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List of Acronyms and Abbreviations

CERT	Computer Emergency Response Team
GDPR	Global Data Protection Regulation, EU LEX
INHOPE	is an active and collaborative global network of Hotlines, dealing with illegal content online and committed to stamping out child sexual abuse from the Internet.
INSAFE	European network of Awareness Centres promoting safer and better usage of internet; it is co-funded by the Safer Internet Programme.
OCSEA	Online Child Sexual Exploitation and Abuse
SID	Safer Internet Day
SWGfL	South West Grid for Learning

Acknowledgements

This report was prepared for the International Telecommunication Union (ITU) by experts Mr David Wright and Mr Boris Radanović, with the support and guidance of the ITU Office for Europe, under the ITU regional initiative for Europe on “Enhancing trust and confidence in the use of information and communication technologies”. ITU would like to express sincere gratitude to the representatives of the Ministry of Information Society and Administration for the support and assistance they provided to the ITU experts. ITU would also like to thank the participants from North Macedonia who showed great enthusiasm during the working sessions.

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Executive Summary

Little is more important in life than protecting our children from harm. Today, their world exists as much online as it does physically, however those responsible for protecting children are often confused by this. Whilst protecting children is everyone's responsibility, given the variety and complexity of actors, technologies and agencies as well as opportunities and threats, the establishment of a national strategy that drives coordinated activities is an imperative.

Following preparatory desktop research and a series of online surveys organised in cooperation with the Ministry of Information Society and Administration. Interviews were completed with a range of stakeholders that play an important role on the field of Child Online Protection. The following key challenges and recommendations were concluded. This activity and report was provided by the ITU and South West Grid for Learning (SWGfL) between November and April 2022 to support the development of a national child online protection strategy for North Macedonia.

Primary Challenges

- Low awareness of child online protection issues, particularly amongst children and parents;
- Lack of a national centre to receive and manage reports of online child sexual abuse material;
- Whilst there are a number of committed organisations and child online protection activities, coordination and national strategy is lacking.

Three priority recommendations of this report are to:

- To conduct a legal framework review, specifically focusing on the role of technology and ensuring that the scope of legal definitions equally extend to online and digital technologies.
- To establish a National Stakeholder Council, chaired by a Government Minister and supported by a secretariat.
- To establish a national centre to receive and manage reports of online child sexual abuse material.

Four further recommendations

- To undertake a comprehensive academic research project on Child Online Protection in North Macedonia.
- To improve the capability of educators it is vital that all teachers are able to both spot child online protection issues through the signs of abuse as well as provide children with the defined digital competencies.
- To improve the availability and simplicity of parental control tools that better protect children and increase awareness amongst parents.
- The establishment of a National Safer Internet Centre to bring together existing organisations to better coordinate and implement activities.

1 Introduction

1.1 Background and objectives

In line with the resolution 179 (Rev. Dubai 2018) from the Plenipotentiary Conference of the International Telecommunication Union (Busan, 2014¹) and within the framework of the ITU Regional Initiative on Europe (WTDC-17, Buenos Aires)² on **Enhancing trust and confidence in the use of information and communication technologies** that aims *‘to support the deployment of resilient infrastructure and secure services allowing all citizens, especially children, to use ICTs in their daily lives with confidence’*, a request for ITU assistance was received from the Government of North Macedonia to conduct a National Child Online Protection Assessment which would lead towards the development of the national strategy and multi-year plan for action. Technical assistance was requested to ensure the future approach is in line with International good practices and ITU guidelines. The assistance culminates in the submission of a National Child Online Protection Assessment report that will include recommendations and suggestions to form the basis of a national Strategy on child protection in digital environment (2020-2026).

The National Child Online Protection assessment will highlight

- State Assessment of the existing situation, supplemented by existing statistical sources, covering infrastructure, education, organizational activities and child protection legislation;
- Summary of current issues with associated online safety provision together with any specific recommendations;
- Suggested areas for a national online safety strategy and action plan to consider and cover. The national online safety strategy would encompass Governmental entities, Information Society (young generation, parents, schools and teachers), Telecom operators, Media and other relevant entities identified by North Macedonia focal point and ITU experts.

1.2 Sustainable Development Goals

Protecting Children is a common thread within 11 of the 17 Sustainable Development Goals. UNICEF puts children at the centre of the 2030 agenda as depicted in the figure below.

¹ https://www.itu.int/en/action/cybersecurity/Documents/Resolutions/pp-14_Res.%20179.pdf

² <https://www.itu.int/md/S16-SG-CIR-0037/en>



Figure 1: Children, ICTs and the SDGs

ICTs have been recognized as a key enabler to attain the SDGs. Proper usage of ICTs improve access to basic services like education and healthcare, creates jobs and empowers communities. More specifically Cybersecurity is enshrined in SDG 9 on Industry, Innovation and Infrastructure with the goal to “build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation”.

Digital natives need to be equipped to make innovative yet safe usage of ICTs.

From the Sustainable Development Goals, Voluntary national review from July 2020 for North Macedonia³:

Although North Macedonia may be behind in terms of investments in innovation, research and science compared to other countries in the region, there has been significant improvement in this area. In 2019 alone, North Macedonia has significantly increased its investment in innovation. The Global Innovation Index (GII),³⁷ ranked North Macedonia 59 out of 129 countries in 2019, making it the country with the highest growth in innovation investment since 2018.³⁸ Despite the improvement, research and science activities still only receive 0.2 percent of the state budget, which is significantly lower than the EU average of 2 percent. Broadband connectivity is recognized as an essential source of competitiveness as it nurtures innovations, global connections and economic growth. More people are gaining access to the internet and mobile network. As of 2019, 82 percent of the households had access to the internet, compared to 74 percent in 2017. Meanwhile, more than 99 percent of the population is covered by mobile networks.

We can see from the Voluntary National review, that the proportion of individuals using the Internet (aged 15-74) has been steadily rising from just 51.9% in 2010 to 70.4% in 2015 to 83.4% in 2019.

1.3 Methodology

The report was compiled following preparatory desktop research and supplemented by online surveys completed by children (Appendix A), parents (Appendix B) and stakeholders within the country.

³ https://sustainabledevelopment.un.org/content/documents/26387VNR_2020_Macedonia_Report.pdf

Detailed online interview meetings were held with a range of Government Ministries, NGOs, Industry and Schools during December 2021 (detailed attendee lists can be found in appendix C).

