification of the knowledge acquired during the classes was conducted, after which certificates/documents were awarded to the participants, which recognize their invested work and acquired knowledge and which would enable them entry in the primary schools after they leave the institution.

The implementation of the pilot project is envisaged to continue in the upcoming period, that is, classes to be held for other subjects in order for the participants to complete their primary education.

The investment in improving the quality of education in the Republic of Macedonia is a continuous process that includes not only infrastructural interventions, but also interventions in the curricula and the programs, the educational material, as well as investment in human capital, that is, providing continuous training and professional development of the teaching and expert staff.

The classes in primary education are conducted in 4 languages: Macedonian, Albanian, Turkish and Serbian. The members of the ethnic communities who do not attend classes in their mother tongue, have the possibility to choose the subject Language and Culture of Bosniaks, Vlachs and Roma from the third to the ninth grade. In the school year 2016/17, the number of students who chose the subject Language and Culture of Bosniaks, Vlachs and Roma was 3.217, and in the school year 2017/18 that number was increased to 3.403 students

On the proposal of the Ministry of Education and Science, the Government adopted a decision on the introduction of the Bosnian language as a regular subject in the primary schools from the school year 2018/2019.

#### Law on Secondary Education

Pursuant to the Law on Secondary Education, secondary education is obligatory for every citizen, under equal conditions determined by this Law. Secondary education in public secondary schools is free of charge, whereby free transport, free accommodation in student dormitories and free textbooks are provided. For the student who has the status of a full-time student in a public secondary school, free transport to the school is provided if the student is not accommodated in a dormitory. The student has the right to free transport if his place of residence is located at least 2.5 kilometers away from the secondary school in which the student is enrolled and in which he attends classes and if the chosen profession and profile cannot be selected in the municipality in which the student lives.

By exception, if in the municipality in which the student lives when enrolling in the first year of education all the places in the school/schools in the municipality are filled, the student is entitled to free transport to the public secondary school in another municipality in which the student is enrolled, if his place of residence is located at least 2.5 kilometers away from the school and if the student is attending the classes.

The student who benefits from the accommodation and food in a dormitory is not entitled to free transport to his home during weekends, with the exception of students with special educational needs.

The student with special educational needs and his accompanying person are entitled to free transport regardless of the distance from their place of residence to the state secondary school in which the student is enrolled and attends classes.

The students from the Roma ethnic community can enroll in a particular public secondary school if they have up to 10% less points than the number of points determined within the Competition for relevant curricula and programs and if they satisfy the additional criteria for verification of the knowledge and skills in the appropriate school.

The Ministry of Education and Science, the Ministry of Labour and Social Policy, the Employment Agency of the Republic of Macedonia and the United Nations Development Program (UNDP), together with the local communities and civil society organizations participate in the implementation of the Program of Socially-Beneficial Work (the Programme for providing community-based social services). It represents an important part of the Operational Plan for Active Employment Measures and Programs, and it covers a significant part of unemployed hired persons and end users. The Socially-Beneficial Work Program proved to be an excellent model for integrating vulnerable categories and difficult-to-employ groups on the labour market, as well as for the hired persons to acquire proper work experience.

This Program provides, among other things, additional assistance to the students with disabilities within the educational process in the primary and secondary schools through the hiring of educational assistants and personal assistants who help and assist the students with disability. 140 educational assistants were hired within the framework of this Program.

The implementation of the activities of the program for provision of educational assistants and personal assistants who will help the students with disability in the primary and secondary schools continues this school year.

The Ministry of Education and Science plans in the following period to fully equip the professional service in primary and secondary education.

In relation to the request of the European Committee of Social Rights (ECSR) to be informed about the number of primary and secondary schools that are part of the compulsory education and are free, their geographic distribution, as well as the enrollment and disenrollment of the students<sup>42</sup>, the requested data are contained in the tables below:

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<sup>42</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 32.

**Table 1: Total number of regular primary schools and students, distributed by municipalities**

	Municipality	2013/2014		2014/2015		2015/2016		2016/2017		2017/2018	
		Number of regular primary schools	Total students (pupils)	Number of regular primary schools	Total students (pupils)	Number of regular primary schools	Total students (pupils)	Number of regular primary schools	Total students (pupils)	Number of regular primary schools	Total students (pupils)
1	AERODROM	8	5756	8	5821	8	5934	8	6314	8	6370
2	ARACHINOVO	2	2125	2	2055	2	2027	2	2078	2	2060
3	BEROVO	2	1037	2	983	2	956	2	908	2	878
4	BITOLA	12	7506	12	7524	12	7546	12	7777	12	7717
5	BOGDANCI	2	628	2	626	2	594	2	608	2	570
6	BOGOVINJE	6	2969	6	2917	6	2825	6	2815	6	2749
7	BOSILOVO	3	1134	3	1084	3	999	3	1057	3	1029
8	BRVENICA	3	1597	3	1587	3	1533	3	1539	3	1502
9	BUTEL	7	4888	7	4819	7	4817	7	4975	7	5017
10	VALANDOVO	2	1007	2	1014	2	969	2	1015	2	988
11	VASILEVO	2	1133	2	1050	2	1016	2	1085	2	1079
12	VEVCHANI	1	235	1	241	1	242	1	244	1	239
13	VELES	7	4562	7	4532	7	4511	7	4577	7	4568
14	VINICA	4	1465	4	1420	4	1420	4	1413	4	1384
15	VRAPCHISHTE	4	2680	4	2667	4	2587	4	2587	4	2555
16	GRADSKO	1	315	1	304	1	314	1	335	1	333
17	GAZI BABA	11	7134	11	7047	11	6886	11	6974	11	6927
18	GEVGELIJA	4	1828	4	1813	4	1818	4	1919	4	1899
19	GOSTIVAR	10	6737	10	6553	10	6519	10	6622	10	6557
20	DELCHEVO	2	1282	2	1269	2	1211	2	1208	2	1186
21	DEMIR KAPIJA	1	332	1	319	1	323	1	329	1	324
22	DOJHRAN	1	265	1	252	1	240	1	253	1	259
23	DOLNENI	7	1798	7	1794	7	1757	7	1814	7	1829

24	DRUGOVO	0	0	0	0	0	0	0	0	0	0
25	DEBAR	3	2171	3	2081	3	2053	3	2082	3	2098
26	DEMIR HISAR	3	555	3	549	3	546	3	551	3	555
27	DEBARCA	1	258	1	245	1	235	1	234	1	228
28	GJORCHE PETROV	6	3369	6	3326	6	3322	6	3415	6	3479
29	ZHELINO	5	3090	5	3025	5	2955	6	2888	6	2832
30	ZAJAS	0	0	0	0	0	0	0	0	0	0
31	ZELENIKOVO	1	341	1	340	1	349	1	326	1	318
32	ZRNOVCI	1	213	1	200	1	187	1	167	1	165
33	ILINDEN	3	1777	3	1763	3	1723	3	1775	3	1712
34	JEGUNOVCE	3	959	3	957	3	939	3	981	3	962
35	KRIVA PALANKA	2	1649	2	1579	2	1553	2	1613	2	1586
36	KAVADARCI	6	3423	6	3385	6	3309	6	3342	6	3286
37	KARPOSH	10	5771	10	5667	10	5646	10	5789	10	5762
38	KICHEVO	9	3924	9	3768	9	3678	9	3721	9	3711
39	KONCHE	1	315	1	289	1	271	1	294	1	282
40	KOCHANI	5	3077	5	3019	5	2939	5	2902	5	2793
41	KRIVOGASHTANI	2	573	2	563	2	567	2	561	2	538
42	KRUSHEVO	2	771	2	764	2	766	2	786	2	741
43	KUMANOVO	16	11202	16	10957	16	10725	16	10586	16	10477
44	KARBINCI	1	463	1	420	1	422	1	414	1	406
45	KISELA VODA	8	5067	8	5070	8	4999	8	5267	8	5279
46	KRATOVO	1	651	1	618	1	587	1	580	1	562
47	LIPKOVO	6	3539	6	3329	6	3118	6	3037	6	2928
48	LOZOVO	1	184	1	184	1	181	1	198	1	190
49	MAKEDONSKA KAMENICA	1	628	1	597	1	554	1	594	1	547
50	MAVROVO AND ROSTUSHA	4	608	4	619	4	604	4	612	4	602
51	MAKEDONSKI BROD	1	469	1	474	1	479	1	501	1	511
52	MOGILA	3	538	3	540	3	547	3	569	3	575
53	NEGOTINO	2	1805	2	1771	2	1761	2	1776	2	1753
54	NOVACI	1	230	1	237	1	244	1	269	1	270

