

ACCESS TO JUSTICE FOR CHILDREN: MACEDONIA

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I. What is the legal status of the Convention on the Rights of the Child (“CRC”)?

A. What is the status of the CRC and other relevant ratified international instruments in the national legal system?

The Former Yugoslav Republic of Macedonia (“Macedonia”) ratified the CRC¹ and the Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography² (in 1993³ and 2003,⁴ respectively, for the two Protocols).

The Constitution of Macedonia provides that “the international agreements ratified in accordance with the Constitution automatically become part of the internal legal order and cannot be changed by law”.⁵ The CRC was introduced into the national legal system via the Law on Ratification of the Convention on the Rights of the Child.⁶ Thus, it has the status of a law and “cannot be changed by law”.

In its 1997 report to the Committee on the Rights of the Child, the Macedonian Government explained this provision of the Constitution as making the rights and obligations of the Convention “directly applicable” in the national legal system.⁷

B. Does the CRC take precedence over national law?

Yes, ratified international agreements such as the CRC take precedence over national law.⁸

C. Has the CRC been incorporated into national law?

¹ Convention on the Rights of the Child, Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989, entry into force 2 September 1990.

² Optional Protocol to the Convention on the Rights of the Child on the involvement of children in Armed Conflict, 12 February 2002 and Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, General Assembly resolution A/RES/54/263 of 25 May 2000, entered into force on 18 January 2002.

³ Law on Ratification of the Convention on the Rights of the Child, Official Journal, No. 150/1993.

⁴ Law on the Ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and the Law on the Ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Official Journal, No. 44/2003.

⁵ Constitution of the Republic of Macedonia, article 118.

⁶ Official Journal, No. 150/1993.

⁷ *Initial report of the Former Yugoslav Republic of Macedonia to the UN Committee on the Rights of the Child*, CRC/C/8/Add.36, 27 June 1997, para. 4. Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2f8%2fAdd.36&Lang=en.

⁸ T. Karakamiševa, ‘Human rights in the Republic of Macedonia’, 2009, available at: <http://revus.revues.org/1149#authors>

Yes, the CRC was incorporated into the national legal system upon ratification.

Various principles and provisions of the CRC are also incorporated in national laws that define the duties of all relevant state authorities in regard to the rights of children. There are more than 60 laws which regulate the rights of the child, more than 80 guidelines stemming from these laws, and more than 30 national strategies and programs. The legal reforms related to child rights have been initiated in the past few years. See part V below for the most important laws that regulate the rights of the child.

The Constitution of Macedonia also contains two articles which are specifically directed at children:

- article 40 provides that “[p]arents have the right and duty to provide for the nurturing and education of their children. Children are responsible for the care of their old and infirm parents”. It also obligates the government to “provide particular protection for parent-less children and children without parental care”.
- article 42 prescribes particular protections for mothers and children, as well as prohibiting the employment of any person less than 15 years of age, and the employment of any person less than 18 years of age in work that is detrimental to their health or morality.

D. Can the CRC be directly enforced in the courts?

Yes, the CRC can be directly enforced in the courts.

E. Are there examples of domestic courts using or applying the CRC or other relevant international instruments?

An online database of decisions of the Macedonian courts is available, but with a poorly developed search engine, which makes research of case law almost impossible.

II. What is the legal status of the child?

A. Can children and/or their representatives bring cases in domestic courts to challenge violations of children's rights?

Children and/or their representatives may bring civil, criminal, administrative or constitutional proceedings to challenge violations of children’s rights (see parts II.B and III.A below).

B. If so, are children of any age permitted to bring these cases by themselves in their own names/on their own behalf, or must the case be brought by or with the assistance of a representative?

