System, in support of children without parental care in The former Yugoslav Republic of Macedonia

Prepared by the FY Republic of Macedonia Country Statistical Team
Co-ordinator: State Statistical Office, Skopje

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ANALYTICAL REPORT
"SYSTEM OF SOCIAL PROTECTION OF CHILDREN WITHOUT PARENTAL CARE IN THE REPUBLIC OF MACEDONIA"

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Introduction

The family, as the basic cell of the society, is where mainly the children's rights and interests are recognized. Parental care is the basic care for children, regardless whether they are born within the marriage or outside the marriage – actually, it is care for infants, their rights, interests etc.

The starting bases for children's protection are included in the constitutional norms (The Constitution of the Republic of Macedonia), where the providing of special care and protection of children is established. The constitutional provisions of providing special care and protection of children are also operated through law regulations, such as the Law on social protection, the Law on children protection, as well as other laws from the area of education, health protection, working relations etc.

The state, through the law regulations and the international conventions, commits itself to provide appropriate living standards which correspond to the physical, mental, spiritual, ethical and social development, regardless of gender, nationality and religion of the children. An opportunity should be given to all the children to find their own identity, their own value in the environment, that gives them support, and security in the family and in the institutions responsible for their prosperity.

The Republic of Macedonia follows the principles of the Convention on Children's Rights and implements them into the Family Law, Law on social protection and in other regulations, that provide the formal basis of the child's protection.

According to the Convention, the child who is permanently or temporarily deprived of parental care - they do not have a permission to stay in a family environment, and have a right to a special protection and care from the state.

I. System of social protection in the Republic of Macedonia

The system of social protection in the Republic of Macedonia is an organized activity, whose objective is prevention and overcoming of the basic social risks on which the persons are exposed to during their life time (further in text: beneficiaries of social protection).

Beneficiaries of rights and services from the social protection are citizens from all age groups where children without parental care are also included. The Law on social protection is the basis for the social services for the children in this area. Therefore, the state provides many forms of protection of children (formal protection) without parents and parental care which is realized through:

- **Social work centres** - professional-administrative institutions which detect and follow social and other conditions on certain categories of beneficiaries and carry out appropriate interventions. One of the centre’s activities is providing the forms of social protection (foster care, adoption, accommodation in foster family, accommodation in social protection institutions) etc.

- **Institutional protection is provided in**: institutions - homes for accommodation of children without parents and parental care; institutions providing care and education for children and youth with educational and social difficulties, persons-children with special needs (mentally and physically handicapped).
• **Non institutional protection is provided in:** family care, day care centres for children with disabilities, vulnerable children (children on the streets) children and youth – drug addicts and reception centres for mothers and children – victims of family violence.

**I.1 As beneficiaries of social protection** are considered all persons (children or youth), who have been using forms, measures or services of social protection once or many times during the year.

There are many categories of children-beneficiaries of social protection, such as:

- Children without both parents (children and youth, whose parents are dead);
- Children of unknown parents (children and youth, whose identity cannot be found);
- Children abandoned by their parents (children and youth, whose parents and their residential place are known, but they abandoned their children and rejected taking take care of them, as well as children of known parents with unknown residential place and other cases of abandonment of children by their parents);
- Children, whose parents are deprived of their parental rights (children and youth, whose parents are deprived of their parental rights with a court decision. Also in this category are included the cases when only one of the parents has been deprived of the parental right);
- Children, whose parents are thwarted to do their parental duty (children and youth, whose parents are thwarted to do their parental duty because of: serving a sentence, long medical treatment in stationary, work abroad etc.);
- Children from families with disturbed family relationships (children and youth that live in families, where conflict situations exist between certain family members (quarrels, fights, abuses, permanent misbalance of relations), antisocial, pathological and criminal behaviour of family members (roaming, prostitution, alcoholism, drug abuse, etc.), disregard and neglect of children from their parents);
- Children of divorced parents or parents in a divorced suit (children and youth whose parents are divorced or are in a current divorced suit);
- Other children with unprotected family situation (children and youth unprotected from other circumstances, such as children from single parents (one of the parents is dead), illegitimate children with unsolved financial, residential and other living matters).