55	NOVO SELO	2	662	2	656	2	613	2	570	2	539
56	OSLOMEJ	0	0	0	0	0	0	0	0	0	0
57	OHRID	8	4793	8	4817	8	4748	8	4867	8	4716
58	PEHCHEVO	1	382	1	384	1	352	1	334	1	337
59	PLASNICA	2	571	2	569	2	589	2	589	2	589
60	PRILEP	10	6734	10	6668	10	6658	10	6838	10	6761
61	PROBISHTIP	2	1122	2	1111	2	1098	2	1150	2	1135
62	PETROVEC	2	1031	2	1011	2	1000	2	1019	2	1029
63	RADOVISH	5	2550	5	2455	5	2346	5	2525	5	2483
64	RESEN	5	1099	5	1050	5	1007	5	1072	5	1079
65	ROSO MAN	1	404	1	405	1	408	1	400	1	404
66	RANKOVCE	1	326	1	299	1	302	1	314	1	308
67	SARAJ	7	5249	7	5236	7	5177	8	5257	8	5248
68	SVETI NIKOLE	3	1434	3	1405	3	1385	3	1389	3	1340
69	SOPI SHTE	1	515	1	511	1	498	1	533	1	533
70	STARO NAGORICHANE	3	345	3	333	3	312	3	304	3	287
71	STRUGA	11	5781	11	5803	11	5644	11	5638	11	5510
72	STRUMICA	9	5401	9	5166	9	4975	9	5139	9	5040
73	STUDENICHANI	3	3110	3	3134	3	3152	3	3279	3	3361
74	TEARCE	5	1670	5	1620	5	1575	5	1606	5	1639
75	TETOVO	12	9915	12	9789	12	9822	12	10031	12	10112
76	CENTAR	7	4240	7	4243	7	4298	7	4486	7	4475
77	CENTAR ZHUPA	2	593	2	579	2	579	2	584	2	546
78	CHAIR	9	7510	9	7517	9	7454	9	7735	9	7930
79	CHASHKA	3	1001	3	984	3	1038	3	1061	3	1067
80	CHESHINOVO-OBLESHEVO	2	493	2	472	2	442	2	419	2	404
81	CHUCHER SANDEVO	3	683	3	688	3	691	3	698	3	708
82	SHUTO ORIZARI	2	4179	2	4072	2	3954	2	4019	2	4002
83	SHTIP	5	4132	5	4027	5	3955	5	4125	5	4090

Source: Ministry of Education and Science of the Republic of Macedonia

<b>Table 2: Total number of regular primary schools and students, distributed by regions</b>										
<b>8 – Regions</b>	<b>2013/2014</b>		<b>2014/2015</b>		<b>2015/2016</b>		<b>2016/2017</b>		<b>2017/2018</b>	
	Number of regular primary schools	Total students (pupils)	Number of regular primary schools	Total students (pupils)	Number of regular primary schools	Total students (pupils)	Number of regular primary schools	Total students (pupils)	Number of regular primary schools	Total students (pupils)
<b>Skopje region</b>	90	62745	90	62320	90	61927	91	63939	91	64210
<b>Vardar region</b>	25	13460	25	13289	25	13230	25	13407	25	13265
<b>Eastern region</b>	26	14294	26	13902	26	13536	26	13634	26	13325
<b>South-western region</b>	38	18795	38	18577	38	18247	38	18460	38	18148
<b>South-eastern region</b>	31	14923	31	14405	31	13841	31	14465	31	14168
<b>Pelagonija region</b>	45	19804	45	19689	45	19638	45	20237	45	20065
<b>Polog region</b>	52	30225	52	29732	52	29359	53	29681	53	29510
<b>North-eastern region</b>	29	17712	29	17115	29	16597	29	16434	29	16148
<b>Total</b>	<b>336</b>	<b>191958</b>	<b>336</b>	<b>189029</b>	<b>336</b>	<b>186375</b>	<b>338</b>	<b>190257</b>	<b>338</b>	<b>188839</b>

**Source:** Ministry of Education and Science of the Republic of Macedonia

<b>Table 3: Total number of students who disenrolled from (left) the regular primary schools during the school years</b>							
<b>School year</b>	<b>Disenrolled =e+f</b>	<b>Students who left</b>					
		Went to another primary school in the same municipality (a)	Went to another primary school in the Republic of Macedonia (b)	Other countries (c)	Unknown (d)	Total (e=c+d)	Students who terminated their education (f)
<b>2013/2014</b>	1413	709	283	670	145	815	598
<b>2014/2015</b>	1850	611	334	1146	243	1389	461
<b>2015/2016</b>	1547	619	359	910	83	993	554
<b>2016/2017</b>	1453	757	391	1027	114	1141	312

**Source:** State Statistical Office of the Republic of Macedonia

<b>Table 1: Total number of regular secondary schools and students, distributed by municipalities</b>											
		2013/2014		2014/2015		2015/2016		2016/2017		2017/2018	
	<b>Municipality/City of Skopje</b>	Number of regular secondary schools	Total students	Number of regular secondary schools	Total students	Number of regular secondary schools	Total students	Number of regular secondary schools	Total students	Number of regular secondary schools	Total students
1	BEROVO	1	533	1	495	1	486	1	463	1	421
2	BITOLA	7	4301	7	4145	7	4085	7	3661	7	3657
3	BOGDANCI	1	329	1	303	1	316	1	266	1	251
4	VALANDOVO	1	346	1	298	1	261	1	237	1	221
5	VELES	4	2650	4	2574	4	2548	4	2222	4	2175
6	VINICA	1	655	1	597	1	550	1	550	1	520
7	VRAPCHISHTE	1	273	1	249	1	263	1	238	1	217
8	GEVGELIJA	1	977	1	900	1	888	1	756	1	711
9	GOSTIVAR	3	4177	4	4016	4	3605	4	3238	4	3095
10	DEBAR	1	730	1	669	1	671	1	611	1	593
11	DELCHEVO	1	491	1	445	1	432	1	383	1	368
12	DEMIR HISAR	1	227	1	206	1	179	1	156	1	135
13	DOLNENI	-	-	-	-	1	390	1	342	1	330
14	ILINDEN	1	64	1	131	1	190	1	258	1	259
15	KAVADARCI	3	1773	3	1678	3	1583	3	1401	3	1326
16	KICHEVO	2	2598	2	2391	2	1840	2	1608	2	1530
17	KOCHANI	2	1647	2	1577	2	1543	2	1478	2	1420
18	KRATOVO	1	269	1	272	1	265	1	258	1	229
19	KRIVA PALANKA	1	788	1	726	1	699	1	627	1	600
20	KRUSHEVO	1	286	1	239	1	222	1	183	1	160
21	KUMANOVO	5	6233	5	5891	5	5735	5	5522	5	5213
22	LIPKOVO	1	518	1	513	1	510	1	493	1	476
23	MAVROVO AND ROSTUSHA	1	141	1	130	1	136	1	136	1	127
24	MAKEDONSKI BROD	1	266	1	237	1	208	1	175	1	151

