

CONTRIBUTION to the EU Enlargement Package 2019

To: European Commission
DG Neighbourhood and Enlargement Negotiations, Strategy and Turkey

Attn: **Ms. Myriam Ferran, Director**

CC: **Ms. Alexandra Pana**

Ref: Written **contribution** for the **2018 Enlargement Package** on **child protection and children rights** in the Western Balkans

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**This contribution has been prepared and submitted by
ChildPact – the Regional Coalition for Child Protection,**

with the support of our members in

Albania – All Together for Holistic Care of Children (BKTF)

Bosnia and Herzegovina – Stronger Voices for Children (SVC)

Kosovo – Coalition of NGOs for Child Protection (KOMF)

Republic of Serbia – Network of Organizations for Children of Serbia (MODS)

and the support of our partners in

Former Yugoslav Republic of Macedonia - First Children's Embassy in the World "Megjashi" –
Republic of Macedonia

ChildPact – the Regional Coalition for Child Protection is grateful for the opportunity to provide a written contribution to the preparation of the EU Enlargement Package 2019. The following contribution has been prepared jointly by ChildPact and its members and partners mentioned above.

Child protection and children rights are facing similar difficulties in the region, with some country particularities that will be highlighted in the country specific sections. Some of the main challenges in child protection and children rights across the region are:

- **Legal frameworks and implementation capacities** – *improvements in the existing legal frameworks can be identified in many countries in the region; however, the major challenge of their proper implementation remains; among the problems hindering the adequate implementation of the existing legal frameworks include the lack of adequate funding of the systems and the limited staffing of the systems, thus limiting their capacity to actually put in practice the facilities established by the law. Governments in the region need to be reminded more strongly that the mere adoption of laws is not sufficient and progress*

towards the EU standards also requires progress in the actual implementation of the legal provisions. Available EU funding should prioritize the building of capacities to implement the existing legislation. Increased cooperation and coordination should be encouraged by requiring integrated approaches and national level cross-sectoral strategies that would support the actual enforcement of the rights guaranteed by law, but constantly infringed by the limited and faulty implementation mechanisms. Increased recognition and involvement of NGOs in development of strategies and policies would provide an extraordinary opportunity to make best use of their expertise.

- **Coordination and integrated policy approaches are limited** – it is common across the region that the authorities continue to approach problems in isolation, based on how the ministries are structured, and do not make efforts to set up integrated approaches that would have a real contribution to addressing problems and bringing improvements to the most vulnerable; thus social services or social support services are not correlated with educational policies, families have to choose between different types of benefits although they would be entitled to receive more support due to their increased vulnerability; local and national level policies are not coordinated and capacities at various levels of decentralization are not sufficient.
- **Real capacity development** – while extremely valuable, exchanges and trainings are not a proxy for real capacity development which requires much more than trained personnel; training is a burning need in many fields, from education personnel that needs to learn how to integrate children with disabilities to the personnel in the judicial system that deals with children, to the staff working in the social services provision and to the police forces interacting with children and families; but training alone will not enable these professionals to do a better job for the interest of the children, if they lack mechanisms, rules and procedures that enable them to actually apply what they have learned or if they lack resources to make their learning reality for the children. Long term support is needed to build capacities, train people and develop functional mechanisms that enable real and systemic level changes. Financial support is key, but also real will of governments to act is required.
- **Progress in deinstitutionalization needs to take two directions: preventing separation of children from families and facilitating return of children in the primary family if separation has occurred** – working to develop alternative care for children in institutions is progressing, but the other side of fighting institutionalizations needs increased attention and investment: prevention of separation of children from their family. Significant numbers of children across the region are still separated from their families from pure economic reasons due to the failure of the social systems to provide adequate support to the vulnerable families thus enabling them to keep the children in the family. Revision of the social support provided to families with children is required and adequate support mechanisms need to be designed, funded and implemented so that children are no longer separated from their families on economic grounds.
- **Violence against children remains a significant challenge in the region** – countries seem to lack capacity to properly tackle this phenomenon, not only within the family, but also in public settings like the educational institutions; increased awareness on the negative effects of violence against children needs to be developed among the general public, parents and school staff; personnel from educational institutions, social care centres, social service providers, police forces and judicial system need to be trained to approach this topic with sensitivity and fight its negative effects. Inter-sectoral cooperation and coordination mechanisms should be established to enable smooth and coordinated intervention from the relevant actors.
- **Increased inclusion of children with disabilities and improved access to early childhood education and care require immediate action** – children with disabilities remain an extremely vulnerable category of children, exposed to severe risks of separation from family due to inadequate support, both financial and psychological, available for families and exclusion from education since the infrastructure is not adopted to facilitate their access into the educational buildings and the staff is not trained and supported to include the disabled children in the system. Some conditionality of access to certain financial benefits affect the capacity of the family to provide adequate care for the children with

