The implementation of the Convention on the rights of the child in Republic of Macedonia

Periodic Shadow Report

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Introduction

Political and economic background of the reporting country

Republic of Macedonia is a small multiethnic country in the Balkans, with a population of roughly 2.000.000 and a GDP of US $ 2980\(^1\) per capita. About 2/3 of the people are Macedonians, and 1/3 are of Albanian and other ethnic origin. 46% of the Macedonian families live on the low household budgets, with unemployment rate increases up to 32%.

The seventeen years following Macedonia’s acquisition of independence have been marked by wars, refugee crises and sudden changes in the political, economic and social areas of life. All this has led to a sharp rise in the rate of unemployment, corruption, exhaustion of the national resources, and has seriously compromised the protection of the rights and wellbeing of Macedonian children and youth. The interethnic armed conflict of 2001 increased the tensions even further, bringing fear and mistrust among the people, particularly in the multicultural areas where all institutions, including the schools, are multiethnic. These are the circumstances for a whole generation of young people brought up in conditions of high risk – of poverty, conflicts, in between reforms of the weak system care and protection.

Reporting institution information - Centre for Psychosocial and Crisis Action

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**Short CPCA- IDYCI history and mission**

The Centre for Psychosocial and Crisis Action (CPCA) was formed in 1999, in response to the need of expert and organized delivery of psychosocial assistance and support to individuals, groups and organizations affected by the conflicts and prolonged transitions in the society, primarily to children and young people, but also to families, schools and

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\(^1\) This information is provided by the State Statistical Office for 2008, with decrease in the gross domestic product (GDP) of 1.4% in the second quarter of 2009.
During the wars in the region, CPCA organized professionals, students and volunteers in actions to help and support refugee children and families, as well as schools affected by the conflict. The CPCA works together with national, regional and international organizations and institutions, exploring children’s and young people’s role and position in the society. By developing concepts and strategies for better conditions and expanded opportunities for young people in times of transition, the CPCA initiates actions to promote children’s rights on safety, non-discrimination, participation and continuing education.

The overall objectives of CPCA are twofold:

A. To assist communities, organizations, and individuals in Macedonia and in the region in dealing with the consequences of rapid and adverse community change; and,

B. To proactively develop, nourish and strengthen innovative approaches of health and community promotion, based on citizen’, particularly children and youth participation - with respect to policy reform, political transformation and democratic institution-building.

Additionally, by immediately and respectfully incorporating children and youth into school and community actions, the Center began its development of the child-based model of political change. That model is central to CPCA’ current projects and central to its core vision of growing healthy, engaged children and youth who will become the citizen leaders of democratic societies of the future.

In order to provide more sustainable conditions for the development of its model, the Center created The Institute for the Development of Youth Culture and Initiatives (IDYCI), with a mission to create sustainable conditions for young people’s participation, by exploring all the possibilities and providing encouragements for the community to accept the new role of the youth in the changes taking place in the society, and to significantly increase their impact on decision makers and policies related to young people.

The purpose and objectives of the Report

The purpose of this Report is to analyze the Macedonian institutions capacity (legislation, policy and practice) to undertake children’ rights protection and promotion issues efficiently. Thus, the main objectives of the report will be to identify major obstacles, gaps and biases that prevent the implementation of the Rights of a Child in practice, despite the assigned agreements, declarations and conventions, as well as the undertaken reforms, in the field.

In achieving this aim, the Report will remain within the frame of the two basic fields of analysis:
1. General measures of implementation (Articles 4, 42, 44, 6)
2. General principles (Articles 2, 3, 6, 12)

In addition, the concrete examples referring to other articles of the Conventions will be utilized as argumentation to the review of the general measures of implementation, discussed in the Report.

**Report resources**

In our analysis we used three major sources of information. First source is comprised by the relevant reform documents (strategies and action plans) published by the Republic of Macedonia. Second group of sources is comprised by secondary analytical documents. Third source is based on semi-formal information provided by relevant non-governmental groups.
Implementation of the Convention on the Rights of the Child in R. Macedonia

Legislation

In Macedonia, children’s rights and social protection measures are articulated and addressed in the following documents:

- Constitution;
- Declaration on the Protection of Children from Political Manipulation and Abuse;
- Declaration of the Parliament for the Protection of the Rights of a Child (CRC);
- Law for the ratification of the Optional Protocol to the CRC Convention on the involvement of children in armed conflicts;
- Law for the ratification of the Optional Protocol to the CRC on the sale of Children, Child Prostitution and Child Pornography;
- Family Code;
- Labour Code;
- Law on Social Protection;
- Law for Child Protection

Since 2000, after the first Macedonian Initial Report on Children Rights and UN Committee recommendations at its defense, most of the changes in the Macedonian legislation related to social protection in general and child protection in particular are initiated and follow the course of harmonization of the national with the European legislation. The initial, most significant changes towards legislative harmonization and reforms in child protection relate to Law on Social Protection (LSP) 2004, predominantly in extending the alternative forms of social protection to the other user groups, such as children with special needs, street children, abused children, and so on, in addition to elderly and disabled people, and in initiating the process of decentralization in social protection. Finally, the reform is aimed towards introduction of the principle of pluralism by way of legislative recognition of the civil society associations and individuals as service providers and partners to the government in the delivery of social services.

However, within the Ministry of Labor and Social Policy (MoLSP) and other relevant institutions, the harmonization with the European legislation has not been limited to social nor child protection only. The harmonization has rather been carried out in various domains—labor, social protection, social insurance, social dialogue and work protection—thus going towards too wide and nonspecific field of operation, while missing to recognize the child as unique entity, with specific rights.
The Law on Child Protection (LCP) and the Law on Family (FL) are the two laws that declare the following Convention’s general principles: the article 2, on nondiscrimination, the article 3, relating to the best interest of a child, and article 12, concerning the child rights to make their views listened to.

*The Law on Child Protection is, however, mostly focused on the “prescribed right of the child to receive child allowance” underpinning the assumption that the protection of children is achieved through the dispersion of child allowances or through other forms of financial assistance to families. Along to the right of the child to various kinds of allowances, the LCP discusses the setting, organization and regulation of the child care institutions (kindergartens, day care-centers, recreation facilities etc.), rather than providing a comprehensive framework for child protection which focuses on children’s rights-related needs in the context they live in. Compliant to the legislation, children are only indirectly targeted by the national policies and strategies for social care. They show up as secondary beneficiaries, treated merely as part of their families or institutions taking care of them, i.e., solely throughout the category of vulnerability they belong to (provided they had been registered as such).*

The principle of the best interest of the child has been incorporated in the Law on Family stating: “…the child has the right to be supported by his/her parents, to be taken care of, to have life and health protected…” The principle on the respect for the views of the child has been covered by the same Law (amended in 2004) addressing solely children showing before the court. This article states, “…the procedure of adoption of a child over twelve years of age requires consent of the child…”

*However, these principles are rarely recognized and elaborated further in regulation of the actual policy and administrative practice, which also need to be “children rights based”. These principles do not refer to all children, nor do they enjoy superiority over the norms of the old domestic laws, which often happen to contradict them.*

*For example: The only category of children for which there is a legislative regulation mandating obligatory respect of child’s opinion is the category of child without parents and parental care. Another example is that of the amended article in the Law on Family where the child and its right to keep in contact with his (divorced) parent is used as an instrument for pressuring the parent to keep the obligation of his/her monthly payments for the child living cost, which we found contradicting with the best interest of the child. “The Center for Social Work has the authority to legally restrict the rights of a parent to contact his or her child, if the parent owes more than three months of child support” (Law on Family). An example of multiple violation of the right on non-discrimination was*
the recent government natal policy measure regarding financial support of mothers who give birth to more than one child, by increasing the allowance for each next child, but only in the regions with low birth rate. Examples of violation of the articles 3 and 6 of the Convention regard children who are not registered, due to the lack of evidence on children who were not born in hospitals, or due to the complex procedures of registration, which are difficult to follow by certain groups… There are, as well, children who do not attend, or who prematurely abandon the school, or children on the street, or those whose parents do not possess documents, or are not registered for social support, or do not have Macedonian citizenship. All these children, whose number is coming close to 20,000 (approx. estimation), remain out of the system; they know nothing about and can not realize their basic rights. Under such conditions, their protection, and also their development and their right of survival (article 6) become compromised.