The report structure and headings were informed by the ITU 'Guidelines for Policy Makers on Child Online Protection'⁴ and supplemented by a section that identifies further issues. Within each section, the current situation is explained and issues are identified. The final section illustrates a combined analysis of the situation and details the concluding recommendations. The recommendations are elaborated in terms of priority and timescale together with suggested examples of good practices.

Before producing this report, ITU consulted and interviewed key stakeholders and conducted multiple studies and research to gather as many facts as possible. However, there were times when reasonable assumptions were made due to unavailability of information from the stakeholders.

Every effort has been made to correctly point to the best sources of information for this document. However online safety issues and challenges are fluid, ever-changing and highly complex. This report does not constitute legal advice and the authors can therefore accept no liability for any damage or loss suffered or incurred whether directly, consequently, indirectly or otherwise by anyone relying on the information in this publication or any other information referred to in it.

URLs and references given in this document were correct at the time of publication but may be subject to change over time.

⁴ [Policy-makers | ITU-COP Guidelines \(itu-cop-guidelines.com\)](https://www.itu.int/ITU-T/Workshops_Seminars/ITU-COP-Guidelines/)

2 Technology and Child Online Protection

2.1 Current Situation

North Macedonia has a growing Internet landscape. Of North Macedonia, the ITU concluded that in 2020

- 81.4% (1,695,000) of the population (2,083,000⁵) were using the Internet⁶, an increase of 1.2% compared to 2020
- there were 1,833,689 mobile phone subscriptions

In October, We Are Social ⁷concluded that 1.2 million (57.6% of the population) were actively using social media, an increase of 9.1% compared to 2020. 1.17 million accessed social media via a mobile device. The report also highlighted users by platform

- Facebook – 1,000,000
- Instagram – 700,000
- Facebook Messenger – 880,000
- LinkedIn – 260,000
- Twitter – 65,200

Member Lanzarote convention ⁸	Member We protect model ⁹
18.0244 Fixed-telephone subscriptions per 100 inhabitants	98.4558 Mobile-cellular subscriptions per 100 inhabitants
19.9363 Fixed (wired)-broadband subscriptions per 100 inhabitants	67.4173 Mobile-broadband subscriptions per 100 inhabitants
67.2537% Households with a computer	69.1605% Households with Internet access at home
79.1678% Individuals using the Internet	

From the European Commission staff working document, North Macedonia 2020 report¹⁰:

“Online media is not regulated by law and diverging opinions continued on the need to regulate the work of the internet media (especially related to disinformation). The establishment of self-regulation

⁵ <http://data.un.org/en/iso/ua.html>

⁶ <https://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>

⁷ <https://datareportal.com/reports/digital-2021-north-macedonia>

⁸ <https://www.coe.int/web/children/lanzarote-convention>

⁹ <https://www.weprotect.org/alliance/governments/>

¹⁰ https://ec.europa.eu/neighbourhood-enlargement/system/files/2020-10/north_macedonia_report_2020.pdf

mechanism has been proposed. In December 2019, the Association of Journalists and Council of Media Ethics established a registry of online media (promedia.mk) which is voluntary and sets a number of minimum professional requirements. Disinformation, hate speech, disrespect of professional standards and violations of intellectual property rights are frequent in online media. In July 2019, authorities presented an action plan for decisive action against disinformation. It is essential that professionals and 31 the public at large understand and become resilient against disinformation efforts. Media associations praised the authorities' proactive stance on counteracting 'fake news', but also warned about possible risks of censorship. The editor-in-chief of an online media outlet was handed a six-month suspended sentence for disclosing an official secret. Media associations condemned the procedure whereby three journalists were questioned by the police requesting to disclose their sources and asked authorities to investigate those responsible for the unauthorised audio recordings. The journalists were deprived of a complaints mechanism by the Agency on Free Access to Public Information, due to the Parliament's delay in appointing its Director, which finally happened in December 2019."

From the Commission report on page 56 we also see:

"The digitalisation of the economy progressed further, but remains low compared with the EU. The percentage of households with internet access at home has increased by 11pps between 2014 and 2018 (79.3%) and mobile broadband penetration is at 61% of population. 56 Companies still face restrictions regarding fixed broadband access (19.4% in 2018 compared to 17.2% in 2014)"

On page 40 of the report, we can see:

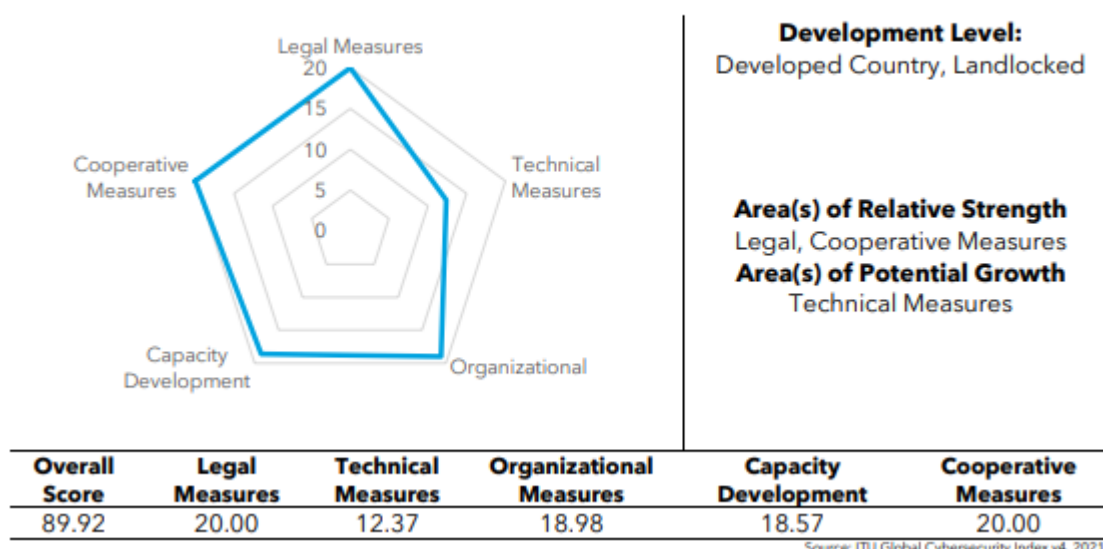
"Regarding cybercrime, a total of 56 computer crimes were detected in 2019 (105 in 2018). No cases of production and distribution of child pornography were reported. Steps were taken to support the implementation of the strategy on cybercrime, including monitoring the darkweb. North Macedonia should continue to strengthen its law enforcement focusing on detection, traceability and the prosecution of cyber criminals."

