



**STATE PARTY EXAMINATION OF THE FORMER YUGOSLAV
REPUBLIC OF MACEDONIA'S INITIAL REPORT ON THE OPTIONAL
PROTOCOL ON THE INVOLVEMENT
OF CHILDREN IN ARMED CONFLICT**

**54TH SESSION OF THE COMMITTEE ON THE RIGHTS OF THE CHILD
25 MAY – 11 JUNE 2010**

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The Former Yugoslav Republic of Macedonia ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OPAC) on 12th January 2004. On May 28th 2010, the Committee on the Rights of the Child (the Committee) examined the Former Yugoslav Republic of Macedonia's initial periodic report.

Opening Comments

The head of delegation, HE Djeljalj Bajrami, Minister of Labour and Social Policy, commented on how special it was to be reporting to the Committee on the tenth anniversary of the Optional Protocol and stated how the provisions of the OPAC had been incorporated into domestic law.

Mr Kotrane, the Country Rapporteur for the OPAC, did not make any opening remarks on the OPAC, but played a leading role in the dialogue during the session.

General Measures of Implementation

Legislation

The Committee asked about measures regarding children abused in armed conflict. The delegation responded that the recruitment of minors in armed forces or active participation in armed conflict were all sanctioned in the domestic criminal code and hence legislated for.

Mr Kotrane commended the delegation on their laws concerning armed conflict. At the same time, however, he pointed out Macedonia had ratified the Rome Statute of the International Criminal Court (1998), and hence addressed the issue of private armed groups. He stated

whilst private armed groups may not exist, if they were to arise the State party was obliged to undertake measures to criminalise the use of children by these private armed groups. He urged the delegation to amend their laws to reflect this in line with the Rome Statute.

Extra territorial jurisdiction

On the issue of extra territorial jurisdiction, the Committee asked whether the State party investigated crimes which occurred outside of the territory of Macedonia. It asked what would happen if crimes were committed outside the territory of Macedonia, against or by a citizen of Macedonia. The delegation stated their criminal legislation applied even when crimes were perpetrated outside the country.

Non-state Actors

In response to the Committee's concern over non-state actors involved in recruiting children, notably private armed groups, the delegation insisted that such groups did not exist in the country; hence they did not have any contingency plans to deal with such a situation. The Committee stressed the importance of providing law for the private armed groups, who whilst may not be present currently, may in the future.

Prevention

Traffic of small arms

The Committee asked about the legislation of small arms, expressing their concern over the possibility of these arms falling into the hands of children. It noted there seemed to be a lot of small arms being distributed around the country. The delegation acknowledged the problem of small arms, stating "this is a question of great concern". They said this was indeed a regional issue as well as an issue for Macedonia. In an attempt to address the issue of small arms, the government had set up a body, the National Commission, to monitor this. This body will be making annual reports to the government.

The delegation described how this year they had reported five cases of juveniles possessing weapons. The weapons were seized and the cases were sent to the Ministry of Labour and Social Policy for further prosecution according to our law. The delegation reported an improvement in this area, noting "We have a decline of 30% of cases from last year as a result of two campaigns we have done in the last 5 years, campaigns based on the handing over of weapons."

Prohibition and Related Matters

Military institutions

The Committee asked for clarification on the practise of military institutions, seeking a response from the delegation on whether the law prohibited children under the age of 18 being enrolled in these military schools. The delegation stated that according to domestic law, only persons who had completed secondary education were eligible to enrol at the academy. The delegation emphasised that secondary education was completed at the age of 18, so persons below this age were not allowed to enter the academy. In response to the Committee's follow-up question on secondary military schools, the delegation responded Macedonia did not have these types of schools, only the military academy.

Protection, Recovery and Re-integration

Children in armed conflict

The Committee asked whether the government had any programmes on protection and re-

integration of children who had been caught up in armed conflicts, for example internally displaced persons. It commented that to their knowledge nothing had yet been developed and there was no current support for children. The delegation said that there were many organisations in Macedonia who had developed programmes for children coming from areas of conflict. On the difficulty of identifying the age of a child coming from such conflicts, the delegation admitted this can be problematic. They revealed such a case had occurred where there was suspicion about the age of the child. In order to adopt the best interests of the child, the government appointed a guardian.

The delegation provided some clarification, saying they did not have children coming to the country from on-going conflicts but they did have children coming from places where conflicts had ended. They informed the Committee of measures being taken to care for these children.

Statistical Data on displaced children

The Committee sought further clarification on the procedures in place to identify child refugees and those displaced by armed conflicts. It wanted an explanation on the structures in place to protect these types of children. The delegation stated the Ministry of Labour and Social Policy was responsible for identifying and caring for these children. The Ministry took care of documentation from social service centres and a procedure was in place to record the data. While the procedure was pending for asylum seekers, measures were undertaken for their protection. The delegation explained these children were accommodated in special institutions for children.

The Committee remained concerned about the prospect of these children, who had escaped armed conflict in the region and come to Macedonia, disappearing from institutions and were equally concerned about the data the government had on these cases. The delegation responded, “we do not have cases of disappearance from reception centres”.

Closing Remarks

The Country Rapporteur stressed that the Committee was happy about the major efforts in implementing the legislation of the Optional Protocol. He stressed the importance of providing law for the private armed groups who may not exist today, but may in future. Finally the Rapporteur urged the delegation to address the issue of children who may come from abroad and maximise its efforts to provide assistance and care to these children.

The delegation expressed their appreciation for the commendable words from the Committee on the measures they had adopted to implement the CRC and the two Protocols. It further stated they hoped that the Concluding Observations would be helpful for their country and said they would be fully committed to implementing them.