disabilities, while the lack of support and facilities prevents children from vulnerable backgrounds to access early childhood education and care, significantly affecting their path in life.

→ **The data collection systems and practices remain a challenge** - There is a significant lack of adequate, reliable and updated data on the overall situation of child protection and children rights in the region. The data collection and management is a key factor for development, implementation and monitoring of relevant public policies for children. Therefore the emergence of independent data collection mechanisms by civil society should be supported in order to monitor the state of child rights in countries in the region and feed the decision making processes with real and recent data.

We hope that our contribution will be helpful in designing the enlargement package and hope that the rights of the child will be given due consideration in the 2019 Enlargement Package. ChildPact – as the regional coalition for child protection – and its members, national coalitions for child protection and children rights remain at your disposal for any further information required and future collaboration.



Sincerely,
Cristina Rigman
Secretary General of ChildPact

Country sections starting on the next page

ALBANIA has taken some important steps forward to the decentralization, social service reform and establishment of a child protection system. The legal framework for the protection of human rights is broadly in line with European standards and Albania has ratified most international human rights conventions. However, enforcement of human rights remains to be strengthened. Further efforts are needed to improve the situation and in more concrete terms some of the most important issues, identified by BKTF based on the field work, capacity building with professionals and advocacy are listed below:

The situation of respecting the rights and protection of children and functioning of community services at Local Government Units level - Based on the principle of decentralization and subsidiary, municipalities and their social services structures take on a primary role within the implementation of Law 18/2017 and 121/2016. Despite the efforts to abide by the above principles, data coming from projects implementation shows that a good part of Local Government Units are still not ready to enforce the obligations deriving from Law 18/2017 and 121/2016. Moreover, in many of the municipalities there is a lack of official information and analysis of the situation with regard to respecting children rights and addressing child protection concerns. There are no monitoring mechanisms and local institutions lack capacities to assess and conduct mapping exercises related to needs and vulnerability factors. This lack of capacities is also reflected in lack of a holistic and systematic approach to design, establish proper functional prevention and protection mechanisms. Funding of services continues to be completely inadequate to cover basic childcare services for children in need of protection, especially this identified in the lack of vision toward social funding and fund raising opportunities.

Challenges and shortcomings in the system of protection, prevention and identification of victims of trafficking - Financing of sustainable services based on needs of victims of trafficking continue to be insufficient. Despite improvements in recent years, most services are based on donors and temporary projects, thus not ensuring the sustainability of services. Despite the fact that medical visits are provided free of charge, most medical treatments are not reimbursed, making the health service of the victims of trafficking very costly. Depending on the numerous awareness-raising campaigns on human trafficking, field data indicate that the community is not fully aware of trafficking issues and the possibilities to seek help when a trafficking victim is identified and needs support. One of the continuing obstacles in working with victims of trafficking is the frequent turnover of professionals in key sectors such as police, regional social services, and so on. This phenomenon hampers work with structures, as the sustainability of professional and well-trained staffs is not ensured.

