

FREEDOM AND RIGHTS OF CHILDREN IN THE REPUBLIC OF MACEDONIA

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Abstract: Human rights and freedoms belong to every human being from the moment of birth as a human being. Human rights are standards without which one can not live and are universal principles. They also form the basis of freedom of justice and peace everywhere in the world.

Human rights and freedoms for all human beings are the same and indivisible, regardless of ethnicity, race, religion, political beliefs, and other social backgrounds.

Human dignity is the basis of human rights, including children, both from the aspect of natural law and from the aspect of legal positivism, which the state has dealt with in the defense and their realization.

Given the fact that children are our future, we must support them and take care of their abuse of any kind of abuse, both by different individuals and by the state.

This paper can serve as a useful point for understanding and protecting children's rights. The paper constitutes a selected theoretical summary and addresses various problems that have the primary purpose of stimulating child protection with a common approach to the awareness of the society of children's rights as inseparable human rights.

Professor Upendra BAXI in his publication "Human inequalities and human rights", among other things, states that no period of time, apart from the period of democratic regeneration, has been no longer privileged to carry the mission and burden of the human future.

The notion of human rights is the best gift of classical and contemporary human thought. Therefore, everyone especially children should know and understand that human rights are important to their interests and goals. This can be achieved through education and human rights education.

Keywords: freedom, right, children, protection

ENTRY

Human rights development has its roots in the struggle for freedom and equality all over the world, human rights belong to every human being since the moment of birth and are also guaranteed by international conventions such as the General Declaration Of Human Rights, UN in 1948.

One of the tasks and fundamental interests of each individual is the recognition and teaching of human rights and freedoms to protect the human dignity of all human beings, this aspiration represents the essence of the concept of human rights, which is based on the universal common value system devoted to the right of life as an inalienable right. During XIX human rights were developed as moral, political, legal formulations and guides for the development of a world free of fear and poverty.

Given the fact that, historically, citizens as a result of their efforts for fundamental, economic and social freedoms became beneficiaries of constitutionally protected rights, foreigners only occasionally or solely on the basis of any bilateral agreements can were the bearers of the gods. They needed protection from their states, which represented abroad.

The concept of universal human rights became acceptable to all human beings only after the horrors of World War II, when from 48 states the agreement on the Universal Declaration of Human Rights was reached although eight socialist states together with South Africa abstained, but since then, this concept has become the inseparable competency of the United Nations system. Since then, the number of UN member states has reached 191, and this statement, which today can be considered as an international customary right, has not been challenged any time by those states.

As the starting point of the concept of human rights is the concept of the born and inalienable dignity of all members of the human family, a concept that is recognized in the Universal Declaration and International Pact of 1996, which at the same time recognized the ideal of free human beings to enjoy freedom in all dimensions of life.

Therefore, human rights are universal and irreplaceable rights, which means that they are applied everywhere and can not be denied of the individual, even if he / she agrees.

1. NATURE AND CONTENT OF CHILDREN'S RIGHTS

Children's rights are legal rights to the state and its organs should undertake mechanisms for their protection. Given the very specific position that children have in society, since they are so delicate and helpless "to protect their interests", humanity is aware of the protection of the freedoms and rights of the child, society always strives for the good for their own future and children are the future.

The history of the protection of the rights of the child is long and has gone through a path of perplexity and effort until the adoption of the Convention on the Rights of the Child (CRC) on 20 November 1989. This concept represents the first universal code in history being raised up to the rank of legal positivism, which obliges the signatory states to apply the provisions deriving from this document. The Convention established a common legal framework for universal standards for the protection of children's rights, increased state responsibility and called for international co-operation.

The Convention on the Rights of the Child recognizes every child of the world's bearer of rights, which do not depend on any person or any other adult.

Here is also support for the concept of child autonomy, enabling the child to be respected as a subject as a citizen of society, to challenge and overcome discriminatory limitations and perceptions. As the first universal document on children's rights combining economic, social, cultural, civil and political rights, the CRC follows a comprehensive approach to addressing the situation of children, it goes beyond the earliest sterile statements for children, which were focused on the child's child protection needs, because the convention includes conditions for guaranteeing respect for the child's identity, self-determination and participation.

In article 2 of the CRC, it decides to proclaim the prohibition of discrimination against children by providing a long list of life related to equality of all people, starting with the parent-child relationship where the child must not be abused by parent / guardian, as well as equals of race, color, sex, language, religion, political, national, social or ethical origin, property, etc¹⁰².

The CRC is also developing new standards, formulating the child's right to identity, family or social relations, prohibitions on international adoptions of children, the right of the child to rest, leisure, play and cultural activities and the state obligation to provide healing and rehabilitation for all children victims of any form of violence or exploitation.

The protection of children's rights is reflected in the status of the child in society, in the overriding childhood concepts, children's clothing patterns, living conditions and related infrastructure.

A typical example of opposing views is related to corporal punishment of children. While every criminal law throughout the world describes that intentional injury, is a criminal act by adults, the same principle is not applied to children.

2. PROTECTING CHILDREN FROM DISCRIMINATION

In the Constitution and in the legislation of the Republic of Macedonia, in principle, the principle of equality of all citizens, including children, is ensured and all forms of discrimination on what kind of basis is prohibited.

Children in R. Macedonia in principle are legally equal and there is no discrimination and no reversal in the realization of their rights. However, in reality, it is found that some of the children have been discriminated against in the realization of rights due to the lack of equal opportunities for their realization due to their parents' poverty and unemployment. due to poverty and difficult material conditions, some children are denied access to primary education, which is compulsory and free of charge.

Discrimination also occurs in the social right for children, foreseen by the Law on the Protection of Children's Rights, one of which is the right of child allowance.

