

# Macedonia

*In 2011, Macedonia made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government of Macedonia opened a new day center in Ohrid and a 24-hour center for social services in Skopje to provide services to children working in the streets, including children who beg. The Government also continued to implement a conditional cash transfer program as an incentive specifically for Roma students who stay in school in order to keep them off the streets and away from begging. However, the Government still lacks a list of hazardous occupations from which children are prohibited, and its programs are not of sufficient scope to cover the majority of children working on the streets. The worst forms of child labor continue to exist, including in forced begging and child trafficking for commercial sexual exploitation.*

## Statistics on Working Children and Education

| Children                  | Age       | Percent      |
|---------------------------|-----------|--------------|
| Working                   | 5-14 yrs. | 9.9 (30,052) |
| Attending School          | 5-14 yrs. | 84.7         |
| Combining Work and School | 7-14 yrs. | 11.5         |
| Primary Completion Rate   |           | Unavailable  |

### Sources:

**Primary completion rate:** UNESCO Institute for Statistics, 2012.(1)

**All other data:** Understanding Children's Work Project's analysis of statistics from MICS3 Survey, 2005.(2)

## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Macedonia are engaged in the worst forms of child labor, particularly as victims of domestic and international trafficking for commercial sexual exploitation and forced begging on the streets.(3-5)

Forced child labor in Macedonia primarily involves children who beg and sell cigarettes and other small items in open markets, in the streets, and to patrons of bars and restaurants. Children working on the streets are often members of the Roma ethnic group.(4, 6) Children who work on the street may be exposed to a variety of dangers, including severe weather, accidents caused by proximity to vehicles and vulnerability to criminal elements. These children also have increased vulnerability to becoming victims of trafficking.(7)



## Laws and Regulations on the Worst Forms of Child Labor

The Constitution and the Labor Relations Act set the minimum working age at 15.(8, 9) However, children who are 14 years of age are allowed to work as apprentices or as part of an official educational program.(8-10) Article 63 of the Labor Relations Act states that a person must be at least 18 to engage in hazardous work and also stipulates that children under age 18 may not work underground or underwater, engage in strenuous physical labor, or perform other jobs which may be harmful or threatening to their life or health.(9, 11) According to the ILO, Macedonia does not have a hazardous work list, but has started the process of drafting one.(12, 13)

|                                                                                     |                                                                                         |     |
|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-----|
|  | C138, Minimum Age                                                                       | ✓   |
|                                                                                     | C182, Worst Forms of Child Labor                                                        | ✓   |
|  | CRC                                                                                     | ✓   |
|                                                                                     | CRC Optional Protocol on Armed Conflict                                                 | ✓   |
|                                                                                     | CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography | ✓   |
|  | Palermo Protocol on Trafficking in Persons                                              | ✓   |
|  | Minimum Age for Work                                                                    | 15  |
|                                                                                     | Minimum Age for Hazardous Work                                                          | 18  |
|  | Compulsory Education Age                                                                | 15  |
|                                                                                     | Free Public Education                                                                   | Yes |

Forced labor is prohibited by Article 11 of the Constitution.(5, 8) The minimum age for voluntary military service is age 18, and there is no compulsory military service.(14) The Criminal Code bans prostitution and procuring people for prostitution, in addition to slavery and transporting of people in slavery.(15) The Law on the Protection of Children forbids prostitution, including any type of sexual use or abuse of children.(5) In addition, Article 201 of the Criminal Code states that it is illegal for parents or guardians to coerce children into forced prostitution for their own interest.(15)

Trafficking of children is specifically prohibited and can be prosecuted under Article 418 of the Criminal Code.(15) In the case of foreign child victims of trafficking, the Law on Foreigners allows them two months of temporary residence to determine whether they wish to assist the authorities with prosecutions. This period can be extended several times, conditioned upon collaboration with the authorities during criminal proceedings.(14)

While begging itself is not illegal in Macedonia, the use of children for forced organized and exploitative begging is prohibited under Article 201 of the Criminal Code.(15)

Education in Macedonia is free and compulsory to age 15, which is also the minimum age that children can start working in Macedonia.(16)

### **Institutional Mechanisms for Coordination and Enforcement**

The National Commission for the Protection of the Rights of Children is a coordinating body comprised of representatives from government agencies.(10) The Commission's responsibilities include protection against child labor; however, the main focus of the group is social services and other ways to protect children's rights.(8) The National Commission for Trafficking in Persons and Illegal Migration coordinates the work of all institutions involved in the prevention, protection and prosecution of trafficking in humans. This National Commission is chaired by the National Anti-Trafficking Coordinator who has the status of counselor of State.(10, 17) The National Commission for Trafficking in Persons and Illegal Migration meets six times a year to draft policies and strategies, such as the national action plan, as well as monitoring their implementation, reporting on them and recommending activities. The Commission has a subgroup which addresses child victims of trafficking.(17)

The Ministry of Labor and Social Policy (MLSP), the Ministry of Interior (MOI), the Ombudsman's Office, the Prosecutor's