Deinstitutionalization - Support and development of care service, foster family for children / young people without parental care. Any child without parental care should have the right to alternative quality care, between standardized Family Care services supported by appropriate budgets, policies and practices. Children / young people who do not have the proper parental care or have lost it have the opportunity to be integrated into foster families near the community and the municipality where they live. Programs in the field of alternative care should focus on **preventing the separation of the child from the family** through interventions aimed at empowering families, counselling on parenting and access to social protection schemes as the best way to de-institutionalize and integrate children. Prevent information, counselling and training of parents in families of origin to provide quality care to children and adolescents / young people in the family. In Albania there are about 31.000 orphaned children (INSTAT, Census 2011) and according to Save the Children in Albania data, the total number of children living in residential care centres (public or non-public) is 846, out of whom: 285 children with disabilities and 561 are other children. Total number of children is living in residential care centres decreased 15% since 2014. If we consider the official data from the State Social Service, there are about 179 children in orphanage or public centres, but we don't have official data about the number of these children living in non-public centres.

Children refugees and migrants/ Children affected by migration - After returning from migration, children in particular experience extraordinary reintegration challenges once back in their country of origin. They often struggle to (re)establish positive relationships with their relatives and/or with their peers and community, especially when they have spent a long time away. Many may not enjoy their fundamental rights and access basic services such as health and education. They may have to sustain discrimination and stigma, and survive in very poor and

uncomfortable conditions. They may even have important language barriers. The vulnerability increases for children of non-majority communities such as Roma, Ashkalis and Egyptians. There are significant gaps in the current response because both in the existing legal frameworks and their implementation do not translate into a diversified range of resources and coordinated multi-sectoral interventions that ensure a successful reintegration process for all returnees and especially for children. However, the most important thing is the **lack of political will to recognize that the returnees are in need of protection and assistance.**

Some of our key recommendations, based on the situation described above, include:

- **Child protection structures in many local government units are insufficiently trained**, lack adequate capacity building training for the workplace or they carry many administrative tasks that are not related to the protection of children. *39% of the children do not know where to seek help when they experience violation of their rights or feel like they have been unfairly treated, whilst 10% of the children do not feel safe at school. (“Young Voices” study report, Save the Children Albania) Consequently, there is a lack of capacities in identification and early interventions. This also is reflected in lack of vision toward the founding, establishment and functioning of Family strengthening programs.
- **Albania lacks specialized services especially for children victims of sexual abuse and exploitation,**
- **The status of the social workers is not adequately regulated**, thus hindering their ability to undertake intrusive actions in the cases of children in need of protection. *90% of children consider the presence of a psychologist/social worker at school as very important. (“Young Voices” study report, Save the Children Albania)
- **The community based services for the reintegration of victims of trafficking are very few** and are facing significant challenges with regard to funding from the state budget or municipal budgets. There are many cases of minor girls trafficked or sexually abused by family members and subsequently trafficked by third parties. These cases stay for a long term in the shelters, beyond the program provided for each case, due to the **absence of adequate foster care services.** Nonetheless, during their stay there are offered: education in public schools, increased life skills, involvement in activities inside and outside the shelter, psycho-social and legal assistance, security, etc. But of course it remains a residential service. It is necessary to improve the policies of foster care
- **Further development of foster care services is needed**, including #an increase of financial and human resources of local and central government for the development of guardianship service; #staff training in municipal / administrative units to identify, empower and monitor foster families for careless children / young people, #identification of foster households by the municipality / administrative units; # well-functioning of the foster family records where can be specified host families for children / young people who have lost parental care; #regular monitoring of the implementation of standards in the foster family; #information, advocacy, awareness-raising campaigns for the promotion of the service and the foster family; #strengthening and training of foster families on quality care and work with children / young people; #alternative quality services with and for children, in the best interests of children
- The national and International legal frameworks and their implementation do not favour the **reintegration of the most vulnerable children once they return to their countries of origin.** At the national and local levels, there are no clear public policies and no budgets allocated specifically for the support of returning children and youth. Returnees are not systematically tracked and little data exists on the numbers of returnees coming back to each local area and their specific needs according to age group. There is an unclear definition of the roles and responsibilities among national and local actors regarding returnees. Furthermore, returning families are not offered integral assistance responding to the multidimensional nature of their reintegration needs. Instead reintegration is pursued within the existing fragmented services. A **multi-sectorial and coordinated intervention supporting the reintegration process holistically** is still not in place.

