

# **REPUBLIC OF MACEDONIA**

## **OMBUDSMAN**

### **INFORMATION ON THE WORK OF THE DEPARTMENT FOR PROTECTION OF THE RIGHTS OF CHILDREN IN 2006**

#### **General description of the Ombudsman Office and its activities**

Our Department for Protection of Rights of Children continues to work in the frame of the national Ombudsman Office of the Republic of Macedonia and there are no significant changes in the structure and the way of work. For coordination with the conditions foreseen in the ENOC Statute and Standards we have sent the proposition to the Government of the Republic of Macedonia for changes and amendments of the Law on the 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. The Macedonian Government gave positive opinion on the Ombudsman proposals and we are expecting soon those amendments to be put in the further procedure in the parliament.

#### **ACHIEVEMENTS AND ACTIVITIES OF THE DEPARTMENT IN THE PREVIOUS YEAR**

##### **Level of respect and protection children rights**

During the previous year the number of complaints regarding the children's rights increased, which is a sign that these rights are increasingly violated, but also that the public consciousness about them is increased too. The Ombudsman still cannot express satisfaction about the treatment of the children as subjects with special rights, interests, and obligations. The non-acceptance of this status is mostly noticeable at the parents and teachers, but also in the public institutions responsible for the children's rights, because they don't have in mind always the best interest of child during the decision making process regarding the children. The children's insufficient knowledge of their rights also contributes to their inappropriate status, which can be concluded from the fact that only small number of children autonomously asked protection of their rights from our

institution. The children still don't know enough their rights and responsibilities and they are not trained to recognize violation of their rights and to self-protect in case of violation or abuse of their rights. Fact that their knowledge is not in a satisfactory level was confirmed by investigations of the Ombudsman department realized in many elementary schools in Macedonia.

### **Fields of complaints about children rights violation**

1. Like in the past, in 2006 most of the complaints were about the rights of the children to keep contact with the parent who does not live with them. Having in mind the best interest of the children, as well as the actual possibility for cooperation between the parents, the Ombudsman, in some cases achieved a degree of communication, and realized the contacts between the parents and the children. Still there were cases where the conflict relations between the two parents could be overcome, neither by the Ombudsman's activities nor by the activities of the Ministry of Labour and Social Policy, which caused difficulties in the normal and regular contacts between a parent and a child. That has an effect on mental and physical development of the child to a healthy and tolerant person.

2. The complaints submitted to the Ombudsman indicate that the children are victims of violence, especially family violence although according to the Convention for children's rights and the domestic legislative they should be protected. These complaints gave ground to the Ombudsman to establish that the centres for social care do not act timely, and the courts are even less effective in the protection of the children by issuing temporary measures.

3. The violence over the children was present in the schools, which was established from the complaints and from the Ombudsman surveys which indicated that in the schools children are victims of physical, mentally and sexually molesting. Such violations are often not registered or there are no measures taken for protection of children and for sanctioning the offenders. As before, the Ombudsman concluded that proving the factual situation is extremely hard because the students hesitate to publicly expose their recollection of the situations they were witnessing, and the teachers do not have the will and motivation to sanction specific problems or violation of the children's rights, caused by a colleague. The Ombudsman confirmed its findings and conclusions that the competent bodies do not react quickly and appropriately and are not taking all the measures to protect the children, especially in cases where a teacher should be sanctioned for physical or mental molesting of a child. In several cases the Ombudsman filed criminal charges against the teachers that physically or mentally molest children.

4. During the reporting period the Ombudsman found that a number of children in the Republic do not attend elementary school even though it is compulsory and free. The Ombudsman established that these children do not

attend school only because of the bad financial situation of their families who are not able to provide the books and other needs of the children for their attendance at school. Evaluating that the children should not be absent from school only because of financial problems, and that the state is obligated to take measures to prevent it; the Ombudsman expressed its views through the media. At the same time the Ombudsman sent a written request to the Government of the Republic of Macedonia and to the Ministry of Education to implement legal obligation for material and other aid, as well as stimulative measures for attendance of elementary school, which should be really free according to the Convention for the children's rights and the Constitution of the Republic of Macedonia, which has been agreed and necessary funds from the budget for this purpose are to provided.