According to the Macedonian Civil Procedure Code,⁹ only persons over 18 years

⁹ Civil Procedure Code, Official Gazette, No. 7/2011 available at:

of age have full legal capacity to act in civil proceedings.¹⁰ Minor children have limited legal capacity and can only enter litigation to the extent that their capacity allows.¹¹ Until the time they acquire full capacity to act, they are represented by their legal representative, who is determined by law or by an act of the relevant State authority.¹²

According to the Criminal Procedure Code, children above the age of 16 can request the initiation of criminal proceedings or submit private charges themselves, and can give statements and take other actions in the proceedings independently.¹³ For children under 16, a request for criminal prosecution or a private charge is submitted by their legal representative, who is authorised to give statements and take other actions to which the child victim is entitled.¹⁴

The Family Law provides that parents have a right and obligation to legally represent their children.¹⁵ The Family Law also stipulates that a victim of domestic violence can always request a temporary protection measure, either directly to the courts or to the Centre for Social Work.¹⁶ This Centre is the main body that acts on behalf of children in protective proceedings, and has the authority and discretion to petition and advise the juvenile court in all matters related to parental disputes, termination of parental rights, and child protective proceedings. The Centre will always make a request for a temporary protection measure to the courts in case the legal representative of the victim has not done so. The Centre would not require the consent of the child victims to initiate such proceedings.

C. In the case of infants and young children, how would cases typically be brought?

Cases involving infants and young children would be brought by their legal representatives.

D. Would children or their representatives be eligible to receive free or subsidised legal assistance in bringing these kinds of cases?

According to the Law on Free Legal Aid, requests for legal help will be approved in all judicial and administrative proceedings that relate to, amongst other things, child protection,¹⁷ or protection of victims of domestic violence, criminal acts or human trafficking.¹⁸ Free legal aid in Macedonia is provided in the form of preliminary legal aid (initial legal advice on the right to legal aid, general legal information, and legal aid in completing a free legal aid application) and legal aid in

<http://www.pravda.gov.mk/documents/ZPP%20precisten%20%20tekst%20SL.Vesnik.pdf>.

¹⁰ Ibid., article 71.

¹¹ Ibid.

¹² Ibid., article 72.

¹³ Criminal Procedure Code 2010, articles 59 and 66, available at:

<http://www.slvesnik.com.mk/Issues/BDBF29F810D5E9468FC65FA542B857B3.pdf>.

¹⁴ Ibid.

¹⁵ Law on Family, article 48.

¹⁶ Ibid., article 94d.

¹⁷ According to one report, “child protection” is usually related to procedures on determining child support, or arrears collection for unsettled child support. Macedonian Young Lawyers’ Association, ‘Fairly tale or reality!? Free legal aid in the Republic of Macedonia’, March 2012, p. 14, available at:

<http://www.myla.org.mk/images/pdf/besplatnapravnapomos.pdf>.

¹⁸ Law on Free Legal Aid, article 8.

judicial and administrative proceedings (representation and preparation of writs). However, the Law on Free Legal Aid does not stipulate legal aid for legal representation before the Constitutional Court, Supreme Court, European Court of Human Rights and other relevant international bodies.¹⁹

Under the Law on Juvenile Justice, children are entitled to legal representation from the first hearing in which they are the accused.²⁰ However, it has been reported that free legal aid is not systematically provided to children in conflict with the law, although it is mandatory.²¹

- E. Are there any other conditions or limits on children or chosen legal representatives bringing cases (e.g., would a child's parents or guardian have to agree to a case being brought)?

If all procedural requirements are satisfied related to the respective proceedings, there should be no limitation in initiation of the proceedings by children or their legal representatives.

III. How can children's rights violations be challenged before national courts?

- A. If there is a potential violation of the Constitution or other principles established in domestic law, or with the CRC or other relevant ratified international/regional instruments, how can a legal challenge be brought?

Under article 50 of the Constitution, “[e]very citizen of Macedonia may invoke the protection of freedoms and rights determined by the Constitution before the regular courts, as well as before the Constitutional Court of Macedonia, through a procedure based upon the principles of priority and urgency”. Accordingly, an action concerning the compliance of the laws with the Constitution can be brought before the Constitutional Court. Part II of the Constitution provides for various civil and political rights as well as economic, social and cultural rights to which the citizens of Macedonia are entitled.

