

Udruženje za podršku i kreativni razvoj djece i mladih
Association for support and creative development of children and youth Tuzla

Univerzitet u Tuzli, Edukacijsko-rehabilitacijski fakultet
University of Tuzla, Faculty of Education and Rehabilitation

UNAPREĐENJE KVALITETE ŽIVOTA DJECE I MLADIH

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SOCIAL SERVICES CONDUCTED BY ASSOCIATIONS OF CITIZENS FOR CHILDREN VICTIMS OF VIOLENCE

SOCIJALNE USLUGE OD STRANE UDRUŽENJA GRAĐANA ZA DECU ŽRTVE NASILJA

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ABSTRACT

In compliance with the Law on Social Protection (2009), the associations of citizens are partners to the state institutions in creation of policies, development and provision of social services and implementation of programs for support of children, victims of violence, for purpose of covering their individual needs and provision of support for their development. The research was conducted with 10 associations of citizens licensed for provision of services to victims of violence. In the course of 2018 immediate support, assistance and services were provided to 324 children victims of violence, according to their age, and depending on the individual needs. The support and assistance was in form of urgent shelter, psychological counseling, medical services, and legal counseling and free of charge legal assistance that was required for the children. The children were also supported in terms of provision of support for obtaining citizenship and legal identity and inclusion in the formal education process and provision and obtaining of additional professional qualifications and training courses for gaining skills and competencies of financial assistance. Although, there is certain legal and institutional frame for protection of children, victims of violence in Macedonia, it does not significantly contribute for reduction of the violence on children, nor it provides appropriate legal and psycho-social protection. Further development of good access to social services provided by the associations of citizens for children, victims of violence is recommended as well as further promotion of partnerships of all stakeholders responsible for work with children who are victims of violence.

Key words: violence, children, associations of citizens, social services

APSTRAKT

Udruženja građana u skladu sa Zakonom o socijalnoj zaštiti (2009) su partneri javnih institucija u izgradnji politike, razvoja i pružanja socijalnih usluga u implementaciji programa podrške deci žrtvama nasilja u smislu zadovoljavanja njihovih individualnih potreba i podrške njihovog razvoja. Anketa sprovedena sa udruženjima građana licenciranim za pružanje usluga deci žrtvama nasilja pokazala je da 324 dece žrtava nasilja je pružena neposredna podrška i pomoć i socijalne usluge u skladu sa njihovim uzrastom, u zavisnosti od njihovih potreba. Realizovan je: hitan smještaj dece žrtava nasilja u prihvatilište, psihološko savetovanje, medicinske usluge, pravno savetovanje i besplatna pravna pomoć koja je bila potrebna deci. Deci je pružena podrška u ostvarivanju prava na državljanstvo i pravni identitet, kao i uključivanje u formalno obrazovanje i sticanje dodatnih stručnih kvalifikacija, kao i obuka za stjecanje veština i novčanu pomoć. Iako u Republici Severnoj Makedoniji postoji određen pravni i institucionalni okvir za zaštitu dece žrtava nasilja, to ne dovodi do smanjenja problema nasilja nad decom, niti osigurava njihovu adekvatnu pravnu i psihosocijalnu zaštitu. Preporučuje se dalji razvoj dobrog

pristupa socijalnim uslugama koje pružaju udruženja građana za decu žrtava nasilja, kao i dalje promoviranje partnerstva svih učesnika odgovornih za rad sa decom žrtvama nasilja.

Ključne reči: nasilje, deca, udruženje građana, socijalne usluge

CIVIL SOCIETY ORGANIZATIONS

Civil society organizations play a dual role: on one hand, they are actively involved in initiation, change and amendment of existing policies, accordingly the law¹, and on the other hand, they are known as providers of social services in the area of social welfare. Hence, civil society organizations complement the services of institutions which due to limited resources are unable to respond to the individual needs of child victims of violence. The data contained in this study pertains to the period of January through December 2017. Study itself aims to present not only all the data available to civil society organizations working on cases of child violence, but also all the flaws, problems and limitations in data collection, and to give further recommendations for a more systematic collection of information.