BOSNIA and HERZEGOVINA marks some progress in the legal framework

enforcing the rights of the child, but **lacks significant progress in the actual implementation** of the rights of the child. The event of the year 2018 has been the general elections that attracted all media attention, while several cases of violation of children rights in the pre-election period have been slightly overlooked. During **2018 Bosnia and Herzegovina has ratified the Third CRC Optional protocol** in February and has also **submitted the CRC report on the situation of children rights to UN committee** for the rights of the child. The country **marks progress in the legal framework regarding the rights of the child** by the new Law on the protection of families with children in Federation of Bosnia and Herzegovina and the Law on child protection and Criminal code in Republic of Srpska, which are addressing and enhancing protection of children against sexual abuse. Despite the progress in the legislative framework, **a lot of work remains to be done so that the new legal provisions are properly implemented** and start produce the expected positive effects. The **contribution of NGOs remains significant**, especially with regard to the situation of marginalized groups and children with disabilities. **Support for NGOs from public funds remains very limited** and overwhelming majority of programs and services delivered by NGOs rely and depend on international funding.

Some of our key recommendations, based on the situation described above, include:

- The **capacities and coordination of responsible bodies for implementing the legal provisions affecting the rights of the child remain limited** and the situation of the rights of the child is not improving significantly despite the fact that the majority of laws in Bosnia and Herzegovina have been harmonized with the UN CRC provisions and the EU guidelines of the right of the child; **increased attention needs to be devoted to by-laws, policies and procedures** that will enable the proper implementation of the current legal framework; **the commitment of the decision makers** to adopt the required mechanisms that would lead to proper implementation of the existing legal framework **also remains limited**;
- **Adequate professional training and capacity building opportunities should be available to professionals and institutions** with attributions in implementing the existing legal framework related to the rights of the child to enable the people and the institutions to properly implement the renewed legal frameworks and face the challenges of practice; **decision makers need to be trained to understand and embed children rights in their regulatory work**;
- The **budgeting practices need improvement** so that the available resources are spent wisely and equitably, without any discrimination, especially geographic discrimination; **the changes to programme budgeting are ongoing, but the progress is slow**; additional monitoring is required in order to speed up the process of adopting the programme budgeting;
- Adopting a **national strategy to fight poverty, including child poverty**, would be a necessary step to ensure coordination among the different bodies and effective use of the allocated resources, while ensuring the continuity of the intervention regardless of any changes in the political leadership; this strategy should also include **specific measures to prevent the separation of children from families for economic reasons**; the number of children returning to the family after being separated from economic reasons is very low;
- The **current services** provided by public bodies and/or non-profit bodies **are not standardized and are not following any quality guidelines**; **no licencing/accreditation system is in place and no quality check mechanism is applied**; adequate licencing/accreditation system should be developed to enable proper monitoring and adequate quality standards for all services regardless of the provider;
- **No functional and available mechanism for response to violence against children exists currently** in Bosnia and Herzegovina; **it is urgent to set up a 24 hours helpline for children victims of violence** and enable it functions constantly and in a child-friendly manner;
- **Implementation of support measures such as inclusive education or social work centres need to be allocated adequate resources** to function well and achieve their purpose; adequate human resources are needed, such as experts to provide support to teachers, children and parents, but also technical and material support to enable such initiatives to become functional and produce positive effects;

- The **situation of children begging in the streets remains problematic**; they are considered extremely vulnerable and dedicated services are addressed to them, but stronger efforts should be directed towards preventing child exploitation by imposing severe consequences for the responsible adults;
- **An improvement in the level of exposure of the general public to information about the situation, needs and rights of vulnerable children is needed to reduce prejudice and fight stereotypes**; public campaigns exposing positive examples could be useful.