25	MAKEDONSKA KAMENICA	1	214	1	204	1	177	1	177	1	166
26	NEGOTINO	1	754	1	742	1	693	1	631	1	627
27	OHRID	3	2489	4	2326	4	2254	4	1964	4	1960
28	PRILEP	5	3759	5	3553	5	3477	5	3180	5	3199
29	PROBISHTIP	1	432	1	412	1	380	1	339	1	313
30	RADOVISH	1	859	1	794	1	746	1	635	1	576
31	RESEN	1	450	1	428	1	401	1	341	1	304
32	SVETI NIKOLE	1	591	1	563	1	528	1	474	1	480
33	CITY OF SKOPJE	27	26538	27	26015	27	25457	30	24314	30	24022
34	STRUGA	2	2728	2	2520	2	2358	2	2185	2	2087
35	STRUMICA	3	3762	3	3674	3	3543	3	2997	3	2936
36	TETOVO	6	9272	6	8832	7	8149	7	7582	7	7180
37	CENTAR ZHUPA	1	141	1	135	1	119	1	94	1	94
38	SHTIP	6	2777	6	2791	6	2707	6	2529	6	2408

**Source:** Ministry of Education and Science of the Republic of Macedonia

<b>Table 2: Total number of regular secondary schools and students, distributed by regions</b>										
<b>8 - Regions</b>	<b>2013/2014</b>		<b>2014/2015</b>		<b>2015/2016</b>		<b>2016/2017</b>		<b>2017/2018</b>	
	Number of regular secondary schools	Total students	Number of regular secondary schools	Total students	Number of regular secondary schools	Total students	Number of regular secondary schools	Total students	Number of regular secondary schools	Total students
<b>Skopje region</b>	28	26602	28	26146	28	25647	31	24572	31	24281
<b>Vardar region</b>	9	5768	9	5557	9	5352	9	4728	9	4608
<b>Eastern region</b>	13	6749	13	6521	13	6275	13	5919	13	5616
<b>South-western region</b>	10	8952	11	8278	11	7450	11	6637	11	6415
<b>South-eastern region</b>	7	6273	7	5969	7	5754	7	4891	7	4695
<b>Pelagonija region</b>	15	9023	15	8571	16	8754	16	7863	16	7785
<b>Polog region</b>	11	13863	12	13227	13	12153	13	11194	13	10619
<b>North-eastern region</b>	8	7808	8	7402	8	7209	8	6900	8	6518
<b>Total</b>	<b>101</b>	<b>85038</b>	<b>103</b>	<b>81671</b>	<b>105</b>	<b>78594</b>	<b>108</b>	<b>72704</b>	<b>108</b>	<b>70537</b>

**Source:** Ministry of Education and Science of the Republic of Macedonia

<b>Table 3: Total number of students who disenrolled from (left) the regular secondary schools during the school years</b>												
<b>School year</b>	<b>Students who disenrolled (1)+(6)</b>	<b>Students who left</b>					<b>Students who terminated their education</b>					
		total (1) = (2)+(3)+ (4)+(5)	went in:				total (6) = (7)+(8)+ (9)+(10)+ (11)	terminated their education:				
			another school in the same place of residence (2)	another school in the Republic of Macedonia (3)	other countries (4)	unknown (5)		in I <sup>st</sup> year (7)	in II <sup>nd</sup> year (8)	in III <sup>th</sup> year (9)	in IV <sup>th</sup> year (10)	unknown (11)
<b>2013/2014</b>	1 715	1 107	585	191	102	229	608	314	124	105	65	-
<b>2014/2015</b>	1 627	1 060	578	210	135	137	567	264	136	116	51	-
<b>2015/2016</b>	1 328	1 063	583	168	137	175	265	97	75	64	25	4
<b>2016/2017</b>	1 642	1 101	520	217	245	119	541	197	143	130	71	-

Source: State Statistical Office of the Republic of Macedonia

With regard to the question of the Committee (ECSR) about the average number of users of the monetary compensation for students in secondary education<sup>43</sup>, we inform that the conditioned monetary compensation is intended for students who regularly attend classes in secondary education and who come from socially endangered households, that is, households that are beneficiaries of social financial assistance.

The conditioned monetary compensation is a program implemented by the Government of the Republic of Macedonia through the Ministry of Labour and Social Policy, the Centres for Social Work, the Ministry of Education and Science, the secondary schools and the Ministry of Finance and is intended for secondary school students who are members of households beneficiaries of social financial assistance (SFA) and represents additional financial assistance for regular attendance of secondary school classes.

The number of enrolled students in 2016/2017 is 21,577 students. The number of students who were beneficiaries of CMC in this school year is 4,582 (21.2%).

With regard to the question of the Committee on whether children with foreign citizenship or children without citizenship who are staying on the territory of the Republic of Macedonia have the right to education<sup>44</sup>, we inform that in accordance with the Law on Primary Education, every child has the right to primary education. Primary education is available for every child for which the concept of free education has been implemented through:

- free textbooks for all students in primary education, and
- free transport for students attending schools that are located more than 2.5 kilometres away from their homes. The students with special educational needs and their accompanying persons have the right to free transport regardless of the distance between their place of residence and the primary school.

Pursuant to the Law on Primary Education, children with foreign citizenship or children without citizenship who reside in the Republic of Macedonia have the right to primary education under the same conditions as the children citizens of the Republic of Macedonia.

In relation to the request of the Committee for submission of detailed information on the undertaken measures for inclusion of the Roma children in the regular compulsory education<sup>45</sup>, we provide the following information:

#### Measures undertaken in pre-school upbringing and education

With regard to the activities for improving the social inclusion of the Roma, a number of activities are continuously being implemented in all areas in accordance with the Strategy for the Roma 2014-2020.

The Ministry of Labour and Social Policy, in cooperation with the Roma Education Fund (REF), has been implementing the project "Inclusion of Roma Children in Public

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<sup>43</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 32.

<sup>44</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 32.

<sup>45</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 33.

Municipal Institutions – Kindergartens” for eleven years now in 19 kindergartens, i.e. municipalities. During the last school year, out of the total number of 34,521 enrolled children in all kindergartens in the Republic of Macedonia, 718 or 2.07% were Roma children. Outside of the projects (parents who by themselves, with their own funds, pay for the stay of the children in a kindergarten in the Republic of Macedonia), a total of 204 children are enrolled.

The project included the implementation of activities for the parents of the Roma communities who positively affect the increase of the awareness and the improvement of the knowledge about the importance of education in children from the youngest age. Workshops and meetings on early childhood development, the importance of pre-school education and the importance of the approach and the involvement of the parents in the early years of the child’s life were held.

In addition to the obligations undertaken by the Ministry of Labour and Social Policy on an administrative and financial level, the kindergarten and the municipality also provide support for the stay of a certain (smaller) number of Roma children in kindergartens, for which they sign an agreement with the Ministry of Labour and Social Policy. The municipalities also provide transport for the Roma children from/to the kindergarten. In this way, the Government of the Republic of Macedonia and the Local Self-Government demonstrate their will to contribute to the development of the Roma community in Macedonia.

#### Measures undertaken in primary education

The Roma community in the Republic of Macedonia receives its education unimpededly at all levels, under equal conditions as all other communities.

In accordance with the Nine Years Primary Education Concept, the Roma community learns the mother tongue through the realization of the elective subject “Language and culture of the Roma” from the third to the ninth grade. The members of the Roma community are entitled in primary education to attend the elective classes in their mother tongue determined by law, but there are also Roma students who attend the classes in Albanian language.