For this study we combined analytical and synthetic approach to collection, storing and analysis of data. It was analyzed the content of normative acts and documents from the Ministry of Labor and Social Policy, the Ministry of Health, the Ministry of Education and Science, and the Ministry of Justice. It was conducted one-to-one interviews with representatives from 7 civil society organizations, using a semi-structured questionnaire as an instrument.² For the purposes of the study it was designed an Indicator Matrix for the Civil Society Organizations regarding the protection of child victims of violence, which was completed by 10 civil society organizations.

Additionally, it highlights the role of civil society organizations as partners of state institutions in this plural system for provision and protection of child victims of violence and their families. The study gives an impartial picture regarding all the measures taken and not taken in the course of protection of child victims of violence. This study on civil society organizations closes a process of monitoring and evaluation of the interventions (laws, policies, actions and programs pertaining to child victims of violence) made in 2017.

PROTECTION OF CHILD VICTIMS OF VIOLENCE

The legal framework offers a comprehensive protection scheme for children of various forms of abuse (the Law on Child Protection, The Law on Juvenile Justice, The Law on Social Welfare, the Law on Prevention and Protection against Domestic Violence, The Criminal Code, and the Law on Criminal Procedure). Yet this legal framework for **protecting child victims of violence** do little to curb the problem of child abuse, nor does it provide child victims with an adequate legal, emotional or social protection.

The Legal framework for protection of child victims of violence proposes social services and support accordingly the child's individual needs, based on the child's

¹ Article 152 of the Law on Social Welfare (2009).

² Open Gate, Hera, Sumnal, Child Rights Organization, Megjashi, and the Macedonian Young Lawyers Association.

gender, age and the language spoken by the child. The treatment of child victims of violence has been legally regulated in line with their sensitivity and fragility.

Existing laws and policies propose **psychological and social programs for treatment and integration of child victims of violence**. For each case, laws insist that special attention is given to particularly sensitive victims, highlighting an individualized approach based on the specific needs of each victim. The following approaches are highly valued: individual assessment, participatory approach of the child and his/her family, and coordinated activities by relevant institutions and organs in order to act in the child's best interest.

Child victims of violence are partially given the needed support and help by providing services adequate for their age, intensity of the need for emergency placement in a shelter or institution, medical attention, information and legal aid. More often than not, the team providing help and support is incomplete with the required professionals, in terms of the individual needs of the child victim, which compromises the quality of assessment and protection.

The below table presents an overview of the services Civil Society Organizations have provided for child victims of violence in the course of 2017, in line with the indicators:

Table 1. Services rendered by CSO (Civil Society Organization) to Child Victims of Violence
Tabela 1. Obezbeđenje usluge od udruženja građanja deci žrtvama nasilja

No.	Indicator	Total	No.	Indicator	Total
1	Number of child victims of violence CSOs who have placed in shelters/centers.	1	10	Number of child victims included in education as part-time students, with the support of CSOs.	0
2	Number of child victims who have received counseling from a CSO.	153	11	Number of child victims included in informal education (skills, trade, etc.).	2
3	Number of child victims who have received medical attention, upon the request of a CSO.	17	12	Number of child victims of violence who have received financial support from the Centre for Social Work, upon the request of a CSO.	0
4	Number of child victims who have received free legal counseling from a CSO.	25	13	Number of cases where parental rights are under supervision, as requested by a CSO.	3
5	Number of child victims who have received information regarding services available at CSOs.	126	14	Number of cases of suspended parental rights.	0
6	Number of child victims of violence placed in foster care, upon the recommendation of a CSO.	0	15	Number of cases of terminated parental rights.	0
7	Number of child victims included in education as full-time students, with the support of CSOs (victims have previously not attended any school whatsoever).	92	16	Number of reports to CSOs made by staff from state institutions.	1
8	Number of child victims included in education as full-time students, with the support of CSOs (victims have previously missed school for at least one month).	74	17	The CSO has established policies and an ethics code for protection of children and for monitoring the conduct of personnel working with children.	4
9	Number of child victims included in special education, with the support of CSOs.	0			

Considering the fact that child victims of violence fall into the at-risk category, it has been noted that often these **children need to be placed in a center/shelter**, upon the recommendation of Civil Society Organizations. However, data indicates that in 2017 such support was provided to only one child victim of human trafficking. The existing state center specializes in placement and support for victims of human trafficking and sexual abuse, but can accommodate only children over the age of 12 and adult females.³ The center is run by the Civil Society Organization *Open Gate*, in partnership with Ministry of Labor and Social Policy. This country does not offer specialized shelters for child victims of violence. Sometimes, child victims of domestic abuse and their parent (the mother) are placed in other centers. On the territory of Macedonia, there are currently only 4 centers for women and child victims of domestic abuse run by the Ministry of Labor and Social Policy, and two more run by civil society organizations.