KOSOVO has continued the efforts of improving the situation of child protection and children rights in the past year. Several shortcomings can still be identified and efforts to support needed changes are still required in several fields. The **Draft Law on Child Protection has not been approved yet. Adequate budgeting needs to be put in place** at all levels to enable the actors holding responsibilities in the frame of the law to properly fulfil their duties after the law is approved by the Assembly. **Transparent and participatory budgeting processes still need to be implemented**, allowing for consultation of citizens and children with regard to the budgetary allocations.

Despite the decentralization of social services in January 2009, human and financial resources are limited. Lack of Specific Grant for Social Services disables minimum provision of quality services for the protection of children. The lack of funding prevents the institutions in fulfilling their mandate and obligations under the legislation. If Kosovo continues with this form of financing, the situation can worsen to the extent where public institutions and the non-governmental sector will be dysfunctional, as consequence of not sufficient financial support. **It's recommended to ensure sustainable and adequate funding for social services in Kosovo through amendment of the Law No. 03/L-049 on the Local Government Finance and the creation of a Specific Grant for Social Services. This grant should have clear criteria to ensure fair and adequate financing formula for social services.**

Existing legal provisions under the Law on Social Assistance Scheme are limiting the access to social assistance benefits to the families with children under the age of 5. Criterion (i) in Category II, Article 4, (under this law) where it is determined that the family should have at least one child under the age of five, is discriminatory and absolutely unacceptable. This criterion excludes families, exactly when the child has to start education and consequently the family will have even bigger expenses. **The situation needs to be corrected urgently, this criteria must be abolished under the Law on Social Assistance Scheme.** In addition, **constant increase of the value of social assistance schemes is required** to ensure that families in risk of poverty are supported adequately to keep children in the family and to ensure proper nutrition and support for the development of the children.

Children with disabilities face several limitations of their rights, especially access to adequate intervention social services, health and education. The **existence and functioning of day care rehabilitation services for children with disabilities should be maintained and supported financially by the state.** Municipalities must develop community based services. We recommend that **good practices and successful intervention models implemented by NGOs are considered and scaled up.**

Child labour continues to be a concern; currently there aren't any specific services to address children; including outreach services, as well as rehabilitation and reintegration services (including social, educational and psychological support to children and their families). Establishment and development of basic services for this category of children, is an immediate measure that the government should undertake.

Data collection and management remains a challenge, especially with regard to child labour, children with disabilities, children victims of drug abuse and other issues related to children.

Kosovo currently does not provide universal health insurance and therefore out-of-pocket spending for health services remains high. It is estimated that almost a third of the population does not have easy access to health care services or have only limited access due to lack of funds and that 18 % of the population, due to economic reasons, does not seek medical services in case of illness. Kosovo has to implement the Law on Health Insurance, which currently is not being implemented.

Some of our key recommendations, based on the situation described above, include:

- **Approval of Draft Law on Child Protection and provision of adequate budgeting** in the frame of the law to properly fulfil duties after the law is approved by the Assembly
- Ensure **sustainable and adequate funding for social services** in Kosovo through amendment of the Law No. 03/L-049 on the Local Government Finance and the creation of a **Specific Grant for Social Services**; this grant should have clear criteria to ensure fair and adequate financing formula for social services
- Revising or **reforming social policies for poverty reduction**, namely reforming the social assistance scheme through amendment of Law on Social Assistance; abolish the requirement (i) for Category II, Article 4, which states that the family should have at least one child under the age of 5, and increase the monthly amount of social assistance to cope the basic living conditions for a family
- **Amending the Law on Material Support to Families of Children with Disabilities** to include comprehensive protection for all types of disability; **sponsoring community based services for children with disabilities** for the provision of daily rehabilitation and reintegration services; guarantee the quality health services for children with disabilities through regular provision of essential medicines, supplies and equipment needed; removing barriers of public access, transport, communication, information so that children with disabilities have access to proper education and social life
- Establishment and development of **basic services for children involved in hazardous work** is an immediate measure that the government and the municipalities have to undertake; establishing mobile teams for outreach services in order to identify and provide services for children
- **Research and data collection** should be gathered to determine the number of children with disabilities, children involved in child labour, and children victims of drug abuse
- Kosovo has to **implement the Law on Health Insurance**, which currently is not being implemented.