Furthermore, any person has the right to bring an action to the Administrative Court if he/she considers that certain rights or direct interests based in law have been violated by an administrative act.²²

Complaints/petitions about child rights violations may also be submitted to the Department for Child Rights Protection at the office of the Ombudsman. Petitions can be filed by a child personally, his/her parent or guardian, any other person acting in the child's name, or an organ or organisation that has acquired any information about a child rights violation. Proceedings related to children can then

¹⁹ Macedonian Young Lawyers' Association, 'Fairy tale or reality!? Free legal aid in the Republic of Macedonia', p. 20.

²⁰ Law on Juvenile Justice, article 140.

²¹ CRIN, 'Macedonia: children's rights references in the Universal Periodic Review', 2014, available at: <https://www.crin.org/en/library/publications/macedonia-childrens-rights-references-universal-periodic-review-0>; European Commission, 'The Former Yugoslav Republic of Macedonia 2013 progress report', 16 October 2013, available at: http://ec.europa.eu/enlargement/pdf/key_documents/2013/package/mk_rapport_2013.pdf.

²² Law on Administrative Disputes, Official Gazette, No. 62 of 22 May 2006, article 3.

be initiated by the head of the department.²³

B. What powers would courts have to review these violations, and what remedies could they offer?

The Constitutional Court decides on the conformity of laws with the Constitution and the conformity of other regulations or enactments with the Constitution and the laws. It is responsible for protecting the constitutional and legal rights of individuals.²⁴ If a law, other regulation or enactment does not conform to the Constitution, the Constitutional Court can repeal or invalidate the provision.²⁵

The Administrative Court decides on the legality of administrative acts “[f]or the purpose of providing judicial protection of the rights and legal interests of natural and juridical persons, and in order to ensure legality”.²⁶ The Court has the power to annul the challenged administrative acts.

Civil courts may award compensation for damages suffered by the child victim.

C. Would such a challenge have to directly involve one or more individual child victims, or is it possible to challenge a law or action without naming a specific victim?

Actions before the Constitutional Court and Administrative Court cannot be confidential and the identity of the complainant must be disclosed. In civil proceedings, the disclosure of the identity of the plaintiffs is required. In criminal proceedings, the initiation of proceedings can be anonymous.

D. Is any form of collective action or group litigation possible, with or without naming individual victims?

Yes. Under the Civil Procedure Code, it is possible for several persons to bring one claim before the courts, if their matters concern the same subject matter arising from the same facts.²⁷ Each co-litigant remains an independent party to the case.²⁸

E. Are non-governmental organisations permitted to file challenges to potential children's rights violations or to intervene in cases that have already been filed?

In civil proceedings, NGOs must prove their legal interest in order to bring an action. They can also be involved as interested third parties in the proceedings, provided that they can demonstrate a legitimate legal interest in the proceedings.²⁹

In criminal proceedings, NGOs can submit a claim to the court or the Public Prosecutor.

²³ See <http://www.ombudsman.mk/>.

²⁴ Constitution, article 110.

²⁵ Ibid., article 112.

²⁶ Law on Administrative Disputes, article 1.

²⁷ Civil Procedure Code, article 186.

²⁸ Ibid., article 190.

²⁹ Ibid., article 194.

In administrative proceedings, when a right or interest of an individual who is a member of an association has been violated by an administrative act, the association may lodge a complaint against such administrative act on behalf of the member. For this to occur, the association's rules must protect certain rights and interests of its members. An association may take part in a dispute on the side of the individual and undertake all actions and use all legal remedies on behalf of the individual so long as such action is not contrary to the statements and the actions of the party.³⁰

NGOs can also inform the Ombudsman of a child rights violation on behalf of the child in need of legal protection.