At the same time a large number of children in the Republic of Macedonia are discriminated against because of poverty, which also prevents the development of the health care, respectively, due to the lack of funds for the payment of the relevant participation for the use of health services and the supply of medicines, some children are not able to use certain health services.

¹⁰² Gomien, Donna.1998. Short Guide to the European Convention on Human Rights. Strasbourg: Council of Europe (2nd ed.)

As a distinct category of discriminated children are street children who are begging, selling, or performing small services, who in most cases have parents and therefore their parents are obliged to go to the streets to provide funds for ensuring the existence of the family.

Towards the end of 2004, the first day center work for street children in Skopje, where a large number of street children were enrolled, in order to leave the streets, to return to schools and to be allowed to enter social life¹⁰³. Unfortunately, these results have not been achieved by the fact that we still encounter children wandering on the road to this day.

3. PROTECTING CHILDREN FROM ABUSE, VIOLENCE AND TRAFFICKING

Protection of children from any kind of violence is regulated by more laws. By the law on child protection (Article 9)¹⁰⁴, physical and psychological abuse, punishment or other inhumane behavior or child abuse is prohibited. However, this legal provision has not been elaborated, ie it is not defined what we mean by physical and psychological abuse, and apart from the punishment of money, no other penalties are imposed for persons who practice such violence against children.

Due to the protection of children from domestic violence, with the amendments to the law on the family¹⁰⁵, explicitly forbidding any kind of violence between family members, regardless of gender and age, the Center for Social Work was given the task for taking appropriate measures every time it is made aware that domestic violence is exercised over the family.

Considering that in cases of domestic violence against a child, the child in most cases leaves the family and is placed in another family or institution, which according to the ombudsman causes additional trauma for the child, during the adoption of the above mentioned changes It was proposed in the law that in the cases of the continuous exercise of violence in place of the child, the person leaving the family should be removed from the family and directed to the appropriate counseling in order to correct his / her behavior.

This proposal of the Ombudsman has been approved and this measure is foreseen, but it can only be pronounced by the court. So far, no such measure has been proposed nor imposed, nor have specific counseling been established, which would work with persons who exert domestic violence.

The Ombudsman considers it necessary that:

- Find practical opportunities in cases of persistent violence on the child by the family member, leaving the family away from the abuser rather than the child. The person exercising violence, in addition to the punishment, is also directed to provide assistance in correcting his conduct;
- Keep separate evidence for children subjected to domestic violence, while social centers or special counseling centers that would be sued, continue to supervise parental rights and work professionally with the child and family in order to overcome trauma;
- Provide protection mechanisms for the prevention of violence between children, especially measures to be taken in education and consistently apply the legal prohibition of advertising, sale and filling of alcohol for minors, their visits to the nightlife by persons minors in order to reduce the aggressive behavior of children, which is often caused by the use of alcohol;
- Creating conditions for easier access and opportunities for sports and recreation of young people, so that they leave the hotel facilities and alcohol.

With the provision of professional assistance and support to children, victims of domestic violence, it is proposed that the law establishes the obligation for centers and courts to form a special team that will act when the victim of domestic violence is the child. This means that there is a professional team at the social work center or in the shelter, which will provide appropriate psychosocial treatment in order to overcome trauma in the child.

Trafficking in human beings is foreseen as a criminal offense and the worst form of this criminal offense is trafficking with minors, for which a prison sentence of at least five years¹⁰⁶ is foreseen. For the purpose of special

¹⁰³ Clearly S. Room "Women-Numerous abuse abuses (violence, prostitution and trafficking). Study for the Albanian Woman, 1999.

¹⁰⁴ Law on the Protection of Children, Official Gazette of the Republic of Macedonia, No. 38/2004

¹⁰⁵ Закон за семејството, прочистен текст, www.pravo.org.mk

¹⁰⁶ Criminal Code, Official Gazette of RM No. 4 of 2002

protection of children, victims of human trafficking, a special subgroup of professional persons, state institutions and the non-governmental sector has been bribed by the National Commission for Combating Trafficking in Human Beings, for the drafting of the Action Plan for fight against child trafficking with which it is proposed to take more measures in a normative and practical way. This plan, drafted by the subgroup in 2004, was approved in 2005 by the Government of the Republic of Macedonia, which is tasked with creating normative and pactary conditions for the implementation of defined measures and tasks, which should be eradicated, at least reduce child trafficking.

4.CONCLUSION

Freedom and human rights in Macedonia remain problematic. The biggest problems relate to freedom of expression and media, judicial protection and discrimination.

In November 1993, Macedonia signed the Convention on the Rights of the Child and developed basic laws that guarantee the rights of children, such as the Law on Child Protection. But since independence, Macedonia experienced economic, social and political turmoil. The resources it possesses limit the engagement of Macedonia in its dedication to the rights and well-being of children. Macedonia has a social protection program for child support, but the economic crisis has deactivated its effectiveness for the moment.

Although Macedonia has low infant mortality rates, the unequal access to health and education between the urban and rural population is a barrier to achieving a low death rate in Western Europe. Over 92% of children in Macedonia are immunized and protected from diseases such as tuberculosis, polio and rubella. Children are prepared for elementary school through formal preschool education as well as through early community learning initiatives aimed at developing cognitive skills of children.

Regardless of race, color, gender, religion, origin, descent, wealth, inability or anything else, all children enjoy their rights. Every human being under the age of 18 is a "child". Children's rights stem from our birth but, they have made the UN Convention on the Rights of the Child obligatory, which is also signed by Albania. The interest of children is most important in all decisions pertaining to us. Parents or family members have responsibilities and duties for children to give us the right direction and guidance in exercising our rights. All rights are important, but the right to health care, the right to education, the right to protection and the right of participation are the bases that enable the development of the full potential of children.

LITERATURE

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