REPUBLIC of SERBIA marks progress in the overall situation of the rights of the child, especially with regard to the regularity of the consultations between decision makers and civil society. **The Council for the Rights of the Child, the advisory body of the Government of the Republic of Serbia, has been active this year.** MODS has a representative in this body.¹ Two working groups have been established in the Council – the work group on early development of the child and the work group on drafting the National Action plan for Children. The Council held five sessions from November 2017 to November 2018. Children participated in some of these sessions. MODS expects that the Council for the Rights of the Child to be proactive on topics and legislative initiatives that they should be dealing with in their work. Another positive mark is the **accession of Serbia to the EU Rights, Equality and Citizenship Program²**, for which MODS expresses great satisfaction, especially because the initiative for Serbia’s accession to the Program came from civil society organizations which sent this proposal to the Government of the Republic of Serbia.

Deinstitutionalization remains a challenge and more action is required with regard to the right of the child to life in family environment and preventing the separation of children from their families, one of the basic rights of every child³. In order to exercise this right in the child’s best interest, it is necessary to provide an **adequate and timely support to the family** in order to prevent the separation of children from families, as well as enable the return of children to their primary families, if there was a separation. **A disproportionately large number of children in Serbia still live in institutions.** The total number of children who live in alternative care in Serbia is 5.986, out of whom 666 are living in a residential care setting, while 5320 are in foster care. The number of children living in disadvantaged families in Serbia has increased (more than 162,000, 13% of all children in Serbia,

¹ The Council for the Rights of the Child, the body of the Government of the Republic of Serbia, appointed Jasmina Mikovic, the Deputy Executive Director of Praxis, and the President of the MODS Board as their members.

² Joining this Program, with an annual budget of 63 million euros, allows local governments, public institutions and civil society organizations from Serbia to apply for funds for conducting activities in the field of combating discrimination and all forms of intolerance, promotion of equality between men and women, protection of the rights of the child, combating domestic violence, etc.

³ This right is guaranteed by the Convention on the rights of the Child, Article 9.

and this rate increased by 27% compared to 2011) demanding immediate action to prevent their separation from the family on the bases of economic reasons.

Participation in early childhood education and care (ECEC) remains very low in Serbia, in particular by children from disadvantaged backgrounds. 9% of the poorest children and 6% of children from Roma settlements aged between three and five attend ECEC, compared to 82% of children from the richest households.⁴ It is necessary to improve this situation, provide different kinds of support and **improve funding for pre-school education** in order to exercise the right to education, in particular to early education.

Violence against children is still a problem. The new **National Strategy for the Prevention and Protection of Children from Violence** was drafted by the **Work Group established by the Ministry of Labour, Employment, Veterans and Social Affairs.** The Action Plan for Strategy implementation was drafted and needs to be adopted. It is a mechanism for effective monitoring of the Strategy implementation. **It is necessary to improve the General Protocol for the Protection of Children from Neglect, Abuse and Violence** so that it is aligned with the best EU practices and to enable monitoring of the implementation of the General Protocol. Also, **special sectoral protocols need to be revised, assuming the obligation to apply them.** These activities are set by the Action Plan for Chapter 23.