In accordance with the data from the Directorate for Development and Promotion of Education in the languages of the members of the communities in the Republic of Macedonia, the number of Roma children involved in primary education has a positive progressive growth, not only in terms of enrolment in primary education, but also in terms of number of students who have successfully completed their education. In the school year 2016/17, in primary education – from first to ninth grade, the classes were attended by 9,362 students (4,559 of whom were female students). In the school year 2017/2018, the number was increased and amounted to 9,679 students (4,668 of whom were female students).

The Ministry of Education and Science supports the Roma students through positive measures and implements activities envisaged in the Strategy and the National Action Plan for Roma through:

1. Provision of additional tutoring classes for Roma students who show weaker results in certain subjects in primary education. During the period of implementation (2016 and 2017) of this measure, over 2,500 Roma students were

included in the tutoring classes and 150 meetings with parents were held, aimed at raising the awareness of Roma parents about the importance of primary education.

2. The Ministry of Education and Science, in support of the primary education of the Roma for the school year 2018/19 hired 20 local education mediators in the schools. This measure ensures an increase in the coverage of Roma children in primary education, decrease of the number of students who leave school, decrease of the number of Roma students enrolled in schools for children with special needs, strengthening the connections of the Roma community and the parents with the school, combating social exclusion (desegregation and discrimination), respecting the differences and promoting intercultural education.
3. Detecting street children and their increased involvement in the educational system. Through the project of the Pestalozzi Foundation, and with direct support of the Ministry of Education and Science, activities and programs for returning street children and older children who are not included in the education system.

#### Measures undertaken in secondary education

The Ministry of Education and Science, in order to provide additional support to the secondary education of the Roma, their successful completion of education, as well as continuation to higher education, continuously awards scholarships to Roma students in high schools and faculties. Tables 1 and 2 contain data on the number of scholarships awarded per year to Roma students in high schools and faculties:

1. Data on scholarships awarded to Roma students in secondary schools

School year	Number of awarded scholarships	Number of scholarship holders who successfully completed the year	GPA	Number of hired mentors
2009/10	444	437 (98.4%)	/	161
2010/11	611	598 (97.8%)	3.56	160
2011/12	591	586 (99.15)	3.68	132
2012/13	593	591 (99.66%)	3.72	106
2013/14	623	610 (97.91%)	3.65	102
2014/15	603	590 (97.84%)	3.63	94
2015/16	582	579 (99.48%)	3.74	112
2016/17	582	573 (98.45%)	3.88	91
2017/18	736	the data for this school year are still being processed	the data for this school year are still being processed	116
<b>Total</b>	<b>5,365</b>	<b>4,564</b>	<b>3.69</b>	<b>1,074</b>

Source: Ministry of Education and Science of the Republic of Macedonia

2. Data on scholarships awarded to Roma students in faculties

<b>Academic year</b>	<b>Number of awarded scholarships</b>
2015/16	31
2016/17	72
2017/18	90
<b>Total</b>	<b>193</b>

**Source:** Ministry of Education and Science of the Republic of Macedonia

## **ARTICLE 19 – The right of migrant workers and their families to protection and assistance**

### **Article 19§1**

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration.

With regard to the request of the European Committee of Social Rights for information about the results of the National Strategy for Equality and Non-Discrimination based on ethnic affiliation, gender, age and physical and mental disabilities for the period 2012-2015<sup>46</sup>, we inform that an evaluation of this Strategy was made in the course of 2016 and based on the obtained results, a new Equality and Non-Discrimination strategy 2017-2020 was adopted. Unlike the previous one, this new Strategy takes into account all grounds of discrimination, in accordance with the Law on Prevention and Protection against Discrimination (Article 3) and conceptually refers to discrimination in all areas, grouped in: labour and labour relations, education, science, sports and culture, social security (protection, pension and disability insurance and health), judiciary and administration and access to goods and services and is in accordance with the recommendations that Macedonia received from the international mechanisms for human rights of the United Nations. Representatives of state institutions, civil society organizations and international organizations contributed to the preparation of the Strategy.

According to the Equality and Non-Discrimination Strategy 2016-2020 and in accordance with the reports of the European Commission aimed at the improvement of the legislation for more efficient prevention and protection against discrimination, the Ministry of Labour and Social Policy began to amend the Law on Prevention and Protection against Discrimination in 2016. The new text of the Law was developed through a broad transparent and consultative process with several stakeholders and harmonized with the international standards.

The purpose of this law is to ensure the principle of equality and provide prevention and protection against discrimination in the exercise of the human rights and freedoms. This law regulates the prevention and prohibition of discrimination, the forms and types of discrimination, the procedures for protection against discrimination, as well as the composition and work of the Commission for Prevention and Protection against Discrimination.

The new text of the Law is expected to provide more effective protection against discrimination in the implementation of the law. The new text of the law broadens the grounds for discrimination, the glossary and the definition of discrimination are changed and defined better, the Commission for Protection against Discrimination is

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<sup>46</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 34.

professionalized and the name and competence of the Commission for Prevention and Protection against Discrimination are changed, which Commission, in addition to protection, will also have to work on prevention. The competencies of the Commission, the manner of selection and the conditions for the election of members are further regulated. A provision for the use of new evidence in the court proceedings and action popularis is introduced. It also envisages the exemption from court costs in court proceedings. The law is in parliamentary procedure and is expected to provide more effective protection against discrimination and response to discriminatory incidents on any basis.

In 2016, the Ministry of Labour and Social Policy/the Department for Equal Opportunities, in cooperation with the OSCE Mission, held 2 trainings for 60 professionals: social workers from the Social Work Centres, social workers – volunteers from the camps “Vinojug” and “Tabanovce”, as well as from the Reception Center for Asylum Seekers. Within the framework of these trainings, in addition to the theoretical training, a field training for practical application of the Indicators for identification of victims of trafficking in human beings was organized, that is, the experts visited the stated camps and discussed with the refugee women with the aim of profiling the victims of trafficking in human beings among the refugees. Also, in the trainings organized by the National Commission for Fight against Trafficking in Human Beings and Illegal Migration, with the support of the IOM (International Organization for Migration) and the Ministry of Labour and Social Policy, educational sessions on the application of the SOPs (Standard Operating Procedures) were held for identification of unaccompanied alien children and vulnerable categories of persons – foreigners, as well as for the General indicators for the initial identification of alleged victims of trafficking in human beings, in the context of mixed migration movements. Representatives of the police, the border police, as well as associations of citizens providing assistance and support to the camps took part in these trainings.

The mobile teams established in Kumanovo and Gevgelija, according to the Field Work Program, were obliged to focus on identifying the victims of trafficking in human beings, taking into account gender equality and the equal approach, regardless of whether they are children, women or men, among vulnerable categories, such as: victims of gender-based violence, with an emphasis on victims of sexual violence, victims of domestic violence, victims of trafficking in human beings among the migrants and the refugees and other vulnerable categories.

With regard to the request of the Committee (ECSR) for updated information on the legal rights of asylum seekers and the refugees, as well as the programs that include these groups of people aimed at the improvement of their integration, providing of information and combatting against false propaganda related to migration<sup>47</sup>, we inform that in April 2018 the Assembly of the Republic of Macedonia adopted the new Law on

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<sup>47</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 35.