**I.2. Types of social protection, in accordance with the Law, are:**

- Foster care – it is used in cases when the juvenile person is without working ability and also in cases when children are left without parents from other reasons. Above all, for a foster parent is nominated a person who has characteristics and capacity to carry out the role of a foster parent. The social welfare centre can change the foster parent if it finds out that this person is not capable to do this duty, and that means they are inattentive, abuses their authorizations and the like, and in this case another foster parent is nominated.
- Adoption – comprises cases of legal adoption, where only the adoption is considered, but not other services of the already adopted child. While the
adoption, between the child and the foster parents are created the same relations as those while the childbirth and the adoption cannot be broken. In the Republic of Macedonia, mainly children at the age up to 1 year are being adopted. Family law predicts and permits adoption by foreign citizens.

- Housing in a foster family – means providing a home, education and care in the family in which children with social needs are accommodated.
- Housing in institutions for social protection – means accommodation of beneficiaries of social protection in some of the institutions for social protection (institutional protection).

II. Functioning of the system of social protection

The system of social protection covers all types of social protection. In the Republic of Macedonia it exists a different degree of use of the types of social protection.

According to the data, it can be concluded that the institutional protection is still the main type of protection, in other words the highest number of children are accommodated in the institutions. In the period 2001-2005, the number of children accommodated in institutions is constant, but regarding the number of children between 0-17 years of age, it decreases every year, and then the conditions become more complex. Namely, the rate of children included in all types of social protection and the total number of children at the age from 0 till 17 years (on 100 000) increases from 411 in 2001 to 432 in 2005. That means that from 100 000 children at the age from 0 till 17 years, the number of children-beneficiaries of all types of social protection is increasing.

The relation between the number of children accommodated in institutions and children accommodated in families in 2001 is 2.5, and in 2005 is 2.6. This means that each child accommodated in family corresponds to 2.5 children accommodated in institutions. Although this number is constant, it shows that accommodation in institutions is a dominant type of social protection.

Recently, in Republic of Macedonia is developing a non institutional protection, which means accommodation in day centres for protection of children with disabilities, vulnerable children (children in the street), children and youth – drug abusers and in temporary reception centres for mothers and children – victims of family violence. Using these forms is still in phase of development and their objective is to provide connection between the state and the non-governmental institutions, so that the social system in Macedonia will be closer to the European one.

III. Functioning of the institutional system of social protection

The institutional protection is one of the forms of social protection. Institutional protection includes accommodation, care, upbringing and education of beneficiaries in organizations-institutions for social protection.

The institutional system in the Republic of Macedonia in the domain where the social activity is being realized (protection and assistance), is composed of several institutions, public institutions-homes.
III.1 Types of institutions

In the Republic of Macedonia exist the following institutions:

III.1.1. Public institutions for children and youth without parents and parental care

Institution for infants and small children in Bitola

This institution provides accommodation, nutrition, health care, nursing and upbringing of children lacking social accommodation between 0 and 3 years. These children stay in the home until they are permanently accommodated in their own or in other family, or in other institution. If the parents, from any reason whatsoever, are not capable to take care for their own child, immediately after its birth, the child is accommodated in a home-institution. The accommodation of the children in this institution is on charge of the state. Illegitimate children of juvenile parents are mainly accommodated in the home, where in most of the cases the father is unknown, and the mother is juvenile, unemployed and is not accepted by the family, or is coming from poor families which do not have enough existential assets, and because of all those reasons they decide to give their own child to adoption. If the parent, i.e. if the cohabite mother during her pregnancy has not decided what to do with her child and she does not have resources to support her child, in the child's first three months she can stay in the institution for infants and small children together with her child. In this period she should decide what to do with the child, whether she will keep the child and take care of it, or she will leave the child's care to the state. In cases when the mother leaves the child and does not want to take care of it, after the child turns 3 months, she should give a statement with permission to give the child to adoption. After the social work centre has received the mother's statement, the centre puts the child under foster care, chooses a foster parent and then makes a decision about the type of the child protection – whether the child will be placed in the institution or it will be accommodated in a foster family, or the centre will give the child to adequate foster parents, or the child needs to be accommodated in an institution for children with certain disabilities depending on the type and the degree of the handicap.