IV. Practical considerations

- A. Venue. In what courts could a case be filed (e.g., civil, criminal, administrative, etc.)? What would the initial filing process entail?

A civil case is initiated in a first instance court ("Basic Court"). A civil claim should include designation of the court, supported by proof of identity, residence or domicile of the parties, or the company headquarters of their legal representatives, subject of the statement and signature of the applicant or electronic signature, e-mail address and a contact phone number.³¹ The claim should contain an explanation of the request and description of the facts based on the plaintiff's request.

In criminal cases, the request for initiation of proceedings or a private charge could be submitted by the claimant (or his/her legal representative) to the Public Prosecutor or directly to a court of first instance respectively.³² There are no strict requirements as to the form or content of this request.

Actions in the Constitutional Court challenging the constitutionality of laws and regulations are commenced by filing a form prescribed by the Rules of Procedure of the Court.³³

Administrative actions challenging administrative acts are initiated by filing a complaint.³⁴ The complaint must contain the complainant's name and place of residence, the administrative act against which the complaint is lodged, the reasons of the complaint, as well as the scope and direction of the proposed annulment of the administrative act. If return of property or compensation of damage is requested by the complaint, it must also contain a request regarding the object or the amount of damage suffered.³⁵

- B. Legal aid / Court costs. Under what conditions would free or subsidised legal aid be available to child complainants or their representatives through the court system (i.e., would the case have to present an important legal question or demonstrate a

³⁰ Law on Administrative Disputes, article 3.

³¹ Civil Procedure Code, articles 98 and 176.

³² Criminal Procedure Code, article 48.

³³ See <http://www.ustavensud.mk/domino/WEBSUD.nsf>.

³⁴ Law on Administrative Disputes, article 19.

³⁵ *Ibid.*, article 23.

likelihood of success)? Would child complainants or their representatives be expected to pay court costs or cover other expenses?

See part II.D above.

To be eligible for free legal aid, an applicant must be: (1) a citizen and permanent resident of Macedonia, who (2) due to his/her financial status, is unable to exercise his/her constitutional and guaranteed rights without endangering his/her own sustenance and the sustenance of the household members, and (3) is a beneficiary of social or disability allowance without other income, beneficiary of lowest pension with two or more dependents, or a family with one or more minors that is entitled to child support allowance.³⁶ Free legal aid is also granted to non-citizens in certain circumstances.³⁷

Regarding the financial requirement, the income of the applicant and his/her household members must not exceed 50% of the average monthly salary in Macedonia for the month before the application was submitted,³⁸ and the property of the applicant or his/her household members must not exceed five times the average monthly gross salary in Macedonia for the previous month.³⁹ The income of the applicant may be assessed individually if there are conflicting family interests in dispute for which free legal aid is requested.⁴⁰

Applications for free legal aid must be submitted to the competent regional unit of the Ministry of Justice. The application must contain a written statement signed by the applicant and his/her household members concerning their financial circumstances. Applications from victims of domestic violence are exempted from this last requirement, and are treated with urgency.⁴¹

Free legal aid will not be approved in “cases which are obviously unreasonable or there are no legal facts based on which legal actions can be undertaken”.⁴²

- C. Pro bono/Financing. If legal aid is not available, would it be possible for child complainants or their representatives to obtain legal assistance from practicing lawyers on a pro bono basis, through a children's rights organization, or under an agreement that does not require the payment of legal fees up front?

Pro bono legal services are available from certain law firms, which can either be approached directly or through organisations that protect the rights of the child.

The First Children’s Embassy in the World, “Megjashi”,⁴³ manages the SOS Helpline in Macedonia: 0800 1 22 22. The Helpline allows children to report violations of their rights as well as receive information and discussion of potential resolutions to their problems, free legal counselling, and psycho-social support.

³⁶ Law on Free Legal Aid, article 12.

³⁷ Ibid., article 12(3).