Global Cybersecurity index¹¹

Member State	Score	Regional Rank	Global Rank
North Macedonia	89.92	24	38

¹¹ <https://www.itu.int/en/ITU-D/Cybersecurity/Pages/global-cybersecurity-index.aspx>

North Macedonia (Republic of)



Global Cybersecurity Index 2020: North Macedonia country profile¹²

Children and Parents online use and issues Landscape

As part of, and in preparation for, the Child Online Assessment report, a series of online surveys were conducted to gather opinions and experiences from children and parents. The surveys were open for responses from December 2021 until March 2022 and over this period attracted a number of responses (Parents - 549 and Children - 769, TOTAL – 1,318). It is important to note that the online surveys were not conducted as representative academic research but intended for illustrative purposes only and to inform the stakeholder interviews. Even though this is not a scientific research it shows great interest in the topic of child online protection by both children and parents.

The online surveys suggested a series of conclusions as follows:

- In terms of devices, both parents and children tend to primarily use mobile phone devices, however their online activities and service use differs. Around 59% of children highlight using social media most often as their primary online activity, compared to only around 26% of parents. Other than social media, parents are more likely to be using the Internet for passive or consumption related activities (watching, researching, shopping etc).
- In terms of services, both children (68%) and parents (83%) commonly report using the messaging service Viber. In terms of contrasts, 85% of Parents report using Facebook whilst only 40% of children report using Facebook. Around 59% of children report using TikTok and 56% Snapchat compared to 7% of parents using TikTok and 4% using Snapchat.
- YouTube is reportedly the most used service amongst children with 91% using the platform (compared to 63% of parents)
- With regards to the amount of time spent online, parents generally underestimate how much time their children are spending online, for example 40% of children report spending more

¹² https://www.itu.int/dms_pub/itu-d/opb/str/D-STR-GCI.01-2021-PDF-E.pdf

than 4 hours online, compared to only 19% of parents suggest their children are spending more than 5 hours online

- In terms of concerns online, the following are the primary concerns of parents (for their children), compared to the concerns reported by children

Children's concerns	Parents' concerns (for their children)
1) The amount of time spent online	1) The amount of time their children spends on the Internet
2) False News ie incorrect information	2) Unwanted and inappropriate content

51% of children reported that they had been upset by something online, which was something that parents also accurately predicted. One in three (32%) of children reported having met someone in person that they met online.

Whilst encouraging that the majority 77% of children would report an issue to their parents, worryingly only 26% of parents suggest that they would know how and where to report any issues to.

In terms of online safety activities, 43% of children suggested that they have received an awareness session about online safety and primarily from their parents. It is worth noting that 26% of children weren't sure if they've had an online safety awareness session.

It has already been concluded that access to unwanted or inappropriate content is the primary concern for parents, however only 29% of parents report using filtering or monitoring tools (parental controls) and more significantly, 20% would use them but don't know how to set them up.

It is important to note that this online survey was limited in response making the conclusions for illustrative purposes only. The complete responses can be found in Appendix A (Children) and Appendix B (Parents).

These conclusions indicated by the surveys were also supported during many of the stakeholders interviews, with many identifying a low awareness of online safety issues, both amongst both children and parents.

2.2 Issues Identified

It is clear from the research and online surveys that technology is used universally by families across North Macedonia for a variety of purposes. It equally highlights a number of issues, primarily

- Access to unwanted or inappropriate content is a key concern for parents and despite their good intentions, many lack the ability to manage their children's access
- Parents are the primary group that children will talk to about their online issues but many do not know how or who to report online safety issues to

One of the most prominent issues mentioned by different stakeholders was the “Private Abuse in Telegram’s “Public Rooms”.

Articles found online describe the situation and issues in more detail: “Private Abuse in Telegram’s “Public Rooms”: Can North Macedonia Fight Online Sexual Harassment?”

However, distribution of child pornography is not the only crime that was allegedly committed in “Public Room”. There was also non-consensual sharing of private nudes of adult women and misuse of personal information, such as non-consensual sharing of social media profiles, private addresses and phone numbers, all of which resulted in large scale online sexual harassment.¹³

¹³ <https://unbiasthenews.org/macedonia-sexual-harassment-telegram/>

3 Legal Framework

3.1 Current Situation

In reviewing the extent to which child online protection issues are included within national legislation, a number of sources were used together with comments from stakeholders in North Macedonia.

The Ministry of Justice highlighted the inclusion of child protection measures within the Criminal code, specifically Articles 108, 122, 127, 128, 140, 186, 187, 188, 189, 190, 193, 193-a, 193-b, 194, 197, 198, 199, 200, 201, 201-a, 204, 216 and are included in Appendix D.

In summary the following details are included

Article 122 details the definition of violence against a child including

- Murder of child at Birth (Article 127)
- Sexual attack upon a child under the age of 14 (Article 188)
- Statutory rape of a helpless person (Article 187)
- bullying

Article 193- a also includes *Production and Distribution of Child Pornography*¹⁴

(1) The person producing child pornography with the purpose of its distribution or transfers it or offers it to another or in another manner makes it available, shall be punished with imprisonment of a minimum of five years.

(2) The person acquiring child pornography for themselves or another or possess child pornography, shall be punished with imprisonment from five to eight years.

(3) If the criminal act referred to in paragraphs (1) and (2) from the present Article has been committed through a computer system or another means of mass communication, the perpetrator shall be punished with imprisonment of a minimum of eight years.

Further Article 193 makes it illegal for *“A person who sells, shows or by public presentation in some other way makes available pictures, audio-visual or other objects with a pornographic content to a child under the age of 14, or shows them a pornographic performance, shall be punished with imprisonment six months to three years.”*

The Ministry of Justice also highlighted the criminal offence of radicalisation of children in the context of foreign fighters.

¹⁴ Child pornography shall imply a pornographic material that visually displays evident sexual acts with a minor or a mature person that looks like a minor or display the minor or the mature persons looking like a minor in an evident sexual position or real images displaying evident sexual acts with a minor or display the minor or the mature person looking like a minor in an evident sexual position.