The recurrent changes and amendments of the existing laws (Law on Social Protection, Family Law, and Law on Child Protection), as well as the changes in the regulatory documents, are often introduced partially, and by means of external influences of international organizations (ex. UNICEF, through projects, such as, early childhood development, child friendly school, strategy on de-institutionalization, child poverty study, etc.), other key reform projects (SPIL, USAID, WB, EAR), or as part of requirements for harmonization of the Macedonian with the European legislation.

However, none of this initiatives and projects has proper finalizations, mostly due to the lack of the previously established national body to monitor and evaluate the various projects implementation, carried on in cooperation, and under the obligation of the Project State’s counterpart, which role is to harmonize projects’ outcomes and good practices with ongoing ever-changing conditions and priority needs. The lack of continual monitoring and evaluation practice at national level, actually creates opposite condition of, non-obligatory, non-participatory partnership among the two or more parties, which in addition to the non-existence of a single comprehensive, legal framework to guide the development of a child protection based on the rights of the child, has been limiting rather than encouraging the positive initiatives and practices.

On the other hand, in the absence of a single comprehensive, legal framework, the amendments to the existing laws often follow the traditional norms and standards, which continue to utilize punitive, defensive and top down attitudes and rhetoric, rather than stimulating, pro-active and participative ones. In the same traditional manner, the dominant role of the State to continually place the high requests before “the other” (mainly the family, local community, or NGO’s) while avoiding its own responsibility for the reforms regarding children and youth rights and protection, remains unaffected.
Instead of introducing more efficient, long-term and transparent and easy-to-follow measures, the State left the field of children’s rights fragmented and optional for the duty carriers.

The exclusion from such state of affairs, which actually proves the necessity for an entirely new approach to legislative, policy and practice, is the new positive Law on Juvenile Justice, of July 2007\(^2\), where more democratic, collaborative and supporting attitude towards children is provided, regardless whether they are recognized as victims, or perpetrators of a crime. Despite few delays, and still missing conditions for its full implementations (protocols, human and financial resources, and cross-sectoral collaboration), the law became active on January, 2009.\(^3\)

**Conclusion:** Despite the legal reforms and increased awareness on children’s rights in the administrative policy and practice, the reformed legislation is still far from being essentially consolidated with the Convention. The same disparity exists among various sectors regulating the complex field of child protection and promotion. This is mainly due to the fragmentation of the field in various laws, some of which only indirectly refer to the child (LSP, FL). One of the main obstacles to successful reform is the lack of comprehensive, integrating legal framework, which will stimulate the reforms through upgrading or amending the norms of domestic law, in the way that will oblige participatory and process oriented, children’s rights based regulation of the field. Only such framework will stimulate the legal reforms towards critical changes, rather than perpetuating the intermittent and sporadic interventions in the old laws, which still remain fragmented and deeply rooted in the traditional norms, where there is no place for a child.

**Administrative measures (strategies, programs, and action plans)**

The basis of all activities that the Republic of Macedonia undertakes in order to improve the state of child’s rights in Macedonia is the National Action Plan that was adopted in March 2006, with goals reaching to 2015. According to the Second Periodic Report on the Convention on the Rights of the Child, the National Plan “encapsulates all tasks and goals” that the Republic of Macedonia has decided to undertake in regard to children rights, and it relies heavily on principles of equality, accessibility, quality, and efficiency. It is declaratively based on the principles of non-discrimination, child’s best interest and participation of children. There are, however, some important impediments regarding this document.

\(^2\) Low on Juvenile Justice - Official Gazette No. 87 / 07
\(^3\) Ibid.
The major obstacle, as pointed by the Ministry of Labor and Social Policy (MoLSP) members of the Steering group (Bornarova, 2007) is that this plan is not a result of the joint planning effort of the MoLSP and relevant stakeholders and thus, it is not considered as a document that has substantially guided planning and decision making, nor has power to affect critical change in child rights protection.

Furthermore, the content analysis of this fundamental national document regarding children rights in RM shows that there is blurring of the boundaries between “Strategy” and “Action Plan” within the very same document. It collapses the levels of strategy and action, which creates confusion when it comes to practical implications. In short, the following are the most relevant omissions within the Action Plan: There is a lack of a developmental component (a time-table) when it comes to the strategic goals. That is, there is no information in the documents that indicates how one goal builds up on the previous one, in stages. There is lack of operationalized or operationalizable step-by-step plan of meeting the goals. We are also concerned that in the section of strategic goals given by the Ministry of Law, disproportionate place is given to the changes in the juvenile law (notwithstanding its importance), but as it seems, at the expense of more detailed mentioning and elaboration of strategic legal reforms in the realm of children rights, in general, and for other vulnerable groups of children, in particular.

Consequently, the indicators are very general and arbitrary. In the realm of health protection the goals and indicators are especially general, and extremely difficult to connect to practice, as one would expect on the basis of a plan of action. Or, in the realm of youth participation we find arbitrary concrete numbers of sport facilities, or playgrounds, that have to be established by certain deadline, without explanation how the numbers are developed and relevant. Finally, there are no developmentally determined indicators, which will follow, monitor and evaluate the effects of each phase separately.

In a similar vein, the sections on budgeting under each separate cluster of goals are not specific. Typically, under each section on budgeting, the budget of Republic of Macedonia is referred to. We believe that each step within the Action

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Plan should be defined with budgetary analysis that enables clear identification of the amount and proportion of money to be spent on children at all levels.

In the Action Plan there are no explicitly elaborated mechanisms for monitoring of the implementation. It has been four years after the adoption of the Action Plan and we still are not aware of any relevant and transparent information or public report that shows how and under which circumstances the goals of the Action Plan have been implemented. However, based on anecdotic and experiential evidence, we are aware that many of the proposed goals have not been met.

For example, in the section on the children rights and education, the Action Plan lays out that all of the preschool and school institutions should build their capacities in order to allow for children and youth with special needs full inclusion within the educational system. The situation in practice, per focus group of parents of children with special needs that live in Skopje, is far from what is envisioned with the plan, which illustrates the typical significant gap that exists between the laws adopted to promote and protect the rights of the child and the practical application of those laws (see figure 1).

Furthermore, besides the existence of the National Plan that addresses the rights of the child in Republic of Macedonia, there is yet no comprehensive Strategy for child protection in the country. Again, the child protection in Macedonia is characterized by fragmentation and no connectedness of policies, both in terms of policy development and implementation. This again, characterizes Macedonian system of child protection as a system which is not integrated enough, and subsequently not based on unified policies to be eligible and convenient for local implementation depending on the local circumstances.

In the domain of strategic documents only few are truly relevant to the child protection reform in Republic of Macedonia. These include Strategy for Deinstitutionalization (2008-2018), National Strategy for Family Violence (2008-2011) and the Implementation Program of Social protection (2009), with the last two only indirectly targeting the child, that is, only as a family member.

Recognized as urgent, the most researched and evaluated field, the deinstitutionalization of high-risk children without parental care in Macedonia, took a long history of operation.

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5Bornarova, S., 2007. Child Care System Reform. FYR Macedonia Country Assessment. UNICEF.
Example on discrimination of children with special needs in regard to their basic right to education (Article 23):

During the year of 2008 and the beginning of 2009, support group of parents of children with special needs, From Parent to Parent, gathered once a month and discussed the difficulties they have been facing with the system.

A major problem that parents emphasized is the difficulty they have with enrolling and keeping their child in the school system, even if their child has been assessed as eligible for inclusion in a regular class. While the Law on Education mandates inclusion of children in a regular elementary school, according to concerned parents’ experience, primary schools in Macedonia do not have the basic human and technical resources to put this prescription to practice.