³⁸ Ibid., article 12(4)

³⁹ Ibid., article 14.

⁴⁰ Ibid., article 12(5).

⁴¹ Ibid., article 20.

⁴² Ibid., article 9.

⁴³ For more information, see: <http://www.childresembassy.org.mk/sos-helpline-information.nspj>.

- D. Timing. How soon after a violation would a case have to be brought? Are there any special provisions that allow young adults to bring cases about violations of their rights that occurred when they were children?

According to article 48 of the Criminal Procedure Code, a request for prosecution or a private charge must be submitted to the Public Prosecutor or competent court respectively within 3 months from the day when the relevant person found out about the criminal offence.

The period of limitation for prosecuting criminal offences, which runs from the time of the commission of the offence, depends on the maximum term of imprisonment which can be imposed for the offence in question. This is as follows:⁴⁴

Period of limitation	Term of imprisonment
30 years	life
20 years	more than 10 years
10 years	more than 5 years
5 years	more than 3 years
3 years	more than 1 year
2 years	1 year or fine

Applications to the Constitutional Court for compliance of certain laws with the Constitution have no deadline.

Complaints about administrative acts must be submitted within 30 days from the date of delivery of the administrative act to the party. If the act has not been delivered, a complaint may be submitted within 60 days of the date of delivery of the administrative act to the party in whose interest it has been passed.⁴⁵

- E. Evidence. What sort of evidence is admissible/requires proving a violation? Are there particular rules, procedures or practices for dealing with evidence that is produced or presented by children?

In civil proceedings, the claimant has to submit evidence that establishes the facts of the claim or refutes the claims of the other party.⁴⁶ In relation to giving oral evidence, where a party to the case lacks litigation capacity, the courts will normally hear testimony by that party's legal representative, however, it may also decide to hear testimony from the party itself instead of or in addition to evidence given by the representative.⁴⁷

⁴⁴ Criminal Code, article 107.

⁴⁵ Law on Administrative Disputes, article 20.

⁴⁶ Civil Procedure Code, article 205.

⁴⁷ Ibid., article 252.

In criminal proceedings, it is up to the prosecutor or the person submitting a private charge to establish the facts which prove their allegation against the defendant beyond reasonable doubt. This is done through various pieces of evidence, specifically, through documents that are submitted as primary evidence in any form of pleadings. The court and the Public Prosecutor, nevertheless, also have discretion to order the gathering of evidence or expertise to help the investigation.

Under the Law on Juvenile Justice, a child victim can be examined only two times during the judicial proceedings; however, this does not include the interviews with the child victim that took place during the initial contact with the system, i.e., the police and Centre for Social Work. The court can order a video and audio recording of the statement given and the examination of the child, which are to be used as evidence during the proceedings. An additional examination of the child victim may only be ordered in exceptional cases or if there are any newly discovered circumstances relevant to the case; but the victim may then be heard just once more, using technical means of communication.

In both civil and criminal proceedings, witnesses who are minors or who cannot comprehend its meaning, shall not be obliged to bind themselves by oath.⁴⁸

- F. Resolution. How long might it take to get a decision from the court as to whether there has been a violation?

According to the Civil Procedure Code, courts have an obligation to conduct proceedings without delay and within a reasonable period of time.⁴⁹

Criminal proceedings involving children are considered urgent. However, there is no strict deadline as to the when the court should render a decision.

According to a report by the European Commission, despite various judicial reforms, “there is still a problem of excessively long court proceedings, including repeatedly quashed judgments and remittals for re-trial or re-hearing by higher courts to lower courts”.⁵⁰ The highest number of complaints filed against judges and courts in 2012 concerned the length of court proceedings. The Ministry of Justice received 509 complaints. That said, “the majority of courts at all levels were able to process as many cases as they received, or more, during 2012” and “[t]here are now no courts with significant backlogs”.⁵¹

Where delay constitutes a violation of the right of trial within a reasonable time before the courts of Macedonia, an application may be submitted to the Supreme Court by the parties and other participants in proceedings.⁵² In 2012, the Supreme Court received 1,906 applications for compensation for unreasonably lengthy court proceedings, upheld 203 applications, and awarded almost €158,000 in compensation and costs.⁵³

⁴⁸ Civil Procedure Code, article 232; Criminal Procedure Code, article 223.