International and Temporary Protection. This Law provides the asylum seekers in the Republic of Macedonia with the guaranteed legal rights, as follows:

- residence;
- identification document;
- freedom of movement;
- free legal aid;
- adequate accommodation and care in a Reception Centre or another place of accommodation determined by the Ministry of Labour and Social Policy, if there is such need;
- family unity;
- basic health services in accordance with the regulations on health insurance;
- right to social protection in accordance with the regulations on social protection;
- right to education in accordance with the regulations on primary and secondary education;
- work only within the Reception Centre or another place of accommodation determined by the Ministry of Labour and Social Policy and right to free access to the labour market for an asylum seeker, on whose request for recognition of the right to asylum a decision has not been made by the Sector for asylum, for a period not exceeding nine months after the submission of the request;
- access to available early integration programs; and
- contacts with the High Commissioner for Refugees, as well as non-governmental humanitarian organizations for the purpose of providing legal assistance in the procedure for recognition of the right to asylum.

For persons recognized as refugees and persons under subsidiary protection, the legal rights guarantee access to education, employment, health insurance, accommodation and social protection, similar as for the citizens of the Republic of Macedonia.

The implementation of the Strategy for Integration of Refugees and Foreigners for the period 2008 – 2015 has provided significant results in the field of the exercising of the fundamental rights in the national system of protection of refugees. However, more on the development aspect and the measures for improvement of the sustainability of the integration process, and the measures for raising the public awareness about asylum topics, is envisaged in the new Strategy for Integration of Refugees and Foreigners for the period 2018-2028, which has not been adopted yet.

Additionally, the Ministry of Labour and Social Policy adopts a Program for integration of persons who have been recognized the right to asylum in the Republic of Macedonia on an annual basis, which facilitates the process of integration of persons who have been recognized the right to asylum in the Republic of Macedonia.

The Ministry of Labour and Social Policy also took the initiative to perceive all aspects related to the recognition of vulnerable refugees and migrants in order to improve the overall system for responding to humanitarian needs in similar situations.

As it was stated in the previous report, for the purpose of providing free services and information to the migrant works, 4 Migrant Service Centres were opened within the Employment Agency and its regional offices at the beginning of 2008, and they continue to function until today.

The role and the functioning of the Migrant Service Centres, the number of these centres, and the number of persons using their services remain the same as in the previous report.

With regard to the question of the Committee about whether such free services and information offered by the Migrant Service Centres are available to foreign migrants and returning migrants<sup>48</sup>, we inform that all services offered/provided by the Employment Agency of the Republic of Macedonia through the Migrant Service Centres: information on the working conditions in other countries, the possibilities and manner of employment, the competent institutions for regulating the stay, for employment, and so on, are available for the citizens of the Republic of Macedonia, as well as for foreign and returning migrants.

With regard to the request of the European Committee of Social Rights for updated information about the activities undertaken by the Ombudsman in terms of discrimination and false propaganda related to emigration and immigration<sup>49</sup>, we inform that the Ombudsman as a National Human Rights Institution, within its term of office and competencies, continuously monitors the level of respect and exercising of the rights of the migrants and refugees in Macedonia and undertakes numerous activities for promotion and protection of their rights.

The **Ombudsman**, as a **National Preventive Mechanism**, also paid particular attention to the prevention of torture and other cruel, inhuman or degrading treatment or punishment of migrants and refugees in places of deprivation of liberty and retention, i.e. accommodation, by making over 70 preventive visits in the period 2014-2017.

The complexity of the matter that refers to international migration, and especially the current refugee crisis, affected the further strengthening of the cooperation between the Ombudsman institutions at the regional and continental level, expressed through the holding of joint meetings at which declarations were adopted that are aimed at the coordination of the activities in the fight against discrimination and growing xenophobia against migrants and refugees, as well as the affirmation of the obligations for protection of the human rights and freedoms of this vulnerable category of people.

Part of the undertaken activities, factually represented by years for the reference period (2014 – 2017) cover the following activities:

#### **for 2014**

- 4 visits of police stations for border control and border surveillance were conducted, as well as 2 visits of the Reception Centre for foreigners in Gazi Baba, for which special reports were accordingly prepared by the team of the National Preventive Mechanism (NPM), with specific recommendations to the competent authorities. The information on the established conditions are contained in the Annual Report of the Ombudsman – as a National Preventive Mechanism (O-NPM) for 2014, which was publicly presented and available on the website of the Ombudsman;

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<sup>48</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 35.

<sup>49</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 36.

- With regard to the discrimination on ethnic grounds, a large number of complaints were submitted by citizens who are part of the Roma and Albanian communities and who were returned from the border crossings. Acting upon these cases, and for the purpose of consistent implementation of the regulations, the Ombudsman submitted Special Information to the Ministry of Interior and to the Government of the Republic of Macedonia in which it stated the obligation for the domestic and international standards, related to the guarantee of the right to free movement and the prohibition of any type of discrimination on any grounds, to be applied, with a commitment to update the legislation, which will prevent arbitrary decision-making by an oral ban on travel, and will provide greater legal safety of the citizens in terms of the protection of their rights.

### **for 2015**

- Several visits were made to the places of retention, that is, accommodation and acceptance of migrants/refugees (the Reception Transit Centres for migrants (RTC) “Vinojug” and “Tabanovce”, the Reception Centre for Asylum Seekers, the Reception Centre for Foreigners), whereby part of the visits were conducted in the presence of foreign ombudsman institutions and international organizations;
- Due to the poor treatment in the Reception Centre for Foreigners in Gazi Baba – Skopje, the large influx of refugees and negative experiences from the land routes (railway accidents, lack of sanitation, etc.), the Ombudsman together with several domestic and international human rights organizations demanded amendments to the Law on Asylum and Temporary Protection in Macedonia;
- A press conference was held at which the findings on the identified negative conditions in the Reception Centre for Foreigners – Gazi Baba were presented, for which the information was adequately submitted to the Minister of Interior as well;
- A special report on the situation of the refugees/migrants in the Republic of Macedonia was prepared and submitted to the Government of the Republic of Macedonia, the competent ministries, bodies and international organizations;
- A recommendation was sent to the Government of the Republic of Macedonia and to the transport company – Macedonian Railways, in which a reduction in the price of the tickets for migrants/refugees was requested. This followed the establishment of the fact that there is no categorization of the price of the tickets for rail transport and that the price paid by migrants/refugees is higher than the one paid by the Macedonian citizens, whereby they were unjustifiably and discriminatively placed in an unequal position;
- The discriminatory decision on the selection of refugees/migrants on a national basis and the deportation of the so-called economic migrants (those who do not come from the territories of Syria, Iraq or Afghanistan) on the territory of the Republic of Macedonia, without having the possibility to initiate a procedure for recognition of the right to asylum or temporary residence was publicly condemned.

### **for 2016**

- A Memorandum of Cooperation was concluded with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the project “Improving the system of legal protection in relation to asylum” was practically implemented;
- Continuous and enhanced monitoring of the level of exercising of the rights and the treatment of migrants/refugees and asylum seekers through over 35 visits made by

- the Ombudsman – National Preventive Mechanism (O-NPM) to the places where migrants/refugees and asylum seekers are temporarily accepted and retained;
- 10 Special Reports with specific recommendations were prepared and submitted to the Government of the Republic of Macedonia, the competent ministries and bodies;
  - An examination was conducted and information was prepared on the psychological situation of the migrants/refugees accommodated in the Temporary Transit Centres in cooperation with representatives of the Psychiatric Association and the Psychologists Chamber;
  - An initiative with a concrete Draft-Law on Amending the Law on Asylum and Temporary Protection was drafted together with several non-governmental organizations;
  - Two international conferences were organized, one of which was on the access to the asylum procedure and the formal/informal return of migrants and refugees, and the other one was on the level of exercising of the rights of refugee children;
  - Information brochures on the rights of refugees and asylum seekers were prepared;
  - As a result of the increasingly growing xenophobia and hate speech, information leaflets were made for the domicile population in order to sensitize it and inform it about the situation of the migrants/refugees as a particularly vulnerable category of people;
  - Banners were placed in all places where migrants/refugees and asylum seekers are received, accommodated and retained with information on the term of office and the competencies of the Ombudsman – National Preventive Mechanism (O-NPM);
  - Several individual cases on the violation of the rights of the migrants/refugees accommodated in the Reception Transit Centres and the Reception Centre for Foreigners were opened;
  - Strengthened cooperation with domestic non-governmental and international organizations through the conclusion of a memorandum of cooperation and involvement of their representatives in the visits of the NPM;
  - Several press releases were published by the media in order to inform the public about the situation and the level of the (dis)respect of the rights of the migrants/refugees and the asylum seekers.