The Ministry of Justice also highlighted that Istanbul Convention¹⁵ amendments were currently in draft in parliament. The Istanbul Convention is the treaty of the Council of Europe that opens the path for creating a legal framework at pan-European level to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence.

One stakeholder signposted to a helpful summary of national Data protection laws published by OneTrust Data Guidance. It highlighted that “a new data protection law was adopted in February 2020 to align the national data protection legislation with the General Data Protection Regulation (Regulation (EU) 2016/679) ('GDPR'). Same as the GDPR, the territorial scope of the new data protection law is increased, and it applies to all organisations that process personal data of individuals residing in North Macedonia, including foreign organisations if they offer goods or services to or monitor the behaviour of individuals in North Macedonia. As a result, many organisations that were not subject to the previous data protection legislation are now subject to the new data protection law, especially online businesses that process individuals' personal data in North Macedonia. Such online businesses must appoint a local data protection representative in North Macedonia unless the processing of personal data is occasional, does not include, on a large scale, processing of special categories of data and is unlikely to result in a risk to the rights and freedoms of individuals”¹⁶. The law defines the age of ‘digital consent’ as 14 years old. The data protection laws are regulated by the Personal Data Protection Agency¹⁷

The Ministry of Justice also highlighted the Juvenile law that enshrines the rights of the child in law, adopting the UNCRC. It was encouraging to note an initiative organised by UNICEF, the European Union Delegation and partners to promote child participation in the creation of solutions for access to justice for children and to upgrade the capacities of professionals working with children at risk¹⁸

Corporal punishment of children in the Republic of North Macedonia¹⁹ Law reform has been achieved. Corporal punishment is unlawful in all settings, including the home.

Online course for legal professionals has been launched under the title: Towards a better protection of children’s rights in North Macedonia: HELP online course; and it has launched for 30 legal professionals²⁰

European parliament in the adopted text for the resolution of 25th of March²¹ says:

46. Welcomes the recent update to the Law on Prevention and Protection from Violence against Women and Domestic Violence; urges the authorities to effectively implement these laws and prevent gender-based violence and violence against children, providing protection by establishing an effective mechanism for evidence gathering and the prosecution of perpetrators; stresses the importance of prevention measures, and the protection and support

¹⁵ <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention>

¹⁶ [Republic of North Macedonia - Data Protection Overview | Guidance Note | DataGuidance](#)

¹⁷ [Вести од ДЗЛП | Агенција за заштита на личните податоци \(dzlp.mk\)](#)

¹⁸ <https://www.unicef.org/northmacedonia/press-releases/children-and-young-people-are-joining-unicef-initiative-youth-advocates-justice>

¹⁹ <https://endcorporalpunishment.org/wp-content/uploads/country-reports/NorthMacedonia.pdf>

²⁰ <https://www.coe.int/en/web/help/-/towards-a-better-protection-of-children-s-rights-in-north-macedonia-help-online-course-launched-for-30-legal-professionals>

²¹ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0114_EN.html

of victims of gender-based violence and domestic abuse, which have been exacerbated by the COVID-19 pandemic;

56. Is concerned about disinformation and foreign interference campaigns aimed at exacerbating ethnic tensions, harming the country's international relations and reputation, distorting public opinion and electoral process, and posing severe risks to media freedom, democratic societies and institutions, fundamental rights and freedoms, and the rule of law;

3.2 Issues Identified

During the stakeholder interviews, it was identified that whilst the Criminal Code and other laws detail aspects of child online protection, there are a number of aspects that are missing. These were suggested to include

- Online grooming
- Sextortion
- Online bullying or harassment

3.3 Recommendations - Legal Framework

Recommendation (Priority) – Legal review

To conduct a legal framework review, specifically focusing on the role of technology and ensuring that the scope of legal definitions equally extend to online and digital technologies. These would specifically assess sexual exploitation of a child, sextortion and online bullying or harassment.

4 National Focus on Child Online Protection

4.1 Stakeholder Engagement

Child Online Protection is of concern to governments, educators, industry and policymakers and clearly everyone's responsibility, that is far reaching outside the borders of just one country. The Internet provides wonderful opportunities for children and young people to communicate, share, connect, learn and access information as well as express their opinions and observations but also presents problems to children's safety, online and offline. Never more so have we seen this that during the Covid pandemic; as Prof Sonia Livingstone commented²² "COVID transformed society's reliance on digital technologies as the infrastructure for things like education, family, health, work. Almost overnight, following lockdown, children's lives became digital by default. They became reliant on digital infrastructures which, while widely seen as necessary, are hardly unproblematic, nor generally designed to serve children's interests."

As the ITU highlights, many national Governments have seen the benefit of leading a coordinated Child Online Protection strategy by bringing together all stakeholders and actors to harness their involvement and to extend collaboration.

Engaging all stakeholders is central to the future success of a national child online protection strategy and should include all stakeholders, but specifically representation from:

- Government Ministries and Agencies
- Law Enforcement
- Industry (Telecom, Technology and Service Providers)
- NGO
- Parents
- Children
- International organisations
- Academic, university

It was encouraging that so many stakeholders engaged with the mission and took the time to participate at the workshop and subsequent interview meetings.

4.1.1 Issues Identified

There is an appetite and willingness from stakeholders to participate and collaborate on online child protection, albeit this appears to have emerged despite any national strategy or coordination. Child Online Protection is clearly everyone's responsibility; however, orchestration is required to harmonise everyone's efforts to amplify and avoid duplication and confusion for the national benefit. It is important to clearly state that children, and their experiences and perceptions, are carefully considered and integrated into any national collaboration.

²² [Almost overnight, children's lives became digital by default. What have we discovered? – Parenting for a Digital Future \(lse.ac.uk\)](#)

During the course of the interviews, it has become apparent that coordination, leadership and cooperation is essential to be implemented across multiple stakeholder groups. Cooperation and conversations between and amongst stakeholder groups is crucial for understanding the complexity of ever changing field of child online protection, and equally important, to synergise the efforts already being made and align the activities and goals to the common goal.

4.2 National Schools Focus

As concluded by Professor Sonia Livingstone in the EU Kids Online final report in 2011 ²³“Schools are best placed to teach children the digital and critical literacy skills required to maximise opportunities and minimise risks. **Schools are also best placed to reach all children, irrespective of socioeconomic status and other forms of inequality. For both these reasons, schools have a key role to play in encouraging and supporting creative, critical and safe uses of the internet, crucially throughout the curriculum but also at home or elsewhere.**”

Further supporting this, UNICEF concluded in 2017 (Children in a Digital World²⁴ report) that schools should “Teach digital literacy to keep children informed, engaged and safe online.”