5. Children should be protected from any kind of labour exploitation. Still the Ombudsman in 2006 found labour exploitation of children-pupils in the elementary education by their parents and it was found that those children do not attend classes because of their work. According to the international documents on the children's rights and on their protections of any kind of exploitation, as well as the domestic legislative, the Ombudsman initiated procedures on its own initiative, and recommended the competent bodies to swiftly take all possible measures to protect children from any kind of exploitation, help their return to school and sanction the parents who neglect and exploit them.

6. In order to perceive the situation regarding some of the children's rights during the reporting period, the Ombudsman conducted several analyses on the domestic violence of children, the involvement of children with special needs in the elementary education and the possible ways for their discrimination, on the situation on the rights and interests of the children with special needs in the day care centres and the physical and mental molesting of children in the elementary education.

7. Regarding the practical use of the provisions from the Law on Family, the readiness and the expertise of the centres and the courts to stop the family violence and to provide appropriate protection to the children victims of family violence, the Ombudsman found that family violence over children is not treated differently from any other kind of violence for what specific measures should be taken because the children should be provided with special protection. To overcome specific problems and omissions in the legislative and in the functioning of the social welfare centres for prevention of family violence of children and providing real protection for the children victims of the family violence, the Ombudsman along with the results from the analysis, sent several suggestions and recommendation to the Government of the Republic of Macedonia and to the Ministry for Labour and Social Policy. Changes of the Law on family with separation and closer defining of family violence of the child and providing and closely defining the measures to be taken by the centres and the courts for protection of the children victims of family violence was highly recommended. Closer defining of the way and procedure for executing

measures, especially for implementing of the temporary measures ordered by the court, was also recommended.

In order to provide expert help and support for the children-victims of family violence, the Ombudsman recommended forming of special teams of experts for providing an appropriate psychosocial treatment of a victim child in the social welfare centres. The child should not be separated from the family, but it should be separated from the person who is committing the violence. The Ombudsman also recommended urgent opening of counselling bodies, taking necessary preventive measures for protection of the children from this type of violence and conducting of swift and efficient court proceedings. For that purpose education of the officials in the Social Welfare Centres and of the judges who are deciding on these cases is necessary. The recommendation from the Ombudsman is accepted and Ombudsman expects there implementation into legislative and practical execution.

8. In its analysis of the inclusion of the children with special needs in the elementary education and the possible forms for their discrimination accomplished in over 200 elementary schools, the Ombudsman found several problems which the children, the teachers and the parents are facing which makes the inclusion of the children with special needs in the regular elementary education difficult. For the purpose of creating equal opportunities and conditions for inclusion of the children with special needs into the regular elementary education without any kind of problems and discrimination, the Ombudsman estimated that the need to create an appropriate adopted educational process for this category of children still exists, as well as the need for improvement of the organizational, technical and personnel improvement in the elementary schools.

9. For future inclusion of the children and getting information on their standpoints and opinions about the issues regarding them, the Ombudsman continued with the activities of the Board of Children.

### **Mutual relations between the Ombudsman, i.e. Department for Protection of Children Rights with the Parliament of the Republic of Macedonia, the Government and other state authorities**

In regards to our cooperation with the competent bodies and organizations, on which in a great deal depends the efficiency of protection of children rights, although it can be concluded that it is on a satisfactory level, the Ombudsman finds that in some cases the competent institutions have acted untimely in the protection of the children's rights or untimely upon our recommendations and other interventions. This attitude reflects negatively on realization, efficiency and timely protection of the children's rights.

**Deputy Ombudsman  
Nevenka Krušarovska**