### **for 2017**

- A total of 30 visits were made by the O-NPM to places where migrants/refugees and asylum seekers are temporarily received and retained, part of which were carried out in the presence of representatives of foreign ombudsman institutions and international organizations;
- The border villages Lojane and Vaksince were visited, as well as the police station for border surveillance “Sopot”, for which reports with information on the established conditions were accordingly prepared;
- A press briefing was held in order to inform the public about the situation in the Reception Centre for Gazi Baba, and especially about the attempt to cover up the retention of several foreign citizens outside of the legally prescribed procedures, and thus prevent the same or similar unlawful actions.
- Visits were conducted and contacts were made with persons present on the territory of the Republic of Macedonia from the period of the Kosovo migrant crisis 1998/1999, who for many years have been facing problems with acquiring the right

to asylum and temporary protection and the exercising of the rights in the field of education, health care, social protection and housing.

- In May 2017, a workshop was organized on the topic “The situation with the refugees present in the Republic of Macedonia from the period of the Kosovo crisis”, and a Regional Conference was held in November on the topic “Integration of the Kosovo refugees – permanent solutions and voluntary return”. Thus, the joint conclusions that resulted from the work of all the participants were presented, and possible solutions for overcoming and solving some of the problems faced by the refugees from Kosovo were proposed. The Ombudsman also held a press conference on the situation of the Kosovo refugees, at which it emphasized the need for the competent bodies to take actions for final and permanent settlement of the status of these persons, and it particularly asked for attention to be paid to the exercise of children’s rights;
- A field and legal research was conducted together with the non-governmental organization “Legis” on the access to rights and protection of persons recognized as refugees or migrants, with a focus on vulnerable categories such as women and children, aimed at establishing the systemic and legal shortcomings. The result of such cooperation was the drafting of Public Policy Document, which was presented to the public in November 2017.

In addition to these activities, the Ombudsman and representatives of the institution, during the period 2014-2017 participated in a number of events, meetings and conferences with representatives of state, international and non-governmental organizations aimed at addressing the problems that migrants and refugees face and finding solutions for their overcoming.

The public condemnation by the Ombudsman of the discriminatory decision for refugees/migrants to be selected on a national basis when deciding on whether to let them in the Republic of Macedonia, made at the end of 2015, was followed by the Declaration of the Association Mediterranean Ombudsmen, in which, among other things, the support to the Ombudsman in its activities for promotion and protection of the rights of migrants and refugees is emphasized.

In order for the activities to be coordinated and the migrant/refugee crisis to be better dealt with, several international events were organized during the reference period, which were attended by the Ombudsman and which contributed to the intensification of the cooperation of the ombudsman institutions from the Western Balkans. Some of these events were a conference in Tirana – Republic of Albania, a Conference in Belgrade – Republic of Serbia, at which a Declaration for Protection and Promotion of the Rights of Refugees and Migrants was adopted, as well as a conference in Thessaloniki – Republic of Greece, at which the Action Plan for the countries from the region was adopted.

The Ombudsman, as a National Human Rights Institution continues during this period to make efforts to promote and protect the rights of migrants and refugees, as well as fight against the false propaganda related to emigration and immigration.

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With regard to the request for information of the European Committee of Social Rights about the institutions responsible for monitoring and responding to discriminatory incidents and the fight against any false propaganda related to migration<sup>50</sup>, we inform that according to the Equality and Non-Discrimination Strategy 2016-2020 and according to the reports of the European Commission aimed at improving the legislation for more efficient prevention and protection against discrimination, the Ministry of Labour and Social Policy in 2016 started amending the Law on Prevention and Protection against Discrimination. The new text of the Law was prepared in a broad, transparent and consultative process with several stakeholders and harmonized with the international standards. The purpose of this Law is to ensure the principle of equality and provide prevention and protection against discrimination in the exercise of the human rights and freedoms. This Law regulates the prevention and prohibition of discrimination, the forms and types of discrimination, the procedures for protection against discrimination, as well as the composition and the work of the Commission for Prevention and Protection against Discrimination.

The new text of the Law is expected to provide more effective protection against discrimination in the implementation of the law. The new text of the law broadens the grounds for discrimination, the glossary and the definition of discrimination are changed and better defined, the Commission for Protection against Discrimination is professionalized and the name and competence are changed into the Commission for Prevention and Protection against Discrimination, and in addition to protection, the Commission will also have to work on prevention. The competencies of the Commission, the manner of selection and the conditions for the election of members are further regulated. A provision for the use of new evidence in the court proceedings and action popularis is introduced. It also envisages the exemption from court costs in court proceedings. The law is in parliamentary procedure and is expected to provide more effective protection against discrimination and response to discriminatory incidents on any basis.

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With regard to the request of the European Committee of Social Rights for updated information about the activities undertaken by the Council of Honor of the Association of Journalists of Macedonia (AJM) and the other bodies that monitor and at the same time fight against the spread of false, discriminatory or racist publications<sup>51</sup>, we inform about the following:

In order for the basic principles of professional journalism to be implemented, self-regulatory bodies have been created in Macedonia. The Council of Honor of the Association of Journalists of Macedonia takes care of the application of the principles of the code by the journalists, while the Appeals Commission of the Council of Media Ethics (CMEM) monitors the application of the professional standards by the. The CMEM, as a self-regulatory body was formed to strengthen the mechanism of self-regulation in the media and protect the media from all forms of pressure. The media are more professional

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<sup>50</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 36.

<sup>51</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 37.

and more responsible to the public if there is a joint commitment among the journalists and media owners to consistently apply the principles of the code.

The Council of Honor of the AJM works on the principle of reviewing complaints filed by the damaged citizens, but has also reviewed a number of cases on its own initiative, when there was a reasonable suspicion of violation of the code. Unlike the self-regulatory body of the AJM, the Appeals Commission of the CMEM works exclusively on complaints filed by the citizens.

The Council of Honor during the 15 years of existence has resolved about one hundred complaints submitted by the citizens or initiated on its own initiative. The Council found a violation of the Code of Ethics in most of the complaints, and rejected twenty percent of them as unfounded or declared itself as not competent for that matter. The number of rejected complaints confirms that the Council interprets the provisions of the Code in a liberal manner, thus giving preference to the principle of freedom of expression. In circumstances when the self-regulatory body of the AJM noted a tendency of serious violations of the journalists' code in several media, it reacted with general statements, without mentioning the names of media or journalists. In these reactions, the Council in a principle manner condemns these serious violations of the code and calls for the journalists to be held accountable. This form of reaction is applied by the Council of Honor especially after 2010, when complaints about the work of journalists who are not members of the AJM cannot be resolved with the new statute.

By analyzing the work of the Council of Honor during this 15-year period, it can be concluded that the degree of violation of the professional standards by the media is related to the political processes in the country. The degradation of the Macedonian journalism goes in parallel with the emergence of the political crisis in 2008 and its escalation after 2012. As the political battle between the ruling parties and the opposition intensifies, the media constantly abandon the principles of professional journalism and become a part of an uncompromising political battle for power. With this, the most influential media are completely transformed into a propaganda machinery of power. Instead of serving the public interest, they worship the political and economic interests of the parties and media owners.