Schools and Digital Skills Curriculum

Whilst the Ministry of Education was not amongst the stakeholders engaged in the preparation of this report, insights from schools were obtained. Feedback from one Primary School suggested that “schools are largely responsible for raising the awareness and education of students, teachers and parents for safe use of the Internet”. It was noted that Cybersecurity/cyberbullying have been added by ‘City advisory body’ as an issue to be addressed. Children aged 12 are reportedly being taught about social media. Examples were provided of collaborations with industry in educational media literacy resources such as *Интернетот не е само игра...*²⁵. These are all positive comments, however feedback from the children's survey however highlights that only 7% of those responses indicated that they have received any form of online safety session from their school.

Stakeholders also highlighted that Students are ‘addicted’ to mobile devices and that the wider community is typically not aware about this. Reports suggested that children are finding it difficult to study due to the compulsion of screens. Another comment suggested that many primary aged children are spending significant time gaming online; especially during Covid restrictions and that this was a challenge for schools to convert children back to socialising in the physical world and not online.

With regards schools child online protection policies and practices, one comment “Internet security and the protection of children's rights are partially integrated into school protocols, not as a separate part, but only as recommendations for safe use of the Internet and the use of ICT during teaching. “

Teacher Capability

It was suggested that teacher capability is low for example an NGO commented in a stakeholder meeting that in “working with teachers, we had to start with ‘how to use search engines and browsers’

²³ [http://www.lse.ac.uk/media%40lse/research/EUKidsOnline/EU%20Kids%20I%20\(2006-9\)/EU%20Kids%20Online%20I%20Reports/EUKidsOnlineFinalReport.pdf](http://www.lse.ac.uk/media%40lse/research/EUKidsOnline/EU%20Kids%20I%20(2006-9)/EU%20Kids%20Online%20I%20Reports/EUKidsOnlineFinalReport.pdf)

²⁴ https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf

²⁵ [Safe-net-for-kids.pdf \(a1.mk\)](#)

and how to be safe online". It was however noted that "teachers have had to develop technology skills due to Covid restrictions over the last 18 months" due to working remotely.

The SDG report for North Macedonia highlighted that *"The Government will prepare a Law on Secondary Education and a Law on Vocational Education and Training aimed at improving opportunities for lifelong learning and professional development. It will also continue to improve the quality of higher education through newly introduced legislation on the National Council for Higher Education and the Agency in charge for quality assurance in the Higher Education."*²⁶

"To improve the protection of children by the justice system and strengthen the implementation of the Justice for Children Law, the law is being revised. The revision aims to improve access to free legal aid for all children, ensure that the rights and needs of young offenders, children at risk of offending, child victims and witnesses are addressed, and ensure that preventive and protective services are provided through a strong multi-agency approach (child protection, social protection, education and health systems). Assessments conducted in previous years identified several constraints affecting implementation of the existing law. The law will adhere more effectively to the principle of the best interest of the child and be harmonized with the newly adopted EU Directives concerning procedural guarantees for the protection of children suspected or accused in criminal proceeding"

Child Protection

Reports from stakeholders highlighted that each School has psychologists who accept reports regarding child protection issues. School psychologists are then able to escalate child protection issues with the Centre for Social Work who coordinate a multi sector response involving police and other agencies and prepare a plan of action for the child. It is worth noting that the law details that Children should be interviewed only once. However, it was suggested that the Centre for Social Services received only one report of online abuse in the last period.

One of the online articles showcases a worrying pattern "In Northern Macedonia, the numbers are also relentless. The survey says eight out of ten parents use physical and psychological violence, primarily to raise their children in this way."²⁷

It was commented that there are no services to support victims and their rights to a satisfactory solution, which is an "Institutional problem".

4.2.1 Issues identified

Capability of teachers

Capacity and capabilities of teachers in North Macedonia to deliver child online protection topics in the classroom was identified by many stakeholders as one that requires addressing.

²⁶

https://sustainabledevelopment.un.org/content/documents/26387VNR_2020_Macedonia_Report.pdf

²⁷ <https://www.aa.com.tr/ba/balkan/sjeverna-makedonija-osam-od-deset-roditelja-vr%C5%A1i-fizi%C4%8Dko-i-psihi%C4%8Dko-nasilje-nad-djecom/1658253>

There is a need for further professional development amongst teachers and professionals working with children on the topic of child online protection.

Bullying and Online Abuse

In context of teacher awareness, it was suggested that an understanding of online bullying and other types of violence is significantly lacking and should be included within training for teachers and other professionals

Child Protection Coordination

Understanding the extent of reported child protection incidents is important to better protect children and provide national response both in terms of direct incident intervention, but equally understanding of any trends. Without this, the country is blind to the child protection incidents children are encountering across the country. Coordination has often been mentioned in the interviews as one thing that is currently missing.

4.3. NGO Engagement and Activities

As with similar examples from other countries, NGO involvement around the child online protection is commendable and active. There is an evident focus of projects and activities on media literacy and fake news, to engage with relevant stakeholders, in this case, parents and children to educate them on the basics of media literacy. It seems that there is not an evident cooperation amongst the NGO's and coordination of activities. Most of the work done by NGO's around Child Online Protection revolves around awareness raising and prevention education, although UNICEF highlighted a strategy to prevent and protect children from violence in 2019 that included child online protection. Activities span from education of educators, trainers, students, police, educational specialists and children.

From the ITU report: "STATUS OF CHILD ONLINE PROTECTION ECOSYSTEM IN SOUTH EASTERN EUROPE"²⁸

From the data available and the survey responses there seems that the National Safer Internet Centre does not exist in the Republic of North Macedonia, while the Faculty of computer science and engineering is the organisation responsible for organising Safer Internet Day. On Safer Internet Day 2019²⁹ it was reported that they have organised a panel discussion with information technology for teachers from primary and secondary schools around the country in order to emphasise the importance of keeping the internet a safe place for children. It has been highlighted that there is a growing need for education of parents and teachers in the space of COP. There was a project called "Privacy Lessons" delivered in 21 high schools, organised by the Data Protection Agency. The Metamorphosis foundation is active in the space of COP. In 2015, they published a Guide for parents³⁰. The Foundation is also active in creating the website³¹ intended to protect children's rights and privacy on the internet. There

²⁸ <https://www.itu.int/myitu/-/media/Publications/2020-Publications/Status-of-national-COP-ecosystems-in-South-Eastern-Europe.pdf>

²⁹ <https://www.saferinternetday.org/web/north-macedonia/sid>

³⁰ <https://dzlp.mk/sites/default/files/u1002/Vodic%20za%20roditeli.pdf>

³¹ http://bezbednonainterneta.org.mk/component/option,com_frontpage/Itemid,1/lang.mk/

has also been a research and analysis done with a questionnaire³² for high school children in the city of Skopje.

