



ngo group for the crc

STATE PARTY EXAMINATION OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA'S INITIAL REPORT ON THE OPSC

54TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

25 MAY – 11 JUNE 2010

Topics covered in this report: General Measures Implementation, Prevention, Protection of the Rights of Victims and Legal Provisions.

The Former Yugoslav Republic of Macedonia ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (OPSC) on 17th October 2003. On May 28th 2010, the Committee on the Rights of the Child (the Committee) examined the former Yugoslav Republic of Macedonia's initial report.

Opening Comments

The head of delegation, HE Djeljalj Bajrami, Minister of Labour and Social Policy, highlighted three key areas where the government had made progress in implementing the provisions of the OPSC. He referred firstly to the 2009-2011 prevention strategy adopted in 2008, which had seen the transformation from a police model of acting to a model compatible with European Standards. Police officers were appointed and trained to work in areas such as child internet pornography, trafficking and paedophilia. The second notable area of progress was the National Action Plan's focus on sexual abuse and paedophilia. Measures adopted to implement this plan included the introduction of call centres, as well as extensive research and data collection. The third area comprised amendments to the Law on Family (2008). The amendments included a new chapter on the victims of trafficking, which defined measures to be taken to care for these children.

In detailing the areas of improvement outlined in the state report, the Minister admitted the government faced great challenges in implementing the provisions of the OPSC, notably the dangers posed by the internet on children, protecting vulnerable groups from abuse and exploitation and making the necessary amendments to its legislative system. The Minister also stated that despite the signs of progress outlined above, the state had plenty of room for improvement in order to fully meet the requirements of the Optional Protocol, such as co-operating with NGOs and wider civil society including children, and strengthening the capacity and efficiency of the government's protection measures. The Minister informed the Committee that the provisions of the OPSC had been incorporated into domestic legislation.

Mr Puras, the Country Rapporteur for the OPSC, did not make any opening remarks but played a leading role in the dialogue during the session.

General Measures of Implementation

Co-ordination

The Committee enquired about the number of Ministries involved in the implementation process. It was concerned this could be problematic and asked for further information on the co-ordination process. The delegation responded that a number of bodies had been established to implement the work of the National Commission for the Rights of the Child. These bodies included a national co-ordination body on the implementation of the Optional Protocol and sexual abuse programmes, a body on the protection of children against internet abuse, and a national council on juvenile delinquency. The delegation stated, “the establishment of these various bodies shows the commitment of our government to implement the occurrence under each issue”.

The Committee acknowledged the various bodies established, but sought clarification on how these bodies were co-ordinated and secondly the actions taken by the government on, “how to stop these issues falling through the crack”. The delegation stated upon the establishment of each body, a co-ordinator was appointed and the co-ordinators for all the bodies worked together to ensure effective implementation. A Secretary-General was appointed to oversee the entire co-ordination process.

Collaboration with civil society

The Committee enquired further about NGO participation and general co-operation between the Government and the NGOs and wider civil society. They were concerned that NGOs had not been fully involved in the preparation of this report, stating “they should sit down with the state when they are writing the report”. The delegation said the NGOs were involved in the preparation of the initial report on the CRC, but not for the second report or the initial reports for the OPs. The delegation acknowledged this, stating “we must though take into considerations their opinions and we will try and improve this in the future”. Furthermore, they acknowledged that children were not involved in the reporting process and said they would address this and consult their views for future reporting.

Prevention

Preventative measures for vulnerable groups

In response to the Committee’s concerns about the various vulnerable groups at high risk (such as children living in the street, Roma children and children in institutions), the delegation outlined measures to protect these groups. They talked about the Law on Social Protection, which highlighted the requirement of social service centre teams to act preventively and their responsibility to visit families at risk twice per year. The delegation outlined other preventative measures, such as how they were promoting a new counselling centre for children of families at risk, focussing on abused children. The centre was equipped and was not yet open.