Institution for children and youth – Children’s home “11 Oktomvri” in Skopje

This institution provides complete care and upbringing of children without parents and parental care at the age of three until their maturity, i.e. till finishing their education (secondary school), and for children whose development is disturbed from family relationships until establishing good conditions for returning the child back to its family, in other words until it gets ready for independent life. Children who have not been adopted by the institution for infants and small children in Bitola until the age of 3, afterwards they are being accommodated in this institution. The accommodation of children in this institution is on charge of the state. In 2005, after the establishing of the Institution for children and youth without parents and parental care – “Detsko selo” (Children’s Village), the social work centers accommodate infants in that institution, and a part of the children accommodated in the home for children “11 Oktomvri” are also being transferred into the Children’s Village (Private institution for children and youth without parents and parental care - Children’s Village).

The analysis of the total number of children accommodated in homes-institutions for children without parents and parental care in the Republic of
Macedonia (Annex, table 1) in the last 5 years shows an upward trend. Namely, in 2005 in relation to 2001 the number of children accommodated in these institutions has increased by 59.2%. First of all, the increase is due to the establishment of the Children’s Village and scope of children accommodated in these institutions, starting from 2005.

From the total number of children accommodated in homes-institutions for institution for children without parents and parental care in 2001, 49.9% were females, and in 2005 the percentage of female children is 52.8 from the total number of children. The number of females in 2005 in relation to 2001 has increased by 83.3%.

Regarding the age, analyses show that in the total number of children accommodated in homes-institutions for children without parents and parental care, the highest percentage falls on children up to 3 years of age. Namely, in the period 2001-2005 the percentage of children up to 3 years of age increased from 29.3% in 2001 to 37.6% in 2005. However, the highest part of children up to 3 years of age, a 52.4%, has been noticed in 2004.

In relation to other age groups, it can be stated that in the analyzed period the participation of children from 3 till 6 years of age in the total number of children increases (from 5.1% in 2001 to 10.4% in 2005) while the participation of all other age groups gradually decreases.

It is of great importance to mention the fact that the number of children without both parents accommodated in these homes-institutions for children without parents and parental care is decreasing (Annex, table 2). The percentage of children without both parents in these institutions has decreased from 16.5% in 2001 to 8.0% in 2005.

**III.1.2 Public institutions providing care for children and youth with educational and social difficulties**

**Public institutions providing care for children and youth with educational and social difficulties**

This institution is located in Skopje and provides reception, temporary housing for educationally neglected children and youth aged between 7 and 18 years or after finishing the secondary school. Children and youth from this type of institution return to their parents or are being assigned to institution for care, upbringing and education of children and youth. The institution accepts physically and intellectually healthy children and youth with educational and social difficulties.

**Institution providing care, upbringing and education for children and youth “Ranka Milanovich” – Skopje**

This institution provides care, upbringing and education for children and youth with educational and social difficulties in accordance with regulations for performing sanctions and assignment in appropriate institutions, because of antisocial behaviour, according to the Family Law. The institution can have a school and workshops within its frames. This home is an institution from an open type.

A small number of children from the home-institution “11 Oktomvri”, is accommodated in both of these institutions if they show deviant behaviour. After the end of the accommodation in the home-institution “Ranka Milovanovich” the juvenile persons are returning to their family or to other family, in the home “11 Oktomvri” or in the institution.

The trend analysis of the total number of children accommodated in institutions providing care for children and youth with educational and social difficulties and
antisocial behaviour (Annex, table 3) in last five years indicates a decrease. Actually, the total number of children accommodated in these institutions in 2005 has decreased by 20.8% in relation to 2001.

From the total number of children accommodated in institutions providing care for children and youth with educational and social difficulties and antisocial behaviour in 2001, 25.0% were females, and in 2005 the percentage of females is 25.3%.

Regarding the age, analyses show that from the total number of children accommodated in institutions providing care for children and youth with educational and social difficulties and antisocial behaviour, the highest percentage falls on children at the age between 14 and 17. Participation of children at the age between 14 and 17 in the total number of children in 2005 is 62.1%, in contrast to 2001 when the percentage was 52.5%. The participation of children under 10 years of age decreases from year to year, so that this percentage has decreased from 7.5% in 2001 to 5.2% in 2005, and this is a very convenient fact.

In this category of children (Annex, table 4) are included the children who in the highest percentage have parents (about 74% of children have parents), but their parents are divorced. Afterwards children who have only one parent are included (about 24%) and at the end about 2% are children without both parents.

III. 1.3. Public institutions providing care for persons with special needs

Institution for persons-children and youth with mental impediments, Skopje and Demir Kapija

This institution provides accommodation, care, health care, and educational and training work for persons with physical impediments. The mentally handicapped children (moderate and severe impediments) are accommodated in the Rehabilitation centre for children and youth in Skopje. The beneficiaries from Skopje come and leave every day, but the others from other towns are accommodated in boarding centre.