Counselling as a service offered to a child victim of violence entails a series of different therapy sessions and treatments and mostly individual sessions with professional staff within a Civil Society Organization. Such support was given to a total of 153 child victims of violence.

It is worth noting that there are positive examples of Civil Society Organization s which provide protection to children from physical, emotional, sexual and economic abuse and exploitation. Such example is the program as part of the First Family Center of the City of Skopje⁴, which provides services not only to citizens of Skopje, but other towns and cities as well (Kumanovo, Veles and Ohrid).¹ The center is managed by a Civil Society Organization.

Medical services are given to child victims of violence through regular medical check-ups and the provision of medical attention. In cases when a child does not have medical insurance, these services are paid for with funds from the Civil Society Organization. In 2017 and with support from Center for Social Work, such medical services were given to 17 child victims of abuse.

Legal counselling entails informing the child and representing him/her in a court of law during legal proceedings. Special attention is paid to the process of preparing the child for the trial and the court proceedings. The fear of facing the perpetrators and the anxiety of interacting with court officials are overcome with intensive counseling with a therapist and a lawyer, which provide additional support to the child victim throughout the court proceedings. In 2017, legal counselling was given to 25 child victims of violence, 2 were represented in a court of law, and writs of summons were submitted for 2 child victims.

The right to proof of nationality and legal identity.

In 2017, 19 children were identified without any proof of nationality, yet born on the territory of this country, whose birth or name has not been registered in the Birth Registry. The MYLA have provided legal aid for these children in order to help them file for proof of nationality. A certificate as proof of nationality would enable these children to attain other rights as awarded by the Constitution and the legislature: access to free health care, education, welfare and the like.

³ The center is run by the Civil Society Organization *Open Gate*, in partnership with MLSP.

⁴ The center is managed by a Civil Society Organization.

Civil Society Organizations has educated 126 child victims of violence on the **services which are available** to them to be used in accordance with their needs. The Civil Society Organizations surveyed have reported using various methods and techniques to inform the children about the various services they can take advantage of during the process of recovery and their inclusion/integration. Civil Society Organizations further believe it is essential that children are well informed about the individual support and services which are available to them in the places where they live. However, certain services are not available to child victims of violence. This is particularly true of children from rural areas.

According to the Law on Social Welfare, child victims of violence can be **placed in foster care**, which is considered as one of the most adequate forms of support for child victims of violence. However, based on the collected information, such cases have not been registered. Civil Society Organizations note the limited resources available to legal guardians in terms of placement of child victims in foster care. Namely, there are very few families specialized in foster care, and their capacities to take in child victims are quite limited. We note the need to further the efforts in improving the network of foster care families specializing in work with child victims of violence. Additionally, we propose establishing small group homes which will cater to the individual needs of at-risk children by providing high-quality social services.

Civil Society Organizations point to the inefficient efforts in finding long-term solutions regarding placement of child victims of violence after the child has left the interim placement facility. In that regard, the Civil Society Organizations running the Center for Victims of Human Trafficking have stated that the major challenge associated with the protection and support is finding an adequate solution for placement of those child victims of trafficking who cannot return to their families once their stay at the Centre is concluded.

Despite the fact that the Macedonian legislature has proposed **mandatory primary and secondary education**, according to the information received from Civil Society Organizations, a significant number of children who have reached out for help have either never been included in formal education or have been absent from school for a considerable amount of time. Civil Society Organizations working with child victims of violence firmly advocate education, encouraging these children to finish school. They help child victims enroll at school, and they also provide schools supplies and support with homework assignments, etc. Civil Society Organizations has provided support to 92 children to start school, and 74 to continue their education. No students were enrolled in special education.

Once child victims of violence have completed their education, they receive vocational training, which in turn helps the child gain financial independence. Civil Society Organizations have offered such support to child victims by enrolling them in **trade courses and technical training**, as well as other vocational programs. The aim of such additional activities for professional education of child victims of violence is to improve the children's knowledge and skills. The opportunity for such vocational training was used by 2 child victims of violence. With the support from a Civil Society Organization, the children attended a beautician course.