Teachers already have responsibility for too many pupils and, expectedly, feel overwhelmed by the additional responsibilities with the pupils with special needs. In addition, there is no special team (which includes speech and occupational therapist) in any of the primary schools in Macedonia, which should help in preparation and carrying out of an individualized educational program for each included child with special needs.

Thus, the small number of children with special educational needs that are included in the system are only physically and formally included, while fundamentally and actually they are fully marginalized without having their educational needs met. In such situation, most of the parents, unsatisfied by the treatment of their children in the schools, have been forced to change to up to 5-6 schools in one year, or remove their child from the school and to search for another more supporting educational environment.

In the experience of the parents, there is virtually no school that lives up to the role of inclusion of children with special needs in Macedonia; if there is some success, it is not systemic and regular, but it is based on an extraordinary effort of an individual teacher.

The conclusion is that while the law regulates inclusion of children with developmental difficulties in regular primary schools exists, it is not realized in practice, due to lack of organizational, human, and technical training and support.

Various assessment projects, with recommendations and action plans, most of them run by UNICEF Office in Skopje during the last 10 years, did not bring the expected results in creating more efficient solution for children living in institutions (despite the clear evidence on institutions’ negative role in the child safe and healthy upbringing). We believe that the main obstacle to actual closure and transformation of the nine home-institutions for children at high risk (orphans, neglected, heavily disabled, or delinquent) is the lack of harmonized legislation with the Convention and lack of protocols among all relevant parties and sectors involved. It is difficult, for example, to justify the reality of institution with near100 orphan children (age 0-3), in a presence of much greater number of qualified couples waiting, up to four years, to adopt a child.

The several examples of documents, whose recommendations have not yet been included as a part of the National Action plan, clearly show this state of affair:

The Poverty Reduction Strategy (2002)⁹ is a document that generally (as it is not exclusively child-focused, but indirectly deals with child poverty) points out areas for future actions regarding poverty reduction in the Country. However, no concrete

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implementation is linked to the objectives of this Strategy, as it was not operationalized in the Action Plan. Related to this are the recommendations from the UNICEF Child Poverty Study (2007) Report Overview which have not been taken in consideration by the National Action Plan. One of the general recommendations stressed in the Report was that, “Government efforts must be sensitive to interplays between policy, changing socio-economic conditions and changing social patterns”. In addition, it states that, “ensuring good quality, up-to-date, evidence based data to inform policy development and program adjustments is critical…. Policies and programs and the action plans that are designed to implement them must be straightforward….must survive changes in Government and political leadership, and must cut across partisan, social and ethnic lines” (p. 29).

The National Strategy for Equalization of the Rights of Persons with Disabilities in R. Macedonia (2001) is another document that does not target children alone. The Strategy outlines the conditions and the roles of all relevant stakeholders within the system of social protection, education, and rehabilitation of persons with disabilities in several domains, although there is no evidence based on which this Strategy can be related to particular legislation changes (Government of Republic of Macedonia, 2001).

The analysis of the strategic development per user groups shows that majority is related to children in trafficking. An Action Plan for combating Trafficking in Children was adopted by the Government of Republic of Macedonia in March 2006. The key objectives set within the Action Plan, however, are quite general, and exigent to measure. The very same criticism – lack of operationalizable steps and indicators that are easy to monitor – could be applied practically to all Actions Plans relevant to child protection.

**Conclusion:** We may conclude that in Republic of Macedonia there have been several administrative and strategic measures undertaken, with the National Action Plan on Children Rights Provision being at the moment of the major relevance. However, this Action Plan has not affected changes in any of the areas of child protection yet. This is the case, first, because the Action Plan has been created without connection with and input from the relevant stakeholders, including MoLSP, and, second, because of the missing monitoring mechanisms, as well as transparency measures in the work of the national committee, which seems to be invisible. There is also a lack of a National Strategy Framework for child protection which would be child focused, consistent,

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accessible, and easy to understand and follow. Instead of addressing children and their rights directly, through a clear framework for comprehensive protection, child rights issues have been dispersed throughout a range of regulations. This results in the current situation where children’s rights and enforcement mechanisms are diluted within a complex network of legislation and policy. Generally speaking, child rights related legislation lack cohesion and strategic focus. This state of affair further contributes to the fragmentation of the field, both in terms of policy development and implementation, relying on the Strategies that are for relevance for the child protection only indirectly.

Organizational structure and mechanisms of implementations
(social protection departments, sectors, inter-ministerial committee, parliamentarian and other commissions, ombudsman and gate keeping mechanisms.)

Under slowed down reforms and lack of comprehensive legal framework for development of a national strategy on child protection, the State remains basic provider of the social protection and of the conditions for its implementation. The State, through the Ministry of Labour and Social Policy (MoLSP), establishes the system of social protection, facilitates its functioning, provides conditions for implementation of the social protection activities (including child protection) and develops forms of self-help (Law on Social Protection (LSP), - 2006). Each year, the MoLSP prepares annual programmes for implementation of the social protection activities and budget planning. Within these programmes, the areas of social protection, the specific population needs in the recognised areas, as well as the ways and modalities for implementation of the social protection, are identified.

However, the policy making regarding social protection of children is not subject of a single unit, but fragmented under many. Three of the 10 Departments in the MoLSP are involved in different capacities in policy making and planning of the child protection: the Department for Social Protection, the Department for Child Protection and the Department for Equal Opportunities. Furthermore, under the Department for Social Protection, there are 6 units overall; child protection is scattered throughout these units, which do not cover a child exclusively (see figure 2)

Macedonian institutions, their organization, capacity and mandates for children rights, show that the above mentioned fragmentation in the child protection system on a policy level corresponds to similar fragmentation and limits on the implementation level. Within the child protection system, there are no specialized departments in the relevant institutions, like the MoLSP and CSWs that would deal specifically with planning and addressing problems of children at risk. Instead, planning and decision-making regarding child protection is fragmented under the responsibility of several departments within the MoLSP. One evidence
for the existing fragmentation is the Department for Child Protection, which deals only with the rights to family and child allowances, and assistance to newborns. This Department is also accountable for the kindergartens and organization of measures for rest and recreation of children. This fragmentation of the responsibility for child protection under diverse departments, rather than integrally within one department that would address the social protection of children more comprehensively, parallels the equal fragmentation in planning and policy making (as mentioned above).

Description of the governance system at the national level

Within the MoLSP there are 10 Departments and 3 Commissions (Commission for Adoption, Commission for Co-operation with the NGO Sector, National Commission for Combating Human Trafficking and Illegal Migration).

Three of the 10 Departments are involved in different capacities in policy making and planning of the child protection: the Department for Social Protection, the Department for Child Protection and the Department for Equal Opportunities.

The Department for Social Protection is in charge for planning and decision-making regarding the measures of prevention, non-residential and residential forms of protection and the right to social assistance (for the population in general and children in particular). Under the Department for Social Protection, there are 6 units overall:

1. The Unit for Social and Legal Protection;
2. The Unit for Protection and Placement of Disabled People, Employment of Disabled People and Protection of Persons with Social Problems and Elderly;
3. The Unit for Protection and Placement of People with Development Disabilities, Placement of Refugees and Asylum Seekers;
4. The Unit for Provision of Rights to Social Protection; and
5. The Unit for Public and Private Institutions for Social Protection;
6. The Unit for Protection and Placement of Socially Excluded.

The Unit for Social and Legal Protection covers children without parents and parental care, while the protection of children with disabilities and children in conflict with the law is responsibility of the Unit for Protection and Placement of People with Development Disabilities. The Unit for Protection and Placement of Socially Excluded is accountable for children living in poverty and children victims of family violence.

The Unit for Gender Equality within the Department for Equal Opportunities is in charge of the protection of children victims of trafficking. Within the Department for Child Protection the protection of children and families is effectuated through the rights to child supplement, special supplement and assistance for newborns.