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In relation to the ECSR request for complete and up-to-date information on the measures that are being undertaken to treat illegal immigration, and especially trafficking in human beings<sup>52</sup>, we inform that in 2016, the Ministry of Labour and Social Policy, in cooperation with the OSCE Mission, held 2 trainings for 60 professionals: social workers from the Centres for Social Work, social workers – volunteers from the camps, that is, the Reception Transit Centres for Migrants “Vinojug” and “Tabanovce”, as well as from the Reception Center for Asylum Seekers. Within the framework of these trainings, in addition to the theoretical training, a field training for practical application of the Indicators for identification of victims of trafficking in human beings was organized, that is, the experts visited the stated camps and discussed with the refugee women with

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<sup>52</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 37.

the aim of profiling the victims of trafficking in human beings among the refugees. Also, in the trainings organized by the National Commission for Fight against Trafficking in Human Beings and Illegal Migration, with the support of the International Organization for Migration and the Ministry of Labour and Social Policy, educational sessions on the application of the Standard Operating Procedures (SOPs) were held for identification of unaccompanied alien children and vulnerable categories of persons – foreigners, as well as for the General indicators for the initial identification of alleged victims of trafficking in human beings, in the context of mixed migration movements. Representatives of the police, the border police, as well as associations of citizens providing assistance and support to the camps took part in these trainings

The mobile teams established in Kumanovo and Gevgelija, according to the Field Work Program, were obliged to focus on identifying the victims of trafficking in human beings, taking into account gender equality and the equal approach, regardless of whether they are children, women or men, among vulnerable categories, such as: victims of gender-based violence, with an emphasis on victims of sexual violence, victims of domestic violence, victims of trafficking in human beings among the migrants and the refugees and other vulnerable categories.

### **Article 19§5**

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to secure for such workers lawfully within their territories treatment not less favorable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons.

In the Republic of Macedonia, the general tax law, the procedures for determining, controlling and collecting taxes, as well as the rights and obligations of taxpayers are regulated in the Law on Tax Procedure, while all issues related to the particular tax, that is, the issues related to who the taxpayer is, on which grounds and at what rate the tax is calculated and paid, and other issues related to the appropriate tax are regulated in the special tax laws, that is, the Personal Income Tax Law, the Law on Contributions from Compulsory Social Insurance, the Law on Utility Taxes and the Law on Administrative Fees.

No changes were made to the legal framework of these laws with regard to this paragraph were made in the reporting period.

With regard to the specific question of the European Committee of Social Rights about which types of contributions are paid for employment and whether the migrant workers legally residing on the territory of the Republic of Macedonia receive equal treatment in this regard as the workers who are citizens of the Republic of Macedonia<sup>53</sup>, we inform that the Law on Contributions from Compulsory Social Insurance prescribes the following contributions: pension and disability insurance based on current payments; mandatory fully funded pension insurance; seniority insurance that is considered with increased duration; health insurance and unemployment insurance.

Article 7 of the Law on Contributions from Compulsory Social Insurance prescribes the taxpayers who are obliged to pay contributions for compulsory pension and disability insurance.

A person obliged to pay contributions is the insured on whose behalf and for whose account the contributions are paid, and a person obliged to calculate and pay contributions is an employer, a self-employed person, an individual farmer, a religious official, a state institution, a body or organizer who is obliged to calculate, retain and pay the contributions at the burden and for the account of the person obliged to pay contributions.

Consequently, the rates according to which the contributions are calculated and paid are as follows: 18% for compulsory pension and disability insurance; 4% rate of contribution for invalidity and physical damage caused by an injury at work or occupational disease; 7.3% for compulsory health insurance; 13% for compulsory health insurance for the taxpayer who is a beneficiary of a domestic and/or foreign pension and who pays the contribution depending on the amount of the pension; 0.5% rate of

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<sup>53</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 38.

additional contribution for compulsory health insurance in case of an injury at work or occupational disease and 1.2% for compulsory contribution for unemployment insurance.

As stated in the previous report, we inform that the laws within the tax area, that is, the Law on Tax Procedure, the Personal Income Tax Law, the Law on Utility Taxes, the Law on Administrative Fees, including the Law on Contributions from Compulsory Social Insurance, do not make a distinction regarding the rights and obligations they regulate, and are valid for and equally apply to both the workers who are citizens of the Republic of Macedonia and the migrant workers who legally reside and work on the territory of the Republic of Macedonia.

## Article 19§6

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory.

For the purpose of harmonization of the Macedonian legislation with the European acquis in this area, we inform that a **new Law on Foreigners** has been adopted in 2018 (published in the “Official Gazette of the Republic of Macedonia” No.97/2018, dated 28.5.2018), which will enter into force after one year.

The current Law on Foreigners that was adopted in 2006 will cease to be valid on the date of entry into force of the new law. The Law regulates the conditions for entry, exit and stay of foreigners in the Republic of Macedonia, as well as their rights and duties, including the issue of reunification of the family of the migrant worker who legally resides on the territory of the Republic of Macedonia.

The replies to the questions raised by the Committee (ECSR) related to the reunification of the family of the migrant worker who legally resides on the territory of the Republic of Macedonia, are given in accordance with the existing legislation (legislation currently in force) in the country, i.e. in accordance with the Law on Foreigners (from 2006) that regulates this issue.

With regard to the question of the Committee about whether the applicants migrant workers and their families are imposed criteria for studying the language in order for their right to family reunification to be realized<sup>54</sup>, we inform that when it comes to the initiation of a procedure for family reunification, the Law on International and Temporary Protection does not stipulate conditions for studying the language, but further in the procedure, depending on the stage and the basis for regulating the stay, for example for obtaining Macedonian citizenship, it is possible for knowledge of the Macedonian language to be requested.

With regard to the question of the Committee about whether the request for the amount of funds is applied in the Republic of Macedonia, and if applicable, what are the criteria and how it is calculated<sup>55</sup>, we inform that in accordance with the existing legislation in the Republic of Macedonia, i.e. the Law on Foreigners that regulates the issue of family reunification in Article 71, a Temporary Residence Permit based on family reunification, that is, the right to family reunification is given to: “a foreigner, who is a holder of a permanent or temporary residence permit for purposes of work or a foreigner who is from the Republic of Macedonia by origin and such a permit is issued for one year, shall be granted the right of family reunification with the members of his/her close family who are foreigners.

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<sup>54</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 39.

<sup>55</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 39.

The close family members of a foreigner who have been issued a temporary residence permit in the Republic of Macedonia have the right to education, professional development, employment and self-employment, under the conditions stipulated by law. A request for issuing a temporary residence permit to the close family members may also be submitted by a foreigner who has a residence permit in the Republic of Macedonia, which request can be submitted to the Ministry of Interior.

Together with the request the foreigner is obliged to submit evidence of:

- his/hers legal residence in the Republic of Macedonia;
- the family ties;
- stable and regular resources that are sufficient for his sustenance and the sustenance of his close family members who intend to stay in the Republic of Macedonia;
- provided accommodation for his/hers close family members;
- personal health insurance, as well as health insurance for the close family; and
- certified copies of their travel documents.

With regard to the ECSR request for up-to-date information on whether the family members of the migrant worker have the independent right to stay in the territory of the country where they reside, that is, on whether they will be issued a residence permit independently of the sponsor<sup>56</sup>, we inform that Article 75 of the Law on Foreigners regulates the issue of the duration of the stay of the immediate family members of the foreigner:

„A close family member of a foreigner holding a temporary residence permit in the Republic of Macedonia shall be issued a temporary residence permit with validity of up to one year and it may be extended for the corresponding period as of the permit of the foreigner.

A close family member of a foreigner holding a permanent residence permit shall be issued a temporary residence permit with validity of up to one year and it may, under the conditions stipulated by this law, be extended until requirements for permanent residence are met.