The Law on Child Protection and the Law on Social Welfare allow **financial support** for children. However, the child victims of violence who have reached out to Civil Society Organizations have not been able to exercise this right. With the help of the Center for Social Work, children have multiple options for financial support: child supplement, provisional financial support, one-off supplement, and special support. Civil Society Organizations do not have information whether child victims of violence and their families have exercised these rights at part of the support program at the Center for Social Work.

“The financial support given to families of child victims of violence is insufficient to cover the real needs of these families”. A statement by a Civil Society Organization representative.

Supervision of parental rights is a particularly useful tool for improving parenting skills and capacities. It is implemented as part of the counselling services provided by Center for Social Work. This measure was issued in three cases of child abuse, and upon the recommendation of a Civil Society Organization. The Family Law Act empowers the Center for Social Work to issue a measure for supervision of parental rights, should this be in the child’s best interest. In the course of 2017, 3 such measures were issued.

The parent, who has been suspected of abusing their parental rights or blatantly neglecting their parental duties, as determined by Center for Social Work, has had their parental rights either suspended or terminated. It is important to highlight the fact that there are no cases where, upon the recommendation of a Civil Society Organization, the **parental rights were either suspended and/or terminated** as a result of child abuse. Based on information shared by the Institute for Social Activities, in the course of 2017 there has been only 1 case of termination of parental rights. In 28 cases for 28 children, the parental rights were under supervision, while in 123 cases for 151 children, a measure of constant supervision of parental rights was issued⁵ (*Report on Application of the Law on Juvenile Justice by Center for Social Work in the Republic of Macedonia*. December 2017, Institute for Social Activities).

In 2017, there was only one report made to a Civil Society Organization and by an institution (school) for a case of child abuse. The Civil Society Organizations surveyed point out that in practice the number of state institutions referring cases of violence against children is rather small, which in part is due to the poor collaboration, but it is also due to the long red-tape procedures which institutions have to follow in the process of the referral.

The professional relationship between children and staff at Civil Society Organizations entails designing, adopting and implementing **policies for working with children** when providing help and support. This also entails a **code of ethics**. These policies must also propose guidelines for responding in certain situations, as well as an appointed person in the organization who can be contacted by staff members in cases when there has been a breach of conduct.

⁵ *Report on Application of the Law on Juvenile Justice by CSW in the Republic of Macedonia*. December 2017. Institute for Social Activities.

Following international standards on working with children, four Civil Society Organizations have confirmed that they have an established code of ethics and have adopted protection policies which are deeply respected.

Even though the approach used with child victims cannot be the same for all children, the legal framework must include a provision **defining the child's best interest**, and to propose **minimum standards and guidelines when working with cases of violence against children**. In the most recent analysis on how **the child's best interest** principle is interpreted in the legal framework, it was noted that the existing laws have not codified or defined this principle, nor are there any guidelines on how to interpret it. Therefore, all stakeholders involved in cases pertaining to the protection of children's rights are left with no choice but to base their interpretation of the principle upon their own findings and beliefs. According to law enforcement officials, it is up to the police inspector to determine what is in the child's best interest. However, there is no single method for determining what that might be at a given moment. So, for the time being, all of these decisions depend upon personal assessment, which differs from one case to another, accordingly the competences, skills and understanding of the case on part of the official making the assessment⁶ (Orovcanec, Arangjelovik, & Kocevski, 2018) „*Comparative Analysis of the Legislation on Protection of Child Victims of Abuse between our Country and Contextually Similar Countries*. 2018. MYLA and UNICEF“.

The right to free legal aid has been defined by the Law on Free Legal Aid. It is aimed for persons, who due to their financial struggles, would not be able to attain their rights without compromising their livelihood or that of the family they live with.

In the course of the criminal procedure, the child victim of violence is entitled to **legal aid from a lawyer**, before the child is being deposed or upon submitting a property and legal claim. The child also has the right to compensation for material and moral damages, under the terms and conditions stipulated by the Law on Juvenile Justice, in cases when the damages cannot be collected from the perpetrator. The child has the right to a proxy during the whole procedure, starting from the first interrogation.