It seems that the government of North Macedonia is supporting the website³³ aimed at educating and promoting protection software for safe and responsible use of the internet.

While there has been an obvious drive, charting back to 2012, to establish a national centre to receive reports, and manage takedown of online child sexual abuse images, this has not yet been successful.

4.3.1 Issues Identified

Lacking a central coordinating body for child online protection with a strategy and the responsibility to identify and orchestrate national activities is hampering progression.

There is an apparent lack of priority focus, nationally, on child online protection issues.

4.5 Recommendations - National Focus on Child Online Protection

Recommendation (Priority) - National Stakeholder Council

To establish a National Stakeholder Council and supported by a secretariat that should;

- be composed of selected actors and stakeholders from the country. Council members should be selected based on their responsibilities, activities or representations
- be independent of any one Government Ministry and include representation from across Government Ministries
- be responsible for establishing and implementing a national strategy and implementing an action plan.
- enable greater collaboration regarding child online protection
- meet quarterly

Examples include UK Council for Internet Safety³⁴

Recommendation - Educators Professional Development

³² [Истражување и анализа на одговорите од прашалникот за ученици од средните училишта на Град Скопје \(metamorphosis.org.mk\)](http://metamorphosis.org.mk)

³³ <http://surfajbezbedno.mk/>

³⁴ <https://www.gov.uk/government/groups/uk-council-for-child-internet-safety-ukccis>

To improve the capability of educators it is vital that all teachers are able to both spot child online protection issues through the signs of abuse as well as provide children with the defined digital competencies.

This should be lead by the Ministry of Education

Recommendation - Academic Research

To undertake a comprehensive academic research project on Child Online Protection in North Macedonia. The research project should

- complete a comprehensive literature review of existing research covering child online protection aspects
- undertake qualitative and quantitative research of children, parents and educators to determine their use, experience, perception as well as their opportunities and concerns of technology.
- Assess the extent of digital competencies across children and parents
- Conclude the mental health and wellbeing of children online together with an assessment of their sense of safety.
- Assess the ability of those working with children (educators and clinicians) to identify issues of abuse and mental health

5 Development of Local Resources

5.1 Current Situation

A number of stakeholders commented about the lack of resources available in Macedonian.

There are however a number of resources that were shared and include:

- Интернетот не е само игра...³⁵.
- OPSC - korica - Optional Protocol for sale of children, children prostitution and pornography³⁶

³⁵ [Safe-net-for-kids.pdf \(a1.mk\)](#)

³⁶ [OPSC - korica \(childresembassy.org.mk\)](#)

6 Public Education and Awareness

6.1 Current Situation

It is clear from the feedback of the preparatory research coupled with stakeholder interviews that public awareness and understanding of online risks and threats is significantly lacking and a major challenge. This comment was consistently made by each stakeholder at each interview and the majority highlighted that awareness raising was a priority. Specific evidence in the preparatory online surveys states that 50% of children encountered something online that had upset them and 81% of them would report these behaviors to parents but unfortunately, the majority (75%) of parents suggest that they don't know how, or to whom, to report an online issue to.

As referenced by the ITU in the Guidelines for Policymakers, "when producing educational materials, it is important to bear in mind that many people who are new to the technology will not feel comfortable using it. For that reason, it is important to ensure that safety materials are made available in either written form or produced using other media with which newcomers will feel more familiar, for example, with video. Consideration needs to be made to create materials that are accessible for all audiences, but with a particular focus on children and parents.

Within any education and awareness campaign it will be important to strike the right tone. Fear-based messaging should be avoided and due prominence should be given to the new technology's many positive and fun features. The Internet has great potential as a means of empowering children and young people to discover new worlds. Teaching positive and responsible forms of online behaviour is a key objective of education and awareness programs.

Now in its 17th year, Safer Internet Day is celebrated across 190 countries and an ideal platform to construct, combine and launch a significant campaign that will create a national discussion and can be built over time. It is encouraging that a national Safer Internet Day³⁷ organising committee exists³⁸.

Case Study - "Public Rooms"

One of the most prominent issues mentioned by different stakeholders was the "Private Abuse in Telegram's "Public Rooms". From the article³⁹ *"The story of "Public Room", however, began not in 2021, but rather in January, 2020 when the initial Telegram channel with 7,400 members was discovered. It was discovered that pictures of open social media profiles, as well as private nudes, of underage teenage girls were shared in the channel – but media reported that there were images of adult women as well. A1on journalist Meri Jordanovska also reported that there were also known businessmen and politicians in the group. The authorities suspected that the creator of the initial "Public Room" was a teenager, but it is unclear if he was ever formally charged with anything.*

However, distribution of child pornography is not the only crime that was allegedly committed in "Public Room". There was also non-consensual sharing of private nudes of adult women and misuse of

³⁷ <https://www.saferinternetday.org/>

³⁸ <https://www.saferinternetday.org/en-GB/in-your-country/north-macedonia>

³⁹ <https://unbiasthenews.org/macedonia-sexual-harassment-telegram/>

*personal information, such as non-consensual sharing of social media profiles, private addresses and phone numbers, all of which resulted in large scale online sexual harassment.*⁴⁰

6.2 Issues Identified

A general lack of awareness of child online protection issues was noted by the majority of stakeholders particularly amongst children, parents and teachers.

General lack of public awareness and knowledge is evident from many stakeholder interviews.