The delegation elaborated on their programmes to raise awareness of sexual abuse and paedophilia to children as a preventative measure stating that in accordance with the 2009-2012 Action Plan for Prevention and Prosecution of Sexual Abuse of Children and Paedophilia, they had prepared a Protocol on education on sexual abuse. There was a special programme which was already distributed to primary schools in conjunction with an NGO. A guidebook had been prepared on recognising sexual abuse and paedophilia. The guidebook had yet to be distributed as preparations were being finalised.

The role of the media

The Committee enquired about the measures taken to protect children from inappropriate practises by the media, such as disclosure of victims. The delegation agreed with the Committee’s notion of the importance of ensuring the media acts responsibly, adding the media had an important role to play in children’s rights both in raising awareness of abuse, but

importantly acting in a responsible and ethical manor when reporting on such violations. The delegation described how they involved the media in various activities and campaigns and furthermore how the journalists themselves, with the help of NGOs, had prepared a code of conduct on reporting on cases of sexual abuse and paedophilia.

Protection on the internet

The Committee asked about the measures being taken to tackle the dangers of the internet to children and if a body was responsible for overseeing these measures. The delegation responded the Ministry of education and Science and Ministry of Information were preparing a software programme that will be part of the computer based curricular, which will focus on protection against harmful contents.

Protection of the Rights of Victims

Child helpline

The delegation outlined how a child helpline was operated by NGOs, and every year they supported a project for children whether it was the SOS helpline or another project. NGOs had the right to apply for funding from a budget allocated by the government specifically for these projects. The Committee expressed concern over the application process adding, “I sincerely hope that child protection was not a project based approach. I do hope that it was a systematic approach, not where NGOs compete for funding”.

Social services centres

The Committee asked for further clarification on the role and capacity of the social service centres, particularly whether they had adequate funding and could respond to the immediate needs of children. The delegation responded that in addition to regular employees, the centres had mobile teams working through the night. The delegation defended the centres, firmly stating they had the capacity.

Abuse in the family

In response to the Committee’s question about the measures taken when a child was exposed to incest from close relatives, the delegation said the Ministry was informed immediately. The prosecution bodies in turn dealt with the perpetrator and the social service centres implemented measures to monitor the family situation. If the perpetrator had not been taken by prosecution bodies, the child may be referred to foster families and these would be trained specifically in providing assistance to victims of incest. The government had also established mobile teams in order to prevent the further victimisation of the child during the criminal procedure. These teams were available 24 hours.

Sex Tourism

The Committee asked whether the state had identified cases of sex tourism, to which the delegation responded, “we do not have a single reported case of sexual tourism”.

Legal Provisions

Legislation

The Committee commended efforts to adopt the definition and provisions of the Optional Protocol into domestic legislation, but still had some questions and areas of concern. On the subject of illegal adoption, it wanted to know what the law implied with regards to intermediary persons in the process and whether they were punishable by law. The delegation responded that it could be considered part of their legislation. This can be seen in the more general provision.

The delegation also addressed the Committee’s question with regards to the legislation on the

perpetrators of trafficking. The delegation stated the acts of trafficking of minors, which amounts to exploitation, forced marriages and illegal adoptions, were all included in domestic law. They continued by stating incitement or tricking children into prostitution were also illegal acts.

A further area of discussion surrounding the legislative system included the possession of child pornography. The delegation explained they had incorporated a newly introduced article into the criminal code which referred to persons who produced pornographic material for distribution. The Committee wanted clarification on whether it was punishable by law for persons using pornography for personal use. The delegation read out their legal text on this issue stating there must be a causal link between obtaining and distribution.

Concluding Remarks

The Country Rapporteur said the Committee would provide recommendations on measures to be adopted in the coming years in the areas of legislation, prevention, data collection and other key issues that had arisen through this session. Whilst clear progress had been made on this Optional Protocol, much more needed to be done to fill existing gaps, particularly in the areas concerning rehabilitation assistance to victims and prevention measures. He urged the government to work in closer co-operation with NGOs, particularly to ensure sustainability of the helpline and other services run by NGOs.

The delegation expressed their appreciation for the commendable words from the Committee on the measures they had adopted to implement the CRC and the two Protocols. It further stated they hoped that the Concluding Observations would be helpful for their country and said they would be fully committed to implementing them.