One of the 10 Departments of the MoLSP is the Department for Social Inspection that is in charge of supervising the legitimacy of the work of the Centres for Social Work (CSWs), social institutions and other legal entities and individuals engaged in social service provision.

For example: The sector for child protection of MoLSP is tasked with administration and oversight of various governmental programs which protect certain rights; these include: child bonus payments, special bonus payments, dispensing supplies for newborns, participation, housing, child-care and education, physical activities and recreation, and oversight of the demographic statistics.

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According to the Law on Social Protection, 2006, the Institute for Social Activities (ISA) is a research and development institution of the MoLSP. “Its mandate is to: follow and analyse social phenomena and problems in the domains of social protection and social work, encourage and develop research activities, propose and implement advancement measures, organise and deliver training to professional staff from social protection institutions, provide professional assistance to their staff… prepare standards and norms for personnel and their professional work, carry out supervision over the professional work in the social protection institutions, conduct statistical procession of data from the evidence kept by these institutions, establish professional and scientific collaboration with individuals and institutions in the country and abroad and engage in publishing …”

In fact ISA is administrative unit of the MoLSP, with insufficient and not adequately specialised staff to carry on all the duties mentioned above. With no autonomy in decision making, and with low research capacity (human, as well as technical), its monitoring and evaluation is formalized to such extent that it can not help the realization of the major reforms in social protection, nor help to unify and enhance the child protection. At this moment the strategy building institution and programs based on children rights provision, are critically missing.

27 Centers for Social Works (CSW) dispersed throughout the country, with a mandate for policy implementation of social (and child) protection, deal specifically with planning and addressing the problems of children at risk.

From one side centralized, and the other highly fragmented in structure, organization and management, MoLSP affects the work of the CSWs. The problems are enhanced by the fact that CSWs, also lack staff, particularly specialized to work on specific issues of interest to children in regard to child protection in variety of contexts, where no unified standards and protocols for inter-sectoral cooperation, exist. The CSWs still operate using the traditional case work approach to practice, with little of an outreach work taking place; these institutions lack reforms directed towards case management, and lack continuing education of the staff which will help them adopt new and up-to-date approaches in practice.

Human Resources and Institutional Capacity Building - Institute for Social Activities (ISA) is mandated to take an important lead role in all personnel issues (training, regulation, etc.) in the sector for social protection in RM.

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13 Law on Social Protection, 2006
However, the training is usually based on the formalized Rulebooks and Methodological Instructions for professional work with particular user groups. The training rarely goes beyond training for actual implementation in practice of the Rulebooks and the Methodological Instructions.

Other kind of training for professional work with different user groups is most often financially supported by UNICEF or other external organizations. Irrespective of the fact that there is some training in place, there are some major training gaps pointed out by the representatives of the MoLSP (Bornarova, 2007), where further training efforts should be directed.

With the reforms in the domain of transferring professional work with the victims of family violence to the Centers for Social Work, there is an evident need for capacity building of the personnel for professional work with this category of children. Training in advanced professional work with children without parents and parental care is also considered necessary.

CSWs, together with relatively small number of NGO’s “assisting” in service delivery, are direct executors of overall social protection addressing all target groups in Macedonia, including children. Within fragmented field of operation, uncontrolled workload, and severe understaffing, due to the problem of continuing transfer of new responsibilities and tasks from the “Centre”, it is difficult to expect high efficiency in social and child protection, from the Centers for Social Work. As result, the CSWs in Macedonia fail to live up to the minimum requirement concerning personnel and expertise. Subsequently, the lack of personnel adversely affects the professional work and entails inability to provide for the quality of services. (Bornarova, 2007)

In addition to their traditional focus on professional work, child protection reforms entailed transfer of new responsibilities to CSWs (for example, family violence, victims of trafficking, and child related family supplements), which were not accompanied by the enhancement of CSWs with additional human resources in terms of staff and specialization.

Another example is the administration of the financial supplements for child’s rights (child supplement, special supplement, and assistance for newborns), which in 2004, with the dismantling of the regional units of the MoLSP, was transferred to the CSWs. Transferring additional responsibilities related to financial allowances is by nature conflicting with the determination to enhance professional work within CSWs, and this may affect the course of the reorganization and reforms of the CSWs in the near future.
Most of the reform changes relate to organization and work within the CSWs, but no reform focuses on them. For example, there is no separate budget to finance continuing education of staff employed either at the MoLSP or at the local level within CSWs and social institutions. Furthermore, the activities regarding staff training and continuing education in up to date working approaches (i.e. case management, instead of the still used “case work” approach) are scarce. There is an urgent need to reorganize CSWs in a way that would enhance existing capacities and upgrade approaches in social work practice.

One challenge in terms of reorganization of the CSW are possible changes of their status as public institutions with public jurisdiction, through transferring the juridical functions to the courts, which at present has been regulated through the law, but has faced difficulties in implementation.

In addition, up to date there are only 20 Day Care Centres (DCCs) - for disabled children, for substance abusers, and for children on the streets in Macedonia. For more efficient service delivery to the users these centers are created as part of the Service Delivery Programs for the vulnerable group, supported by and in cooperation with the MoLSP.

 However, the DCCs are understaffed, while the employment status of the employees in the DCCs to be regulated by the MoLSP, is still under question.

Coordination, cross-sectoral cooperation - Despite the fact that the decentralization and democratic processes are taking place in the country, the decision making regarding issues of various importance, and particularly those related to the expenditure of the Government funds, is still top down, with low, if any, consultation with the base. Thus, carrying on a key reform and/or urgent interventions depend directly on the priority needs of “those in power,” while they should be grounded in wider discussions and dialogues among the relevant stakeholders, based on field assessment, evidence of good practices, and transparent decision making procedures. As result, the child protection reforms often get partial, superficial, or uneasy to follow solutions to its realization.

Further analyses show that there are no existing official protocols to regulate and specify collaboration between relevant stakeholders. Specifically, there are no official inter-ministerial protocols in place to regulate cross-sectoral cooperation at national level. In addition, we find similar situation in terms of cross-sectoral cooperation on local level. For example, Centers for Social Work (CSWs) cooperate with other devolved bodies representing relevant ministries (local medical centers, special and mainstream schools, etc.) mostly associated with the implementation of the relevant laws. But, there are
neither official memorandums of collaboration nor protocols in place to regulate their cooperation more efficiently and precisely, in terms of exact roles and responsibilities of the stakeholders. At present, only the Protocol establishing official lines of communication among relevant Ministries regarding protection of victims of violence is under preparation.

The exclusion of this state of affairs is the new regulations of still modest cooperation with the selected NGOs.

Gate-keeping mechanisms are still weak and too centralized. Gate-keeping at local level is non-existent since the regulation of the social inspection, standardization of services and licensing takes place at the central level. According to the UNICEF Country Report on Child Protection (2007), the social inspection was legally regulated in 2005, while the Department for Social Inspection started functioning in 2007. The process of standardization in social work is however still delayed as the development of the standards for CSWs service functioning is still on the go. Licensing is currently a responsibility of the MoLSP, although the new Law on Social Protection anticipates establishment of a Chamber for Social Activities that would fully take over licensing from the MoLSP.

In 2003 the Ombudsman requested the amendments of the Law on Ombudsman suggesting foreseeing of the special jurisdiction of the Ombudsman to provide protection of the children rights; election of the Deputy Ombudsman for protection of children rights by the parliament and foreseeing of the law obligation for constitution of the separate Department for Protection of the Rights of Children. The Ombudsman also suggested legal possibilities for children to may lodge a complaint autonomously, as any other person who has information about violated rights of the child. Finally, one of the seven deputy Ombudsmen, was nominated to overtake the role of Children’s Ombudsman.