The legislation foresees **special protection measures** during a trial to be used for both child victims and child witnesses. They entail the following: recording the child's statement, the child not being deposed more than twice, providing an interpreter, and offering professional consult. The court is required to issue such special protection measures in cases when the child victim needs special care and protection or when the child is a victim of human trafficking, violence or sexual abuse. The same applies for cases when the child is part of a crime against humanity or international laws have been violated, or any other felony which entails a minimum of 4 years' incarceration.

Based on data obtained from Civil Society Organizations, there have been 5 cases when a Civil Society Organization would **contact relevant authorities to report** violence against a child, for 2 of which court proceedings have been initiated. In cases of violence and sexual abuse where a Civil Society Organization was the provider of support, the proceedings lasted too long, i.e. in certain cases up to 3 years, which questions their efficiency.

⁶ Orovcanec Arangjelovik, J. Kocevski, G. *Comparative Analysis of the Legislation on Protection of Child Victims of Abuse between our Country and Contextually Similar Countries*. 2018. MYLA and UNICEF.

In 2017, the legal representative of a Civil Society Organization supported 3 children, potential victims of human trafficking, by providing legal counseling and representation during depositions with the Public Prosecution. To date, no charges have been brought against the perpetrators of this crime.

According to Civil Society Organizations, the inconsistencies in the process of identification and prosecution pose serious violations of the victims' rights, especially in regards to protection and justice.

Compensation and restitution are some of the most fundamental of rights which victims of criminal acts are entitled to. This is of particular importance when child victims are involved.

In the course of the criminal procedure, child victims are entitled to file property and legal claims, requesting restitution for material and moral damages. For this, they need to submit proof of inflicted harm in support of their claims, based on which the court decides on the type or amount of restitution to be awarded. The requirement to submit proof of inflicted harm is in fact the first obstacle towards the process claiming restitution. This is particularly true of submitting proof of physical or emotional harm, or fear. The victim has to cover the costs of the expert witness' fees.

*"If the Civil Society Organization does not cover the expert witness' fees, an underprivileged victim cannot exercise her/his right to file property and legal claims in a criminal procedure."*⁷ Statement by a Civil Society Organization who has provided legal representation of child victims. *Aside from the incurred costs, a civil action represents yet another act of victimization of the victim, considering the fact that the victim has to face the perpetrator in court during the proceedings. This legal solution is a serious obstacle, deterring the victim to initiate any proceedings for restitution.*

On any of the courts' websites, it is virtually impossible to find any rulings in a civil court which acknowledges the right to compensation or restitution of a child victim. Even in cases where such rulings have been made, compensation has never been awarded to the child victim due to a chronic lack of funds in the budget of the Ministry of Justice for this purpose.

Civil Society Organizations note that despite the fact that the country is required to have a special State Compensation Fund, such fund has not been established. Hence, it is especially important to consider this option of awarding compensation to child victims with money from a state fund, purposefully established for this reason.⁸ ¹ The need for establishing a state compensation fund has been confirmed by the Group of Experts on Action against Trafficking in Human Beings, GRETA, and Council of Europe. This will enable the victim of human trafficking to claim compensation and do so without facing any obstructions. Future plans entail enactment of a Law on State Fund (National Strategy and Action Plan for Combating Human Trafficking and Illegal Migration for 2013 – 2016).

⁷ Statement by a CSO who has provided legal representation of child victims.

⁸ The need for establishing a state compensation fund has been confirmed by the Group of Experts on Action against Trafficking in Human Beings, GRETA, and Council of Europe. This will enable the victim of human trafficking to claim compensation and do so without facing any obstructions. Future plans entail enactment of a Law on State Fund (National Strategy and Action Plan for Combating Human Trafficking and Illegal Migration for 2013 – 2016).

- Child victims of violence are **only partially provided the needed support and services** adequate for their age, or in line with the need for emergency placement, medical attention, information and legal counsel. Civil Society Organizations offer to child victims of violence.
- There are still no set standards for evaluating the quality of services
- There are both legal and practical problems in the provision of free legal aid to child victims of violence. Despite the fact that socially-jeopardized citizens are entitled to request and receive free legal representation and free legal counseling, a entitled with the Law on Free Legal Aid, they are either unaware of this option or have problems collecting the necessary documents to file the request.
- The laws should include a provision defining the child's best interest and should propose minimum standards and guidelines for working with cases of child violence.
- The program activities and services offered by Civil Society Organizations are for the most part funded by donors or projects of limited duration, whose sustainability is often uncertain once the project has ended.

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