⁴⁹ Civil Procedure Code., article 10.

⁵⁰ European Commission, ‘The Former Yugoslav Republic of Macedonia 2013 progress report’.

⁵¹ Ibid.

⁵² Law on the Courts, No. 58/2006, article 35.

⁵³ European Commission, ‘The Former Yugoslav Republic of Macedonia 2013 progress report’.

G. Appeal. What are the possibilities for appealing a decision to a higher court?

Macedonia has a three-level system of courts in civil and criminal matters: first instance courts, appellate courts and the Supreme Court. Decisions of first instance courts may be appealed to appellate courts.⁵⁴ Decisions of appellate courts may be appealed to the Supreme Court only in cases where certain criteria are satisfied. The Supreme Court is the highest court in the State.

Decisions of the Administrative Court can be appealed to the Supreme Court.

Cases concerning violations of human rights under the European Convention on Human Rights may be appealed to the European Court of Human Rights once domestic remedies have been exhausted.⁵⁵ When the European Court of Human Rights finds that a decision of the Macedonian courts constitutes a violation of the European Convention, the party can return to the original court of first instance for review of their judgment, following the re-trial procedure.⁵⁶ In such a re-trial, the national courts have an obligation to follow the legal views expressed by the European Court that establish a human rights violation.⁵⁷

H. Impact. What are the potential short-term and long-term impacts of a negative decision? Is there a possibility for political backlash or repercussions from a positive decision?

Judgments of the Macedonian courts are binding, after all the relevant instances have reviewed it.

Several reports highlight a lack of judicial independence in Macedonia, which may affect the way cases are decided. In particular, according to a 2013 report of the European Commission, “there are claims of selective justice, indirect political pressure, judgments which are unusually expedited in terms of outcome or speed, as well as the content of judgments sometimes having direct consequences for the career of the judge concerned, particularly in high-profile or politically sensitive cases”.⁵⁸

I. Follow up. What other concerns or challenges might be anticipated in enforcing a positive decision?

None.

V. Additional factors. Please list any other national laws, policies or practices you believe would be relevant to consider when contemplating legal action to challenge a violation of children's rights.

The following is a list of the most important laws that regulate the rights of the child in

⁵⁴ Civil Procedure Code, article 337.

⁵⁵ For more information, see European Court of Human Rights, ‘Applicants’, available at: http://www.echr.coe.int/Pages/home.aspx?p=applicants&c=#n1357809840531_pointer.

⁵⁶ Civil Procedure Code, article 400.

⁵⁷ Ibid.

⁵⁸ European Commission, ‘The Former Yugoslav Republic of Macedonia 2013 progress report’.

Macedonia:

- **The Law on Protection of Children**⁵⁹ aims to regulate the system of child protection.
- **The Family Law**⁶⁰ prescribes detailed and specific rights for the protection of members of the family.
- **The Law on Social Protection**⁶¹ introduced a pluralistic approach to social protection with several types of social protection institutions: day care centres for street children, centres for victims of domestic violence, centres for victims of trafficking, therapeutic communities, and small group homes and counselling centres. These centres provide different services, including legal aid.
- **The Criminal Code**⁶² specifically refers to “child victims” of trafficking and sexual abuse crimes, which entail more severe sanctions for the perpetrators when the victim is under the age of 14. The catalogue of these crimes has been broadened to include “luring/enticing a minor under the age of 14 for purposes of sexual molestation or other sexual activity”, punishable by one to five years’ imprisonment. Another new provision is the prohibition on engaging in a profession or business, or performing a duty, which has been introduced to accompany a prison sentence of at least 6 months for the criminal offences of “sexual assault on a minor under the age of 14” and “sexual molestation with abuse of official position or authority”, when the offence has been committed by a teacher, caregiver, doctor or another person, through abuse of that person’s official position. There is a general obligation for all State authorities, institutions and other legal persons to report all crimes prosecuted ex-officio about which they have been notified, or crimes that they have found about in any other manner, including crimes against children.
- **Law on Juvenile Justice**⁶³ introduces the status of “children at risk” – juvenile persons who have attained the age of seven, but have not attained the age of 14 at the time of committing an act defined as a criminal or misdemeanor offence. “Children at risk” are also children under the age of 14 who are addicted to drugs or alcohol, children with developmental impediments who are victims of violence, child victims of violence and neglected children whose families are struggling or unable to provide adequate care/upbringing, truant children, or children involved in begging, vagrancy or prostitution and who, due to such circumstances, could come into conflict with the law. The law determines the obligations of all institutions within the system of juvenile justice to intervene in a situation of risk. The court procedure against juveniles is no longer regulated by the Law on Criminal Procedure, thus enabling the creation of specific child-sensitive court mechanisms through the introduction of special judges for juveniles and particular preventive and protection measures. The law has a separate chapter on child victims aiming

⁵⁹ Official Gazette, No. 23/2013.

⁶⁰ Official Gazette, No. 86/1992, 9/1996, 19/2000, 29/2001, 38/2004, 60/2005, 33/2006, 84/2009, 112/2009, 67/2010, 157/2010, 39/2012, 44/2012.

⁶¹ Official Gazette, No. 79/2009, 36/2011, 51/2011, 166/2012, 15/2013, 79/2013),

⁶² Official Gazette, No. 37/1996, 80/1999, 4/2002, 43/2003, 19/2004, 81/2005, 60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/2011.

⁶³ Official Gazette, No. 87/2007, 103/2008, 161/2008, 145/2010)

at special protection of the victims.

- **The Law on Elementary Education⁶⁴** and the **Law on Secondary Education⁶⁵** prohibit the physical and psychological ill-treatment of students in schools. A fine is envisioned for any teacher proven to have abused a child. The law does not impose any obligations on schools to record and report any incidents of abuse.
- **The Law on Labour Relations⁶⁶** sets the basic rules on child employees. The law uses the term “young person” for someone under 18 years of age and in good health who can be employed. The working hours are limited and the employer must protect young people from economic exploitation and any work that may have a detrimental impact on their safety, health, physical, mental, moral or social development, or which could jeopardise their education. Employment for children under the age of 15 is forbidden, with the exception of remunerated participation in activities which in their scope and character do not adversely affect the child’s health, safety, development or education, including participation in cultural and artistic activities, and sports and advertising activities.
- **The Law on Special Register for persons convicted of criminal offences related to sexual abuse of juveniles and paedophiles⁶⁷** aims to create an online register of convicted pedophiles who have been released, containing their pictures, names and addresses. Macedonia is the first country in the region to have such a register. The Law is currently being contested before the Constitutional Court.

This report is provided for educational and informational purposes only and should not be construed as legal advice.

⁶⁴ Official Gazette, No.103/2008, 33/2010, 116/2010, 156/2010, 18/2011, 51/2011.

⁶⁵ Official Gazette, No.44/1995, 24/1996, 34/1996, 35/1997, 82/1999, 29/2002, 40/2003, 42/2003, 67/2004, 55/2005, 113/2005, 35/2006, 30/2007, 49/2007, 81/2008, 92/2008, 33/2010, 18/2011, 51/2011.

⁶⁶ Official Gazette, No.62/2005, 106/2008, 161/2008, 114/2009, 130/2009, 50/2010, 52/2010, 124/2010, 47/2011.

⁶⁷ Official Gazette, No. 11/2012.