Recommendation - National North Macedonia Safer Internet Centre

The establishment of a National Safer Internet Centre to bring together existing organisations to better coordinate and implement activities. Modelled on the European network of Safer Internet Centres⁴¹, it would, specifically:

- raising awareness related to potential risks young people may encounter online;
- offer advice about staying safe online to young people and deal with issues such as cyber bullying, via the helplines;
- develop information material;
- organise events such as the Safer Internet Day, their biggest yearly international event;
- organise information sessions for parents, children and teachers
- responsibility for child sexual abuse material online
- Provide youth voice and representation

The Safer Internet Centre would be a vehicle for implementing the National Stakeholder Council Strategy, mentioned in the recommendations in point 4.5.

⁴⁰ <https://unbiasthenews.org/macedonia-sexual-harassment-telegram/>

⁴¹ <https://ec.europa.eu/digital-single-market/en/safer-internet-centres>

7 Reporting Mechanisms

7.1 Illegal Online Child Abuse Content

The ITU Child Online Protection Guidelines highlight that a mechanism is established and is widely promoted to provide readily understood means for reporting the variety of illegal content found on the Internet. For example, a national hotline, which has the capacity to respond rapidly and have illegal material removed or rendered inaccessible.

The Ministry of Interior investigate crimes relating to child pornography (defined as child pornography within the law rather than child sexual abuse content). Collaboration with Europol on the exchange of illegal image hashes occurs. It was highlighted by the Ministry of Interior of the challenge of obtaining sufficient evidence in grooming cases. The Ministry of Interior work too extends to prevention activities. Ministry of Interior shared that ISPs cooperate well and that no [child sexual abuse] content has hosted within country in the last 12 years.

Work to establish a Safer Internet Centre in North Macedonia in line with the European Safer Internet Programme, INHOPE and Insafe also commenced⁴². A conference in May 2012 welcomed Michael Busch from the European Commission Safer Internet Programme⁴³ who also had meetings with deputy minister of MISA Marta A. Tomovska and a representative of the Ministry of Interior.

An Action Plan was developed for the Minister of Information Society and Administration in 2012 in line with ITU safer internet awareness material in 2012 that also included the establishment of Safer Internet Center in N. Macedonia. As part of this the Government announcement the intention to establish a Safer Internet Centre in N Macedonia⁴⁴. The first meeting of Advisory board for the Protection of Children and Youth from Illegal Content, Threats and Internet Activities⁴⁵ held its first meeting in August 2012. Despite these efforts, a Safer Internet Centre in North Macedonia that includes a centre to receive and manage online child sexual abuse material has not yet been successfully established.

It was suggested that reporting to the Ministry of Interior was possible regarding child exploitation via the 'Red Button'.

7.1.1 Issues Identified

The lack of a national centre to accept reports and takedown illegal online child sexual abuse content is an issue.

7.2 Children's Rights

Child rights are included within the mandate of First Children's Embassy who support children, via their helpline⁴⁶ with anything related to their safety, including online safety.

⁴² <https://www.facebook.com/191029614248249/videos/1220500211301179>

⁴³ <https://www.facebook.com/gjorgjievska/videos/10150928596924413>

⁴⁴ <https://vlada.mk/node/4137>

⁴⁵ <https://vlada.mk/node/4179>

⁴⁶ www.childresembassy.org.mk

7.3 Recommendations - Reporting Mechanisms

Recommendation (Priority) – Establishment of a National Centre for managing online Child Sexual Abuse Material, with appropriate INHOPE membership.

To establish a national centre to receive and manage reports of online child sexual abuse material. The centre will work with law enforcement and industry providers. The centre should join the INHOPE network to obtain support and guidance in establishing and operating the centre

8 Use of Technical Tools

The available information regarding technology use and adoption across North Macedonia (section 2.1) highlights the current situation and includes the conclusions from the online surveys completed by children and parents. Use of mobile phones is significant across the country.

As per ITU Guidelines for Industry on Child Online Protection⁴⁷ Industry can identify, prevent and mitigate the adverse impacts of ICTs on children's rights, and identify opportunities to support the advancement of children's rights by integrating child rights considerations into all appropriate corporate policies and management processes. In collaboration with government, law enforcement, civil society and hotline organisations, industry has a key role to play in combating child sexual abuse material with developing standard processes to handle child sexual abuse material. Industry can help create a safer, more enjoyable digital environment for children of diverse ages by creating a safer and age appropriate online environment. Industry can complement technical measures with educational and empowerment activities aimed at educating children, parents, and teachers about children's safety and their responsible use of ICT. Industry can encourage and empower children by supporting their right to participation by promoting digital technology as a mode to further civic engagement.

8.1 Issues Identified

As already concluded, the general level of awareness of online risks and threats is low, particularly amongst parents. This is at a time when the number of connected devices and technologies within households and families are increasing.

Having noted this low awareness, parents are clearly concerned about their children encountering unwanted content and this was the most significant issue identified by parents. Coupled with this, parental responses to the question 'Do you use any filtering or monitoring software on any of your children's devices?' suggested that the majority (54%) don't, with 18% indicating they would like to, but don't know how to set it up.

In discussion with the Telecom operators, it appears that there are parental controls to filter or block access to unwanted or inappropriate content, however these carry a "small cost". Commenting on the available parental controls, another stakeholder suggested that "even if these were free, this wouldn't increase adoption as parents are lacking awareness".

Turning to managing access to illegal content, industry highlighted their obligations for Net Neutrality; that "Internet providers are not allowed to interfere in the freedom of using the Internet" and that the "Public Prosecutor has to issue an order to block" access to illegal content.

During the stakeholder interviews it was recognised that there are a number of programmes and initiatives that industry has supported.

⁴⁷ [Industry | ITU-COP Guidelines \(itu-cop-guidelines.com\)](https://www.itu.int/ITU-T/csp/guidelines/industry-cop-guidelines/)

8.3 Recommendations - Use of Technical Tools

Recommendation - Parental Control Tools

To improve the availability and simplicity of parental control tools that better protect children and increase awareness amongst parents. These parental control tools should be easy to use, filter or block access to unwanted or inappropriate content and ideally provided at 'network level' and manage access by devices to limit screen time

The tools should be provided to parents by Internet Service providers (fixed line and mobile operators), filtering providers or specialist parent control Providers. Providers may choose to better understand the needs of their customers through research

9 Analysis and Recommendations

9.1 SWOT Analysis

In assessing the evidence, comments and feedback, the following strengths, weaknesses, opportunities and threats were determined in further support of the recommendations.