Apart from the grounds as under paragraph 2 Article 57 of this law, the permit shall not be extended in case it is established that:

- the foreigner and his/her close family members do not cohabit in a real matrimony or family union and
- there are grounds for suspicion that the marriage with the foreigner holding a residence permit in the Republic of Macedonia or the adoption of or custody over minor children is contracted for convenience.

The Ministry of Internal Affairs may also extend the temporary residence permit of the persons in case the foreigner concerned passes away or the matrimony ceases after lasting for minimum three years on the territory of the Republic of Macedonia, as well as when especially difficult circumstances require so.“

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<sup>56</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 40.

### **Article 19§8**

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality.

For the purpose of harmonization of the national legislation with the European acquis in this area, we inform that a **new Law on Foreigners** has been adopted in 2018 (published in the “Official Gazette of the Republic of Macedonia” No.97/2018), which will enter into force after one year. The current Law on Foreigners that was adopted in 2006 will cease to be valid on the date of entry into force of the new law. The Law regulates the conditions for entry, exit and stay of foreigners in the Republic of Macedonia, as well as their rights and duties, including the issue of reunification of the family of the migrant worker who legally resides on the territory of the Republic of Macedonia.

The replies to the questions raised by the European Committee of Social Rights related to the expulsion of a migrant worker who legally resides on the territory of the Republic of Macedonia are given in accordance with the existing legislation in the country (the legislation currently in force), i.e. in accordance with the Law on Foreigners that regulates this issue.

With the question of the Committee as to whether in the case of deportation of a foreigner from the territory of the Republic of Macedonia, all aspects of the behavior of a person who is not a resident, as well as the circumstances and the duration of his/her stay on the territory of the country are taken into account when determining whether the migrant should be expelled, whether the expulsion is an automatic consequence of a prison sentence longer than one year and on the basis of which criteria it is determined that the foreigner is a threat to the public order<sup>57</sup>, we inform you about the following:

As previously stated in the Report, Article 101 of the Law on Foreigners, regulates the expulsion part, and:

#### ”Reasons for expulsion

##### *Article 101*

A foreigner may be expelled from the Republic of Macedonia if:

- s/he is sentenced to imprisonment of minimum one year;
- s/he presents a serious threat to the public order, national security or international relations of the Republic of Macedonia;
- there are serious reasons to believe that s/he committed serious crimes, especially crimes related to production and releasing narcotic drugs, psychotropic substances and precursors or there is a solid evidence of his/her intention to commit such crimes on the territory of the Republic of Macedonia;
- reasons for public health require so;
- s/he stays illegally in the Republic of Macedonia; or

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<sup>57</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 41.

- s/he commits several repeated or serious violations of the provisions of this law.

The provision of paragraph 1 indent 4 of this Article shall not apply if the foreigner's illness which is a risk to the public health occurs three months after his/her entry into the Republic of Macedonia.

In the decision-making process concerning expulsion of a foreigner from the Republic of Macedonia the length of the foreigner's stay in the Republic of Macedonia, his/her personal, economic or other relations with the Republic of Macedonia, as well as the consequences arising from such a decision affecting him/her or his/her close family members legally staying on the territory of the Republic of Macedonia shall be taken into account.

The provision as of paragraph 1, 2 and 3 of this Article does not apply for a foreigner seeking protection from the Republic of Macedonia in accordance with the Law on Asylum and Temporary Protection.“

Furthermore, the Law establishes:

“Competence for issuing a decision

*Article 103*

The Ministry of Internal Affairs shall bring a decision on expulsion of a foreigner from the Republic of Macedonia within a period of 30 days.

The decision as of paragraph 1 of this Article shall contain the time limit within which the foreigner concerned is obliged to leave the territory of the Republic of Macedonia, as well as the period of entry ban which may not be less than six months nor longer than five years.

In determining the time limit for leaving the territory of the Republic of Macedonia, the period necessary for the foreigner to obtain the required documents or financial means for leaving the Republic of Macedonia shall be taken into account.

In case of expulsion for reasons of national security, the competent authority is not obliged to explain the reasons taken into account for such a decision.

The decision as of paragraph 1 of this Article shall specify that if the foreigner does not leave the country within the specified period on a voluntary basis, s/he shall be deported from the Republic of Macedonia.

Against the decision as of paragraph 1 of this Article a foreigner has a right to lodge a complaint with the State Commission for Decision-making in Administrative Procedure and Labour Relations Procedure of the Second Instance within eight days as from the date of receipt of such a decision.“

With the regard of the request of the Committee (ECSR) for detailed information on the appeal procedures, if any, through which migrant workers and their family can appeal against decisions for their permits to be cancelled or for them to be expelled<sup>58</sup> we report on the following:

As it was already stated above in the text:

“Against the decision as of paragraph 1 of this Article a foreigner has a right to lodge a complaint with the State Commission for Decision-making in Administrative Procedure and Labour Relations Procedure of the Second Instance within eight days as from the date of receipt of such a decision.

The complaint against the decision as of a foreigner staying illegally in the Republic of Macedonia for a period of up to three months or based on a temporary residence permit for less than two years shall not have a suspension effect on such a decision.

The provision as of paragraph 7 of this Article shall not apply for a foreigner who has children staying legally on the territory of the Republic of Macedonia and cohabiting together with the principal person in a household.

The decision of the State Commission for Decision-making in Administrative Procedure and Labour Relations Procedure of the Second Instance shall be brought within 15 days from the date of lodging a complaint.

Against the decision of the State Commission for Decision-making in Administrative Procedure and Labour Relations Procedure of the Second Instance an administrative dispute may be initiated in front of a competent court in accordance with the Law on Administrative Disputes.

The measure of expulsion, the time limit for leaving the territory of the Republic of Macedonia, as well as the period of entry ban shall be entered into the foreigner’s travel document.“

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<sup>58</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 41.

## **ARTICLE 27–The right of workers with family responsibilities to equal opportunities and equal treatment**

### **Article 27§3**

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment

The Law Amending the Law on Labour Relations, published in the “Official Gazette of the Republic of Macedonia” No.129/15 changes the amount of the fines for not acting in accordance with Article 25 of the Law on Labour Relations, which regulates that the employer, when concluding an employment contract, must not require information on the family, i.e. the marital status and the family planning, that is, the submission of other documents and evidence that are not directly related to the employment relationship. Such ban also includes a ban on requesting a pregnancy test or a confirmation of such a test when concluding an employment contract with a woman worker, regardless of the job position on which the employment relationship is based.

Thus, pursuant to Article 265, a fine in the amount of 3,000 euros in denar counter-value shall be imposed on an employer-legal entity if, when concluding an employment contract, it acts contrary to the Article 25 of the Law. The responsible person in the legal entity shall be fined in the amount of 30% of the measured fine for the legal entity for the same misdemeanor, while a fine in the amount of 300 to 450 euros in denar counter-value shall be imposed on an employer – natural person.

The fines for acting contrary to Article 101 are mentioned in the answer to paragraph 8§2 of this Report.

With regard to the question of the Committee (ECSR) about whether the legal regulations are in accordance with the stated standards in terms of the compensation for pecuniary and non-pecuniary damages and whether there is a highest compensation amount for cases of illegal termination of employment relationships due to family obligations<sup>59</sup>, we inform that the existing legislation does not provide for a different treatment between persons whose employment relationship was terminated unlawfully, including the grounds for family obligations and hence no different amount of compensation is provided for such cases.

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<sup>59</sup> European Committee of Social Rights, Conclusions XX-4 (2015), Republic of Macedonia, Articles 7, 8, 16, 17, 19 and 27 of the Charter, (Council of Europe, January 2016), page 42.