Office, the Courts and Social Care Centers are the agencies responsible for enforcing laws regarding hazardous and forced child labor.(10) There are 110 labor inspectors who are responsible for all labor violations, including child labor.(10) In regional offices where there is only one inspector, he or she may cover all labor violations, including child labor, sometimes without having been trained on occupational safety and health standards for children.(18-20) Occupational safety and health and labor relations inspectors are mandated to carry out at least 60 inspections per month and at least once a year within the following sectors: industrial, agriculture, trade, construction, forestry, transport, communal services, craft trade, hotel and restaurants, schools and universities, workshops, and laboratories used for professional practice.(19) Inspections for all other premises are required once every 3 years.(18, 19)

There is no nationally accessible registry of inspections that have been carried out by MLSP inspectors because the results of inspections are recorded on paper.(19) These results are kept in regional offices and are not shared with other regional offices.(19) There are 110 labor inspectors for Macedonia, who are responsible for all labor violations, including child labor. This number is adequate for the size of Macedonia.(9) The Office of the Ombudsman is available to receive complaints of hazardous and forced child labor.(10) The Ombudsman's Office reported that there were no official complaints of child labor in 2011.(10)

The Ministry of the Interior (MOI) special police unit is responsible for investigating crimes involving child trafficking, use of children in illicit activities, and commercial sexual exploitation.(10) In 2011, the police reported three cases of child trafficking involving six victims.(4, 6, 10) The Special Prosecution Office for Organized Crime and Corruption prosecuted 13 criminals in these cases who were convicted for trafficking children for sexual and labor exploitation.(4, 6, 10) Although the minimum sentence for committing these crimes against minors is ten years, the convicted offenders received prison sentences ranging from four years to eight and a half years.(10) All children found to be victims of child trafficking were removed from the situation, placed in shelters for trafficked children, and given immediate medical and psychological care.(17)

Within the MOI, the police force is the primary mechanism for enforcing criminal laws on forced begging and trafficking. The police unit has 19 officers dedicated to organized crime, corruption and trafficking. Five of these officers are specifically designated to trafficking of children for the purpose of sexual and labor exploitation.(10) The Government continued to implement police directives, which jointly include one plain

clothes police officer and one social worker reaching out to street children and engaging their families in order to find viable alternatives to forced begging, instead of putting the parents of these children into jail.(10)

The Ministry of Foreign Affairs provides protection and assistance to foreign child victims of human trafficking and utilizes the Transnational Referral Mechanism (TRM) Project of the International Centre for Migration Policy Development, an international organization headquartered in Vienna.(17, 21) The TRM Project provides comprehensive assistance to all foreign victims of trafficking.(21)

## Government Policies on the Worst Forms of Child Labor

The MLSP adopted a ten year National Strategy in 2010 for the Fight Against Poverty and Social Exclusion. The strategy addresses children's right including social protection, social inclusion, health, education and employment.(10) The question of whether this policy has an impact on child labor does not appear to have been addressed.

The National Commission to Combat Trafficking in Persons and Illegal Migration has a National Action Plan to Combat Trafficking of Children (NAP) in the Republic of Macedonia (2009-2012).(22) The NAP focuses on preventative measures to protect children from trafficking and exploitation, along with procedures to assist victims. The NAP also suggests policy and legislative solutions to the problem.(22)

The Government has a 10-year National Action Plan for the Rights of Children in Macedonia (2005-2015), which outlines activities for prevention and elimination of the worst forms of child labor. The National Action Plan includes direct assistance and intervention for withdrawal from child labor,

rehabilitation, and provisions for better access to primary education.(10)

## Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Ministry of Labor and Social Policy with international support continues to operate five Drop In Centers responsible for rendering social services to children working in the streets, including street children who beg.(3, 10) A team of inspectors search for these children to persuade them to go to the centers or back to school. In 2011, the Government opened the fifth drop in center in Ohrid and a 24-hour transit center for social services in Skopje.(10) In addition, teams from the Centers for Social Work locate families in order to give professional advice regarding care and education of children.(13)

The Government continued to support a conditional cash transfer program as an incentive specifically for Roma students who stay in school in order to keep them off the streets and away from begging.(10)

The Government runs a Reception Center for foreign victims of trafficking. Additional services at the Reception Center are provided by an NGO receiving funds from the Government.(17) The Reception Center has no facilities dedicated exclusively to children and they do not have the capacity to handle young male victims or any victims under 12 years of age.(17)

The Centers for Social Work (CSW) provide reintegration services for domestic victims of trafficking. However, they cannot accommodate all victims seeking services in a 24-hour period. There is no facility that is specifically dedicated to children and children and adults are mixed together in the facilities.(17)

## Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Macedonia:

| Area                         | Suggested Actions                                                                                                                                                          | Year(s) Action Recommended |
|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Laws and Regulations         | Finalize and adopt the draft list of hazardous work activities from which children are prohibited.                                                                         | 2011                       |
| Coordination and Enforcement | Provide the inspectors of the Ministry of Labor and Social Policy with a nationally accessible computerized system to record inspections and make data publicly available. | 2009, 2010, 2011           |

| Area            | Suggested Actions                                                                                                                                                                                                                                                   | Year(s) Action Recommended |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| Social Programs | Continue to expand programs to address the economic and education factors behind forced, organized, and exploitative begging, particularly within the Roma community.                                                                                               | 2009, 2010, 2011           |
|                 | Increase the capacity of the Reception Center and the Centers for Social Welfare to reach more child victims of trafficking and forced labor, adapting the services of these shelters to the unique needs of child victims, including separate spaces for children. | 2009, 2010, 2011           |

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