Children with profound mental handicap are permanently accommodated in a special institution in Demir Kapija.

Institution for persons-children and youth with physical impediments

This institution provides accommodation, care, and health care for persons who necessarily need educational and training work under special circumstances because of sensory and physical impediments, till they are finally prepared to work and to live their own life independent. The children with physical invalidism are accommodated in institution for protection and rehabilitation – Banja Bansko, Strumica.

The trend analysis of the total number of children accommodated in institutions for care of persons with special needs (Annex, table 5.1 and 5.2) in the last five years indicates a slight decrease. Actually, the total number of children accommodated in these institutions in 2005 has decreased by 11.3% in relation with 2001.

In the total number of children accommodated in institutions for persons with special needs, the number of females was 45.5% in 2001, and in 2005 that number has increased by 46.6%.

Regarding the age, analysis indicate that in the total number of children accommodated in institutions for persons with special needs, the lowest participation have children up to 10 years of age. The participation of this age group in the total
number of children is decreasing from 6.7% in 2001 to 3.8% in 2005. A decrease in participation is also noticed in other age groups (between 10-13 and 14-17 years of age).

It should be emphasized that in these institutions persons at the age over 21 are also being accommodated. This category of persons is not a subject of analysis, but it should be emphasized that precisely in this group the participation in the total number of persons notices a significant increase (from 60.5% in 2001 to 70.3% in 2005).

IV. Functioning of other forms of social protection

Besides the institutional protection (accommodation in institutions), the system of social protection includes other forms as well, and those are: foster care, housing in foster family and adoption.

These forms are stipulated by the Law on social protection (“Official Gazette of the Republic of Macedonia” No.50/97, 16/2000, 21/2006, 63/2006).

**Foster care** – it is used in cases when the juvenile person is without working ability and also in cases when children are left without parents from other reasons. Above all, for a foster parent is nominated a person who has characteristics and capacity to carry out the role of a foster parent. The social welfare centre can change the foster parent if it finds out that this person is not capable to do this duty, and that means they are inattentive, abuses their authorizations and the like, and in this case another foster parent is nominated. The criteria for choosing a foster parent (age, level of education, health condition, code of ethics, material and residential conditions of the family) are stipulated by the Law on social protection.

The number of children given to foster care has increased by 3.4% in 2005 in relation to 2001.

**Housing in other foster family** – this form means providing a home, education and care in the family in which are accommodated children with social needs. The criteria for choosing a foster family are determined by the law. These families get appropriate financial assistance which is also determined by the law. The number of children accommodated in foster family has decreased by 5.3% in 2005 in relation to 2001.

**Adoption** - comprises cases of legal adoption, where only the adoption is considered, but not other services of the already adopted child. While the adoption, between the child and the foster parents are created the same relations as those while the childbirth and the adoption cannot be broken. In the Republic of Macedonia, mainly children at the age up to 1 year are being adopted. Family law predicts and permits adoption by foreign citizens.

The number of adoptions in the Republic of Macedonia is decreasing, so that the number of adoptions in 2005 has decreased by 54.3% in relation to 2001.

**Conclusion**

The situation in the area of social protection in Republic of Macedonia generally indicates existence of good law regulation which covers all beneficiaries who need appropriate care and all forms of protection. In relation to the real conditions, indicators show higher degree of using the institutional protection, i.e. housing in institutions is the mostly used form of accommodation. That indicates the need of upgrading and greater usage of other forms, especially housing in a foster family.
because those forms provide more normal growing and development of the child and create conditions for normal functioning and directing of children.

Regarding the institutional housing, data show that according to the number of children, the institutions for care of persons with disabilities have the highest number of children, then follow the institutions for children and youth without parents and parental care and at the end are the institutions for accommodating children with educational-social problems. We can conclude that the Republic of Macedonia in the next period should pay greater attention to the children with disabilities.

The reforms currently conducted in the political and socioeconomic spheres in the Republic of Macedonia, inevitably should cover the sphere of social protection. The reforms that are conducted through various projects (SPIL, Twinning project of the State Statistical Office of the Republic of Macedonia) and through mutual and coordinated steps of the relevant institutions, should provide improvement of the efficiency and effectiveness of the system of social protection and gradual harmonization and application of the European experiences.