The lack of an integrated national framework to ensure proper implementation of the rights of the child remains a problem, since consolidated Law on the right of the Child and a National Action Plan for Children have not yet been adopted in Serbia. The **Law on Financial Support for Families with Children** was adopted at the end of 2017, but it **does not bring any improvements in the field of coverage and adequacy of financial social benefits.** Despite a small increase in the coverage of children's financial social benefits, the child allowance is still low and a large number of children remain at risk of poverty. Together with other civil society organizations, **MODS submitted an initiative to the Constitutional Court for assessing the constitutionality and legality of Article 12, paragraph 7 of the Law on Financial Support to Families with Children. A controversial provision of this law compels parents of children with disabilities under the age of five to choose between the right to absence from work for the special care of the child (and the corresponding salary compensation due to that absence), and the right to financial assistance for support and care of another person.** Parents are forced to choose between their right to work and the right of the child to financial assistance for support and care of another person. **These rights are differently based and one right cannot exclude another.**

Some of our key recommendations, based on the situation described above, include:

- ➔ **Improved use of the existing resources** from the public and civil society sector in order to **strengthen families and prevent the separation of children**, as well as to **support reintegration** of children with their families, if a separation has already occurred
- ➔ Explicitly **prohibit residential accommodation of a child under the age of three** in the Law on Social Welfare
- ➔ Explicitly recognize the measures in the Law on Social Welfare to provide support to families, particularly to families in crisis, which are at risk of having a child removed, and to **provide support and help with preparations for the return of a child to its primary family**
- ➔ **Enable the actual implementation of the intensive support services for families**, including social, educational, counselling and therapy services, by **adopting the missing Rulebooks for these services and allocating adequate governmental funding** for such services
- ➔ **Improve the overall funding for social care services** and recognize deinstitutionalization costs as public spending; funding must be available to cover transition and development costs
- ➔ **Improve the financial mechanisms for the services** provided by the social system with regard to both availability and funding rules and regulations

⁴ The main reason is the current state of pre-school education financing. 4% of GDP in Serbia is allocated to education (UNESCO recommends 6%), only 20% of which is for pre-school education. The issue of major concern is that the latest amendments to the Law on the Basics of the Education System make it possible for local self-government to reduce their allocations for pre-school education, which has resulted in uneven financing of pre-school education by different local self-governments.

- **Improve the mechanism of earmarked transfers** – the mandatory part of resources for the provision of support services to families with children.

FORMER YUGOSLAV REPUBLIC OF MACEDONIA marks small

progress in some areas of the rights of the child, while the **challenges with regard to adequate legal frameworks and their implementation** remain significant. We note the **positive approach to improving the access to social rights** by the adoption of the program that exempts the single parents, the parents with low income and the parents beneficiaries of financial social assistance from covering the required co-payment for placement of a child in a kindergarten⁵, thus improving the access to early childhood education for children from vulnerable background.

Several **key mechanisms and documents are still pending** and require immediate action to speed up their adoption and functioning: the **National Action Plan for Children, which expired in 2015** and the renewed plan has not yet been adopted, while the **National Commission for children's rights** in Republic of Macedonia, established in 2007 by the Government in order to monitor the child rights situation in Macedonia⁶, **has not held a meeting in recent years and has a dysfunctional web site**⁷ testifying for its inactivity. At the same time, a **National strategy for deinstitutionalization for Republic of Macedonia (2018-2027) is now prepared**⁸. Monitoring of the progress in drafting, adopting and also implementing these plans and strategies is required to avoid delays and ensure that these mechanisms start being implemented and produce positive effects for the children.

Inclusion of children with disabilities remains a significant challenge. The research report "Inclusion of children and youth with disabilities in mainstream secondary education" points that *"The lack of harmonized legal provisions and the inconsistent application of the laws in place, the lack of proper conditions in schools and the lack of expertise in school staff in working with students with disabilities, the lack of trained professionals on staff in school expert teams, the low level of awareness regarding the needs of students with disabilities, have all impact on the potential for creating equal educational opportunities for all"*⁹, **requiring proper investment not only in the school infrastructure, but also in training adequately the personnel** that has to make inclusion a reality in the day to day life of the children with disabilities.

Another **significant challenge is the children who use drug and other psychotropic substances.** The "Special Report about the status of children using drugs and other psychotropic substances" prepared by the Ombudsman office states that there is a **need for "strengthening and up-grading of the prevention system and protection of drug and other psychotropic substances with special focus on child protection"**¹⁰ and underlines that there is a need for *"providing appropriate conditions and capacities, proper professional staff in the institutions for work and treatment of children who use drugs in order to be provided proper care and protection of children who use drugs"* as well as *"opening counselling centres for children who use drugs and other psychoactive substances and as well as for the families of users and creating appropriate programs for work."*¹¹.