The reports from the Ombudsman’s office from the previous 3 years suggest that the number of complaints regarding the children rights has increased, but only small number of children autonomously asked protection of their rights from the Ombudsman. Despite the small number of complaints, in 2009 the Ombudsman office has received a cluster of complaints regarding violation of children rights in institutions for children without parental care; these complaints indicate that institutionalized children are victims of physical, mental, and sexual violence, with no adequate measures for immediate protection of children, and for sanctioning the offenders. A survey conducted by the Ombudsman’s office, showed that these

children are fully unaware of their rights and options for protection and cannot recognize when their rights are violated.\textsuperscript{17}

As previously in similar situations, it is realized that proving the factual situation is extremely hard because the children fear to publicly expose their recollection of the situation they are witnessing.

*The conclusion is that generally small number of complaints regarding violation of children rights actually prove the fact that majority of children at risk are not familiar with their rights; they are not educated to recognize violence and abuse as such, and they don’t know how to protect themselves, and whom to address in case of violation of their rights.*

Furthermore, the Ombudsman notices that the general public (including parents, caretakers in institutions, teachers) often fail to treat children as subjects with special rights, interests, and obligation. In their report of 2006, The Ombudsman notices that even the public institutions that are responsible for the children rights don’t always have in mind the best interest of the child during the decision making processes regarding issue of relevance to children.

*We expresses concern that besides the increased focus on children in the previous few years, the Children’s Ombudsman does not have enough authority and visibility. Even after a new Law on Ombudsman, which expanded Ombudsman’s wider authorization and procedural jurisdiction, was passed in 2003, Children Ombudsman’s office is still quite “invisible”. Their work is not comprehensive enough and systematically planned but it is rather done case-by-case.*

*In addition, there have been difficulties so far in creating an encouraging context for children victims and witnesses. In most cases children have not felt safe enough to witness various violations of their own or another child’s rights. For example, we have been informed of cases where the child has been asked to report in presence of the perpetrator, which we consider to be the most unacceptable failure of the procedure, which brings additional harm to the child and continues to violate his or her rights.*

*Thus, we believe that the Ombudsman has to work much more powerfully (better organized, equipped and transparent), following the concrete program and*

\textsuperscript{17} Special report regarding emerged physical, psychical and sexual abuse of children settled in institutions, 2009. Ombudsman of the R.Macedonia.
methodology in tackling priority issues of concerns regarding the UN Convention on the Rights of the child, in various strata of the society.

Who is going to find a solution with the violence towards pupils in Ljubanci?

The NGO RUBIKON\textsuperscript{18} is taking up an initiative to deal with the implications caused by the physical and psychological abuse of the pupils in the primary school “Goce Delchev” in Ljubanci, perpetrated by the staff in the same school.

Rubikon has evidenced basic breach of the rights of the pupils who reside in the boarding facilities of the school “Goce Delchev”. According to the evidence gathered by Rubikon, the concerned pupils have been reporting some of the cases of abuse to the staff (their teachers and school’s Principal), but no response or initiative has been undertaken; in addition, the schools not equipped with a professional group comprised of socials worker, educational specialist and/or psychologist.

In order to turn the attention of the relevant institutions regarding this breach of children rights in a school setting, the NGO Rubikon has been sending official letters during the time period between April, 2005, until December, 2007, to the following institutions: Children’s Ombudsman, Ms. Nevenka Krusarovska; Intermunicipal Center for Social Work; Helsinki Committee for Human Rights - Skopje; Ministry of Labour and Social Policy; Ministry of Education and Science; Ministry of Internal Affairs; SVR Skopje – the department for general crime; Survey committee for protection of citizens’ rights and freedoms; various round tables, and to various public media in the country.

By this day, Rubikon has not been granted an answer by any of these institutions. Instead, the MoLSP, the Intermunicipal Center for Social Work, the Ministry of Internal Affairs, and SVR Skopje – the department for general crime, have resent the letter to the Helsinki Committee for Human Rights of the Republic of Macedonia.

In the meantime, according to Rubikon, the interpretation of the abuse issue along with the correspondence among the relevant institutions, has been grounded on a non-professional and highly subjective insight into the conditions in the field. The interpretations and the conclusions have been made without consultation with the concerned side, that is, without hearing children’s perspective and experience. The final conclusion has been that no violence and abuse has occurred in the school “Goce Delchev”.

During the procedure of creating insight into the conditions in the field, the statements given by some of the pupils, with mediating help by Rubikon, have been given to Children’s Ombudsman, but have not been proceeded to the relevant institutions. According to Rubikon, the Children’s Ombudsman is not equipped with a team of experts that would encourage safe witnessing contexts for the victimized child and that would draw a competent conclusion which takes into account child’s view and his or her rights.

Conclusion: In terms of organizational structure and implementation, we conclude that one of the major obstacles to implementation of the UN convention on child’s rights in RM is the fact that within the child protection system, there are no specialized departments, or one integrated department, within the relevant institutions, like the MoLSP, that would deal specifically with planning and addressing problems of children at risk. Instead, planning and decision-making regarding child protection is fragmented and dispersed under the responsibility of many departments within the MoLSP and CSWs.

\textsuperscript{18}Rubikon is an NGO involoved in child rights protection. In the period of the last five years, Rubikon has been involved in the work of the primary school “Goce Delchev”, by way of introducing activities that promote children rights.
In addition, within the reforms in the area of child protection most of the changes relate to organization and work within the Centers for Social Work but no reform focuses on them. Within the fragmented field of operation and uncontrolled workload, CSWs face the problem of continuing transfer of new responsibilities and tasks from the “centre,” serious staff shortages, and insufficient continuing education of the personnel. As result, the CSWs in Macedonia fail to live up to the minimum requirement concerning personnel and expertise.

The problems are enhanced by the fact that there are no existing official protocols or unified standards to regulate and specify collaboration between relevant stakeholders concerned with child protection. Also, gate-keeping mechanisms are still weak and too centralized. We find similar situation both at national and local level of organization. Furthermore, besides its increased focus on children in the previous few years and its increased jurisdiction, the Ombudsman in the Department that protects children rights still does not have enough authority and visibility. The Ombudsman has failed to spread the UN Convention on the Rights of the child in various strata of the society, among both children and adults, in timely and efficient manner. It has not been efficient in the area of monitoring the incorporation of the UN Convention. This is corroborated by the findings that children (around 70 % of them), as well as adults in Macedonia, are grossly unaware of children rights and responsibilities, are not trained to recognize violation of children rights, and do not know how to protect themselves in case of violation or abuse of their rights.

**Budgeting**

The budgeting of child protection in R.Macedonia shows similar trends of difficulties as the legislation and policy administration, and is characterized by the following:

*Centralized planning of the funds* - The highly centralized system of political decision making, which in the most cases is “detached” from the real problems and issues related to the field of operation, directs the planning of the funds for programs for the socially vulnerable children. When it comes to budget-planning, “the base,” as well as the relevant experts, makes a very small contribution, as the final decisions are always taken at the highest (policy) level.

*For example, the representatives of the CSW (Kostarova-Unkovska, 2008)*¹⁹ point out that they still play a role in the planning of the funds by way of submitting

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applications to MoLSP. However, very often their applications (even when incorporated in the strategic planning) are not approved by MoLSP. In addition, the very offices of MoLSP, who are thought to be responsible for making the decisions, actually have to wait for the final resolutions taken at the highest political level.