Acting in best interest of the child remain also a significant challenge, especially with regard to decisions affecting children living with only one parent, as the "Special Report about the situation with the exercise of the right of the child to personal relations and contacts with the parent with whom he / she does not live (right to see)" also conducted by the Ombudsman office recommends that *"in all procedures and decisions related to the child rights, the centres for social work and the courts when deciding to entrust a child to a parent should always be guided by the best interest*

⁵ Source: Statement from Ministry of labor and social policy

http://mtsp.gov.mk/mart-2018-ns_article-mtsp-samohranite-roditeli-koi-imaat-niski-primanja-povekje-nema-da-plakjaat-za-gradinka.nspj

⁶ <http://wa.mk/Start/Details/6508/nacionalna-komisija-za-pravata-na-decata->

⁷ <http://nkpd.gov.mk/>

⁸ [http://mtsp.gov.mk/content/pdf/dokumenti/2018/Nacionalna%20strategija%20za%20deinstitucionalizacija%202018-2027-finalen%20nacrt%20\(MK\).pdf](http://mtsp.gov.mk/content/pdf/dokumenti/2018/Nacionalna%20strategija%20za%20deinstitucionalizacija%202018-2027-finalen%20nacrt%20(MK).pdf)

⁹ Research report "Inclusion of children and youth with disabilities in mainstream secondary education" Ombudsman, June 2018 https://www.unicef.org/tfymacedonia/sites/unicef.org.tfymacedonia/files/2019-01/MK_CS_CWD_CWDinSecondarySchools_EN.pdf page 51

¹⁰ "Special Report about the status of the children who use drugs and other psychotropic substances", Ombudsman, Republic of Macedonia, January 2018, <http://ombudsman.mk/upload/Posebni%20izvestai/2018/Poseben%20izvestai-Deca%20korisnici%20na%20droga.pdf> page 36 and 37

¹¹ Ibid

of the child. They also have to provide the child with the ability to form his / her own opinion, to express their opinion and to pay attention in accordance with the age and maturity of the child”¹².

Some of our key recommendations, based on the situation described above, include:

- **Ratification of the Third Optional Protocol of the UNCRC** by the state in order to ensure that the principle of the best interest of the child becomes an active part of the policies and decisions affecting children; **adequate training needs to be provided to all actors** involved in interacting with children and parents and to the personnel entitled to take decisions affecting the children
- **Investment in the education of the general public and increasing their awareness on the prevention of violence against children is needed; parental education opportunities** need to be offered to **enable parents to develop their communication skills and non-violent education skills**, increased tolerance and increased level of information with regard to the rights of the children and the role of parents in respecting and asking for other entities to respect the rights of their children
- **Adequate professional training opportunities need to be available to teachers and staff working with children** in social centres and educational institutions to enable them to understand the rights of the child and use this approach in their current activity with children
- **Access to early childhood education needs to be improved**, also by making pre-school education compulsory and by designing mechanisms to enable all families to access pre-school education regardless of their socio-economic background
- **Prevention of violence against children needs to be strengthened both within family environment and within the school environment** by appropriate measures, including training of teachers and school staff, training of personnel of social services providers, police forces and judicial personnel interacting with children, and by making parental education opportunities widely available for parents and future parents
- **Increased cooperation between all actors is required to reduce and prevent violence against children; an integrated intervention model should be developed** clarifying the roles and responsibilities of all actors involved and enabling their smooth coordination for the best interest of the child.

¹² “Special Report about the situation with the exercise of the right of the child to personal relations and contacts with the parent with whom he / she does not live (right to see)”, Ombudsman, Republic of Macedonia, December 2017
<http://ombudsman.mk/upload/Posebni%20izvestai/2017/Posebni%20izvestaj-Licni%20kontakti-2017.pdf>