“Historic budgeting” - Concurrently, the relevant ministries, when planning the volume of budget funding for each next year, and when breaking down the budget per items (programs), typically rely exclusively on the budget planning of previous years (so called “Historic budgeting”), and not on the assessment of the real needs, i.e. the success or failure of previous programs. In these cases, when some funds allocated to particular budget item remain unspent in the previous year, due to whatsoever reasons, in the next year the same budget item is allocated either exactly the same amount of money, or an amount reduced by the sum not spent in the previous year, without even accounting for the reasons for the bad planning in the previous year. Frequently, this ends with large discrepancies between the budget planning, the actual allocation of funds, and the real needs for the children’s rights protection and accomplishment.20

Lack of information for the availability of funds and services - The main reason why many children in Macedonia remain outside the existing programmes for preventive and primary health and social care is lack of the awareness of the public, as a consequence of the non-transparent programs, or lack of interest of the service providers, or over-business of the services (in health care, in social care and in education). (see Figure4)21

The following are the major reasons for the failure of these programs in practice:
- There is an inadequate targeting of help beneficiaries.
- These programs are not sufficiently transparent, especially at the local level and in rural areas. Parents are not informed.
- Medical service providers are not stimulated to inform about and apply these programs, since the costs to provide those services lay with the health institution (i.e., family doctor’s office, or the clinic).
- The prices of the services, according to MH, are lower than what can be directly charged from the beneficiaries, which is why it does not “pay off” to the doctors to inform the beneficiaries about their right.
- In addition, the refunding of the costs by MH is always considerably delayed.
- There is lack of efficiency in discovering and recording the children whose parents have not been registered and, consequently, are not beneficiaries of social welfare (such as families with no permanent place of residence, without documents, without citizenship, or coming from rural, distanced and hard to access areas).

Figure 4

20 Kostarova-Unkovska, 2008
21 Ibid
Because of the insufficient use of these programs (for mothers and children, for example), large portions of the funds allocated to accomplishment of the right to health and social care each year become reallocated to other funds, which could otherwise provide many children with higher quality and more timely health services than what they used to receive so far.\textsuperscript{22} This situation only adds up to the image of the chaotic and sporadic approach to child care as part of the social system.

\textit{Lack of direct support to the child} - Similar to the legislation, which is addressing the child mainly as a secondary beneficiary, only through his or her family in need and other institutional forms of care and protection, the direct investment in children and in their own initiatives and actions that result out of children’s right to equal participation in the community, is still modestly, if at all, covered by the budgetary funds.

\textit{The positive exclusion of such practice is the example of the Municipality of Strumica, which allocated budgetary funds to the yearly Program (2009) of the Youth Parliament, approved by the Counsel of the Municipality Government.}\textsuperscript{23}

\textit{Lack of monitoring mechanism and relevant data-base on children in need} - Success of all investments necessitates a continuous monitoring of the expenditures and the benefits of the approved funds, i.e., monitoring of the success of child care programs, and this has to be done by independent and highly professional evaluators.

\textit{En example regarding lack of following children’s specific needs: Social programs target, above all, the families registered with the CSWs. With the prescribed financial aids, when defining the amount of aid, the number of children in the family and their age is not taken into account. For example, a so-called conditioned (for secondary education) financial aid was announced recently for families with schoolchildren. This aid does not specify the conditions, such as, the total number of children in the family, their age, their needs, their conditions and opportunities for education, as well as the number of other family members, parents’ ability to work, or their health status, etc. Although such aids seem stimulating at first glance, they often prevent parental obligations and children’s educational needs, instead of stimulating the interest of the family and children for education. This is so because they do not take into consideration the life context of the child and his or her family conditions; the aid can actually not}

\textsuperscript{22} Ibid.
\textsuperscript{23} Ibid.
cover the child educational expenses, while the fines are more than 10 times higher than the aid.  

**Conclusion:** The budgeting of child protection in Macedonia presents similar implications as the legislation and policy administration. Although modest, the total funds allocated to social protection in general and to child protection in particular are not so weak. The weak aspect is the decision makings, the problematic criteria for allocation of money, and the lack of monitoring of the expenditures and money flow. All of this results in provisional budgetary planning, an inadequate coverage of the priority needs, as well as unutilized funds, despite of the high needs.

**Evidence and monitoring mechanisms**

There is a major concern that there is no central data-base on children, in general, and on children of the vulnerable groups, in particular, which would allow monitoring of their status. In the report “Children’s rights improvement through rights-based budgeting,” it is underlined that the National Statistical Office (NSO) and Ministry of Interior Affairs (MI) have limited information available, and only for those categories of children for which services they are specialized. NSO handles only the information received from the reports submitted by the social care institutions from children, whereas MI handles precise information only for children victims or perpetrators of criminal offense. So far the NSO deals with information about families (households) without keeping special records on the children, and even more, without keeping records on the vulnerable groups. According to the new Rulebook on Recording Procedures which should be applied as of 2009, NSO plans to elaborate a more comprehensive and more inclusive database which should include considerably more details on the children in Macedonia.

In regard to the CSWs’ records, the problem is even bigger with families who, due to whatsoever reasons, have not acquired the right to social care. Thus, although they belong to the socially most vulnerable groups, CSWs simply do not keep records for them.

Some of the children are not even registered in the Master Register of Births, which leads to social exclusion, exposure to discrimination, and violation of the children’s right to life and development. Other databases (in relevant ministries) are not monitored and updated regularly, nor are mutually exchanged.

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24 Ibid.
In the last referred report (Kostarova-Unkovska, 2008), it is stated that the representatives of MoLSP point out that inadequate statistical information reduces the chances of creating programs for greater coverage of endangered children. It is also found that the CSWs are not in the position to keep more exhaustive records, due to the lack of technical, technological and human resources, as they are the only responsible for implementing the policy on social protection in general, and children, in particular, in the country. Among the reasons why the central data-base on children rights provision has not been established yet is the lack of separate research unit with qualified personnel to create and run the rights based research, to analyze and update the evidence, as their primary duties.

These conditions worsen even further as we get to the local level. In the same report, the representatives of several municipalities state that most of the local governments have none or limited records on the children at risk in their municipalities. Even when they have made records on certain groups on their own, they soon have gotten irrelevant as they have not been regularly updated.

As a result of such state of affairs, there is still an unknown number of the most vulnerable children, who stay out of reach of the System and its protection of their rights. These are children who have no personal documents, the dislocated ones, or excluded from the education system, the uninformed ones, neglected or abandoned, or whose parents are not registered, or have not regulated their citizenships in Macedonia. Although highly endangered for their survival and development, they manage to live “in the shadow”, out of any concern and protection from the System.

According to what the participants in the two workshops on “Children’s rights through rights-based budgeting” have said, the most vulnerable groups of children in Macedonia are:

- Non-registered children, or children without personal documents;
- Children whose parents do not have a citizenship, nor refugee status;
- Children who are not involved in the education system;
- Children whose parents are not beneficiaries of any welfare (non-registered in the institutions of the system);
- Children on the street, or from parents who do not have the capacity to take care for them;
- Children taken care of by the institutions, without the proper care or development stimulation;
- Children with special needs;
- Children of the marginalized communities – the Roma, rural, or refugee communities, without permanent place of residence; and
- Children who live with a single parent, or live in a family with many children.

A particularly vulnerable category of children are the ones who live on the verge of poverty, with one or two parents who can barely sustain their living, or live on one meal a day, but who do not complain and do not seek help.

The needs of these children are not known and cannot be monitored, and their rights to survival, development and participation are being violated in many ways every day.

Figure 5

26 Ibid.
Furthermore, “Polio Plus - Movement Against Disability”, in their publications regarding proposal and implementation of a new law for protection of the rights of the disabled, point out that there is a serious lack of official and comprehensive data-base for people (including children) with disabilities. In Republic of Macedonia there is no institution which has created data-base that includes segregated numbers of all the different types and levels of disabilities. For example, there is no data regarding number of children with Down syndrome (source - NGO Sinolicka, Group for Help and Support of People with Down Syndrome), or children with Autism (source - NGO Society for Help of Parents with Autistic Children).

Without such statistical data, creation of efficient programs that would contribute towards implementation of the UN Convention on the Rights of the child regarding the specific needs of these vulnerable groups of children becomes impossible. Only with such segregated information, programs that respond to actual needs of the various subgroups of children with developmental difficulties, can be created and implemented.

Monitoring and evaluation of children rights implementation have been stressed in all strategic documents on child protection, including the National Action Plan, as key mechanisms towards the implementation of the child care reforms. In addition, one of the recommendations of the Committee on the Rights of the Child after the defense of the Macedonian Initial Report of 1996 was that resources should be allocated to establish an organization in Republic of Macedonia which would implement the goals presented in the National Plan with consistency and efficiency²⁷. For this purpose a National Committee was formed in 2001 with a mandate to execute the National Action Plan and to monitor the implementation of the Convention on the Rights of the Child in RM. In order to increase the credibility and authority of the National Committee, the Government of RM raised the level of the members to state advisors.

Despite these actions, in RM there is not yet established an applicable monitoring mechanism which would follow the reforms in the legislative regulation and its implementation in administrative policy and practice. The state advisors do not have professional background or expertise on children or human rights, while their primary duty is to coordinate a thematic sector within their Ministry, which is not associated with a child protection or any other children’s rights matter. Even more, the evidence of the work of the National Committee is not accessible, as the Committee can not be found as a

single body with specific program and terms of operation among the other government’s or parliamentarian bodies and commissions.

Furthermore, The National Action plan as strategic document of key importance has not operationalized the concrete steps to be undertaken in each reform’ stage, and at each level, nor has identified clear indicators of success in regard to both immediate and long-term outcomes, including all contributions or assumed barriers alongside. This situation leads to inability to guide and adjust the reform processes to the actual up-to-date and ever-changing conditions, as well as to locate responsibilities for the eventual success or failure on the way of continual and sustainable development. This also affects the motivation and the capacity of the relevant institutions to plan the adequate personnel, with concrete duties and responsibilities, as well as to assess the costs and to plan funds for each stage in the advancement of the children rights provision, at all levels, and in all parts of the country.

Representatives of the CSWs, as direct executors of the programmes for scanning the field conditions, have so far, on top of other professional duties, inspected the justification of the allocated funds – roles which can hardly be harmonized. They themselves emphasize the oversized workload, which leaves no space for a more solid inspection and assessment of the work implemented. In addition to this, they are not heard far and cannot exert much influence on the decision making processes.

Since recently, the situation has started to change, with the introduction of monitoring and audit by MoLSP for all of the institutions within. A social inspection sector has been formed as part of the MoLSP to carry out inspections in the expenditure of the funds. In the short time of its operation, a great number of criminal charges have been pressed, conclude the workshop participants.

Still, the inspection and monitoring services should focus on several aspects of CSWs operations, such as the work quality, justification of the decisions made as compliant with the current situations, results achieved, fund management, work conditions and staff management, i.e. the extent of “phasing out” of the work places – as a form of support and encouragement of the learning and changing processes. The kind of monitoring solely based on “error hunting”, especially in the field of highly stressful professions, as is the work with vulnerable people, does not return results and does not encourage the community.

**Conclusion:** In R. Macedonia there is lack of a comprehensive, updated data base on children (0-18 y.) in regards to issues of their needs, interests, or concerns. Nor is there a segregated data on particular groups of children under special conditions or needs. A single monitoring mechanism that could evaluate the conditions of the child protection reforms and their implementation in practice is also missing. Without adequate evidence and follow up, no reforms and developments are possible in any field of human operation.

**Decentralization processes and cooperation between government and municipalities**

The MoLSP, through its CSWs, linkages with municipalities are incomplete. Following the legislative changes in relation to the process of decentralization in social protection, the relationship between CSWs and municipalities is not characterized by imposing strict obligatory elements of cooperation in the implementation. In the legislative regulation, for example, is stated that the municipalities “may” develop (instead of “should” or “must” develop) certain programs (Bornarova, 2007). We assume that this is due to the apprehension in the face of the weak capacities (lack of knowledge, human resources and funds) of certain Municipalities to develop and carry on programs on their own. It is also a result of the centralized approach in decision making, which, both the government and the municipalities, still comfortably endorse and utilize. There are also problems with procedures of releasing enough funds allocated to various social programs. Therefore, Programs for Social Protection of Citizens has not resulted into actual encouragement for the municipalities to apply this legislative regulation in practice, although there was training delivered to municipalities to prepare them for such undertaking. The process of *decentralisation* in social protection is limited primarily to institutions for elderly and the day care centers (DCCs).

However, despite the fact that the decision-making, policy and strategy of implementation of child care models are highly centralized, the situation in some local communities is gradually changing, especially in those areas which mark a positive economic growth and have advanced capacities and sensitivity for new initiatives. The newly formed sectors for health care, social care, and education, as bodies of Local Governments, although still dependent on the centralized budget, somehow manage to build close and more productive relations with the base, above all with the business sector, but also with the NGOs.
One positive example (presented in the report: “Children’s rights improvement through rights-based budgeting”) is the CSW in Radovis. Encouraged by the open Government-people meetings, Radovis announces launching of a new program that supports talented children from the socially endangered families. Another example is the opening of the Centre for Autistic Children, the first of its kind in the country, which has been established by the non-governmental sector, but is funded by the local self-government. Another example of such cooperation is the Children’s Parliament in Strumica, which has its annual work program, again, funded by the municipal funds.

Conclusion: Unlike the national organs, inter-department cooperation at the local level, especially in Local Governmental Units (LGU), shows a greater mobility, linking and brainstorming, which affects the overall development and autonomy of the community. But, larger investments and “action experiences” are necessary for the old habits of “waiting for directives” to be substituted with new ones – for a fast, joint and timely reaction to the needs. In the absence of simultaneous and more stable mechanisms for linking to and cooperation with the relevant ministries, who are in charge of elaboration of the national strategies in the protection and improvement of the children’s rights in Macedonia, regardless of the region, or of the capacities of the local community, there will not be significant improvement of the child protection, in the country. Such cooperation mechanisms would enable a higher quality exchange of information, better use of the available funds, and adoption of more relevant decisions, both at the local and national level.

Civil society sector and the capacity of NGOs to target the problems

Service purchasing and contracting with the NGO’s in the delivery of the social services is a reform achievement in the Republic of Macedonia that has been manifesting positive, although modest practical implications. The strengthening and institutional development of NGOs over the last decade (numerous trainings, successful management, and sustainable results) has made an effect; currently, a part of the civil sector stands out for its professionalism and expertise. Within the broad cooperation network, the greatest accomplishments in the strengthening of NGOs and their linking to governmental and other institutions have been made in the field of child care, in particular in the social care sector for the vulnerable children, through the MoLSP.
This comes from the fact that NGOs are the first ones to offer assistance to the most vulnerable categories of children and the youth, directly coping with their problems – in social care, health care and in education. Their programs tackle issues such as, children on the street, children without parental care, young addicts, non-registered children, children outside the education system, etc., and are among the first initiatives that have been resolving the problems with child at high risk of poverty and marginalization in Macedonia.

*However, the representatives of the NGO sector steel feel significantly overlooked and ignored by the relevant government institutions, when it comes to giving input in the strategic planning and delivery in the child protection sector.*

*Furthermore, the representatives of the NGO sector (Kostarova-Unkovska, 2008) point out that the sporadic and insufficient funding of their projects is the most serious problem they are facing in their work. Most often, the projects planned are being approved with corrected budgets, i.e., fewer funds are being donated than requested and needed. It is pointed out that the management of consequences of poverty and children marginalization of various kinds cannot produce results without development of integrated policies and strategies, which requires long-term funding and support.*

**Conclusion:** NGOs as new service providers in the non-institutional human (child) care management, require further investments, for which the Government and the institutions of the system, despite the great need, are not sufficiently aware of. The sporadic and insufficient (or inadequate) funding of the projects and activities planned by the NGOs is the most serious obstacle that its representatives are facing at the present. There is a need to cover more children from the vulnerable groups, on the longer run. The NGO funds are always projected, but its amount always depends on the donor’s priorities. Frequently, the projects planned are being approved with corrected budgets, i.e. fewer funds are being donated than actually requested.
Overall conclusions and recommendations

The weaknesses of the State to seriously overtake the obligation over protection, provision and promotion of the children rights’ often result in a long–term adverse consequences for children’s and community’s development and wellbeing.

The analysis of the legal documents, reports and evidence from practice is what created our thoughts and conclusions, which we believe, guides us towards better and more efficient solutions. Several interrelated levels or areas of operations in regard to children, their rights and their protection, were subject of this report.

**Legislation level** The laws regulating child care and protection in Macedonia are frequently incomplete, fragmented and contain a series of contradictoriness with respect to children’s rights. For example, children’s rights have been fragmented in a number of laws and by laws, such as the family law, the social protection law, law on health care, law on education, Juvenile justice law, etc., and in many cases children’s wellbeing and their best interest are not fundamental to the adoption and interpretation of these laws. The lack of a single legal framework on child protection, provision and promotion, creates conditions where the accountabilities in regard to service provision and the enforcement of legal mechanisms are unclear; the responsibilities of rights bearers and institutions are not adequately defined; the bureaucracy is antiquated and inadvertently discriminatory; and, finally, budgetary and logistical implications are not adequately addressed.

**Policy level** Compliant to the legislation, the highly centralized system of political decision making is in most cases “detached” from the real problems and issues related to the field of operation, which affects not only the immediate and efficient response to the needs, but also results in so called “historic budgeting,” which normally relies on the budget planning of the previous years, and not on the assessment of the real needs, i.e. the success or failure of previous programmes. Children are only indirectly targeted by the national policies and strategies for social care, treated merely as part of their families or the institutions taking care of them, i.e. solely through the category of vulnerability they belong to, provided they had been registered as such. The lack of statistical data-base on children and particularly on vulnerable categories of children is another key point to address when talking about

It is needed to stress that this report has not been comprehensive to all significant matters in regard to the child protection, provision and promotion. For example the issues which require greater attention, such as: children participation, advocacy for children, community awareness raising, and capacity building at all levels, have not been discussed in this report. In addition the report has not addressed enough the complex conditions of the particular groups, or categories of children, and their rights. However, we believe that some important conclusions based on the relevant sources on legislation, administrative policy and practice in the field of child protection in Macedonia, can still be drown.
improvement of the children’ rights provision and promotion. At same time, the missing of a single monitoring mechanism established to follow and evaluate the implementation of the reform processes in legislation and policy, and to prevent gaps and biases which interfere or may stop the reforms, actually becomes critical for the evidence based planning and its harmonization with the Convention on the rights of the child. Without such evidence, the essential child protection reform in the country remains without a solution.

**Practice level** Following the legislation and the policies, the practice cannot be much different. With its centralized and hierarchical set up (instead of cooperative, interactive and case-specific approach), the administration practice is solely based on decisions taken at the high level (mostly political) instances, who do not have as many or at all meeting points with the base. Thus, the actions taken are in most cases random and do not respond to the real needs of the troubled children. Such situations weaken the already loose inter-department and inter-disciplinary cooperation, which in such circumstances does not stand many chances for improvement.

Instead of comprehensively addressing children’s rights through a comprehensive law on the child, as a base of a clear framework for comprehensive protection, child rights issues in Macedonia are dispersed throughout a range of regulations, departments, commissions, without established protocols of cooperation, or developed culture of a democratic, cross-sectoral and interdisciplinary collaboration. The net result is, unfortunately, that children’s rights and enforcement mechanisms are diluted within a complex network of legislation, policy and practice, without real power to change the conditions for children better enjoyment of their rights.

**Recommendations**

1. Despite the fact that child rights related legislation in Macedonia reflects willingness on the part of the Government to protect the rights of children, the child protection, provision and promotion should be placed at higher level of priority on the Macedonian Government agenda.

2. It is an urgent need of addressing children’s rights through a comprehensive legislation on the child that will create a clear framework for comprehensive protection, provision and promotion addressing all children, as well as particular vulnerable groups of children, instead of relying on dispersed range of regulations, policy and practice.

3. It is necessary to work for the best possible decentralized and depoliticized decision-making system for all forms of child care, i.e. to base them solely on the relevant
research findings in the field of operation, as a basic precondition for successful
inter-department and inter-institutional cooperation in the area of law, justice, health
care, social care, education, etc.

4. Budget allocations and executions need to be systematic, more easily accessible,
better targeted and more transparent. Improved information on budget allocation and
execution would facilitate improved monitoring, a better evaluation of trends, and
timely identification of areas where state interventions are required.

5. All kinds of collaboration along the lines of the National – Local governments;
Governmental – Nongovernmental /civic/ sector; as well as among the ministries,
departments, sectors, including various disciplines and expertise, need to be
improved and utilized on daily basis, as only this could change the old habits of
working narrowly, slowly and sporadically.

In order to achieve these recommendations we propose the following concrete measures:

**Regarding recommendations 1 & 2:**

An independent inter-ministerial committee on children’s rights, as separate body at
Government level should be created, with specified terms and program of operation. The
committee should include a small permanent interdisciplinary team of experts, to guide the
work of the committee and to enhance its efficiency, inter-ministerial collaboration and
transparency. After identifying all the relevant stakeholders, among the priority tasks of the
committee should be development of a National Strategy on Child Protection and
establishment of links of cooperation in discussing Macedonian children priority needs. The
another tasks of the committee shall be to use as many recourses as needed to evaluate and
unify the ongoing fragmented bodies of laws and regulations on children, and to harmonize
them with the international standards, including the Convention on children’s rights, and
other obligatory children’ rights based documents on child protection. After that, the
committee should be able to propose a more comprehensive legal framework for child rights
based protection and promotion of children in Macedonia.

**Regarding recommendations 3 & 4:**

A statistical data-base created exclusively on children, with segregated data on particular
children at risks, along with other relevant data on children’ related issues, should be created,
as a separate research unit, equipped with personnel specialized in children rights and
development, as well as, in research methodologies of quantitative and qualitative data collections and data analyses, including research done by children.

A single monitoring mechanism, to assist the implementation of the policy reforms and programs on child rights protection, which shall be process- as well as outcome oriented, need to be established at various level of implementations. The monitoring of developments should become a much more transparent process, for which the citizens, being the ultimate beneficiaries of the services, would learn in time and would become much more involved in its implementation. This kind of development can significantly increase the participation of local institutions, local communities and children, in the planning, implementation and monitoring of programs targeting the socially vulnerable.

Children Ombudsman and other Gate Keeping mechanisms should be given more value by creating conditions for more autonomy, greater capacity and steady regulation of their work, under high obligations on their visibility and transparency of their undertakings.

*Regarding recommendation 5:*

New protocols and memorandum of collaboration are needed, with clear distribution of tasks and responsibilities set before the cooperating parties. Also, new methods are needed to establish the links and long-term cooperation between the various levels of the State Institutions, including the national and local levels, with ever increasing autonomy of “the base” in decision-making processes. The cooperation between the governmental and the non-governmental sector also needs new, more creative and less bureaucratic forms of cooperation. In addition, an alternative fund-rising for development and sustainability of the non-governmental sector in Macedonia has to be promoted.

Hence, even greater portion of the national budget allocated to child care programs should be redirected for the capacity building and professional training of the non-governmental sector, for its more efficient and long-term inclusion as service providers to the children. Also, large portions of the funds of the international community, managed by the Government, should become more transparent and more directly accessible to NGOs, instead of being again transferred back to the international organizations, such as international consulting agencies, and corporations.
References:

Publications:


Regulatory documents:

Child Protection Law, Official Gazette 98/00, 17/03, 65/04, 113/05

Family Law, Official Gazette 80/92, 9/96, 19/00, 79/01, 38/04, 83/04, 33/06


Law on Juvenile Justice, Official Gazette 87, 07, 08
Law on Social Protection, 2006


Organizations & Groups:


Polio Plus - Movement Against Disability; http://polioplus.org.mk/

NGO Rubikon – working on empowering children of marginalized groups and communities - Skopje

NGO Sinolicka, Group for Help and Support of People with Down Syndrom; http://sinolicka.blog.com.mk/ - Skopje

NGO Society for Help of Parents with Autistic Children - Skopje

Center for Psychosocial and Crisis Action, Skopje /Children’s and teachers’ Project participatory work on poverty, violence, risk behaviors and children rights/