<p>Strengths</p> <ul style="list-style-type: none"> ● Committed variety of stakeholders ● Willingness to improve on the field of child online protection 	<p>Weaknesses</p> <ul style="list-style-type: none"> ● Lack of national strategy and coordination ● Lack of awareness of child online protection issues, particularly amongst children and parents ● low adoption of child online protection tools by parents
<p>Opportunities</p> <ul style="list-style-type: none"> ● Wide variety of stakeholders interested in the topic ● International support for the adaptation and implementation of activities, tools and resources ● Governmental support for the development and implementation of Child Online protection ● Using best practice examples from the international community 	<p>Threats</p> <ul style="list-style-type: none"> ● No coordinated systems, actions or activities undertaken ● Children remain vulnerable to online risks ● Parents and professionals have no support in education or reporting issues

Table 1 SWOT Analysis

19.2 Recommendations

High Priority Recommendations

Recommendation	Overview and potential examples	Suggested lead
Legal Review	To conduct a legal framework review, specifically focusing on the role of technology and ensuring that the scope of legal definitions equally extend to online and digital technologies. These would specifically assess sexual exploitation of a child, sextortion and online bullying or harassment	Ministry of Justice
National Stakeholder Council	<p>To establish a National Stakeholder Council, chaired by a Government Minister and supported by a secretariat that should;</p> <ul style="list-style-type: none"> ● be composed of selected actors and stakeholders from the country. Council members should be selected based on their responsibilities, activities or representations ● be independent of any one Government Ministry and include representation from across Government Ministries ● be responsible for establishing and implementing a national strategy and implementing an action plan. ● enable greater collaboration regarding child online protection ● meet quarterly <p>Examples include UK Council for Internet Safety</p>	
Establishment of a National Centre for managing online Child Sexual Abuse Material, with appropriate INHOPE membership.	To establish a national centre to receive and manage reports of online child sexual abuse material. The centre will work with law enforcement and industry providers. The centre should join the INHOPE network to obtain support and guidance in establishing and operating the centre	

Normal Priority Recommendations

Academic Research	<p>To undertake a comprehensive academic research project on Child Online Protection in North Macedonia. The research project should</p> <ul style="list-style-type: none"> ● complete a comprehensive literature review of existing research covering child online protection aspects ● undertake qualitative and quantitative research of children, parents and educators to determine their use, experience, perception as well as their opportunities and concerns of technology. ● Assess the extent of digital competencies across children and parents ● Conclude the mental health and wellbeing of children online together with an assessment of their sense of safety. ● Assess the ability of those working with children (educators and clinicians) to identify issues of abuse and mental health 	
Educators Professional Development	<p>To improve the capability of educators it is vital that all teachers are able to both spot child online protection issues through the signs of abuse as well as provide children with the defined digital competencies.</p>	Ministry of Education
Parental Control Tools	<p>To improve the availability and simplicity of parental control tools that better protect children and increase awareness amongst parents. These parental control tools should be easy to use, filter or block access to unwanted or inappropriate content and ideally provided at 'network level' and manage access by devices to limit screen time</p> <p>The tools should be provided to parents by Internet Service providers (fixed line and mobile operators), filtering providers or specialist parent control Providers. Providers may choose to better understand the needs of their customers through research</p>	Industry
National North Macedonia Safer Internet Centre	<p>The establishment of a National Safer Internet Centre to bring together existing organisations to better coordinate and</p>	

	<p>implement activities. Modelled on the European network of Safer Internet Centres⁴⁸, it would, specifically:</p> <ul style="list-style-type: none"> ● raising awareness related to potential risks young people may encounter online; ● offer advice about staying safe online to young people and deal with issues such as cyber bullying, via the helplines; ● develop information material; ● organise events such as the Safer Internet Day, their biggest yearly international event; ● organise information sessions for parents, children and teachers ● responsibility for child sexual abuse material online ● Provide youth voice and representation <p>The Safer Internet Centre would be a vehicle for implementing the National Stakeholder Council Strategy, mentioned in the recommendations in point 4.5.</p>	
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Table 2 Detailed Recommendations

9.3 Interviewed Stakeholders

Group	Stakeholders
State Organisations	Primary School Psychologist Secondary School Psychologist State Council for Prevention of Juvenile Delinquency Center for social services Ministry of Justice AEK
Industry	Telekom

⁴⁸ <https://ec.europa.eu/digital-single-market/en/safer-internet-centres>

	Integra Solution
Academia and NGO	<p>First Children’s Embassy in the World Megjashi-Republic of Macedonia</p> <p>NGO internet hotline Macedonia</p> <p>UNICEF</p> <p>Council of Ethics in the media</p>

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National child online safety assessment for North Macedonia

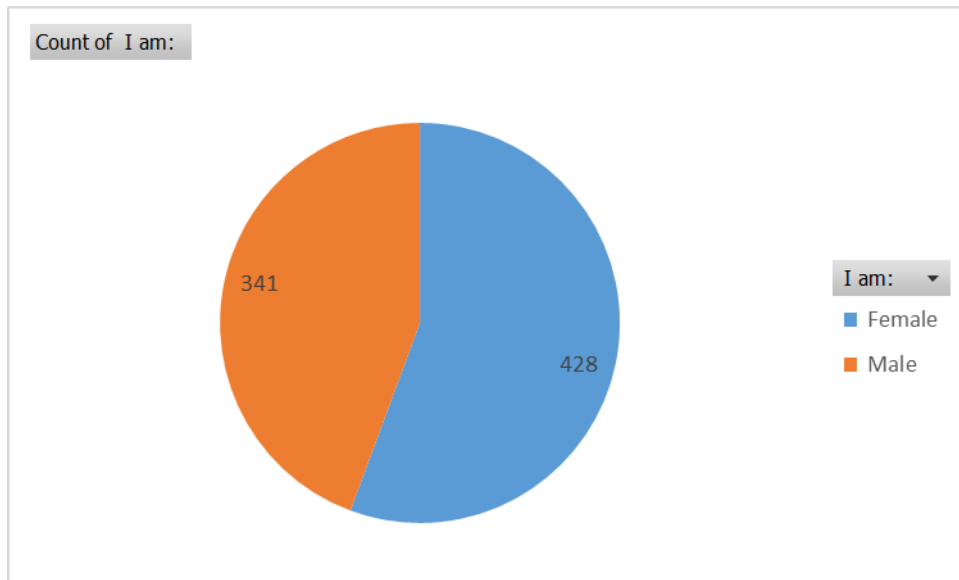
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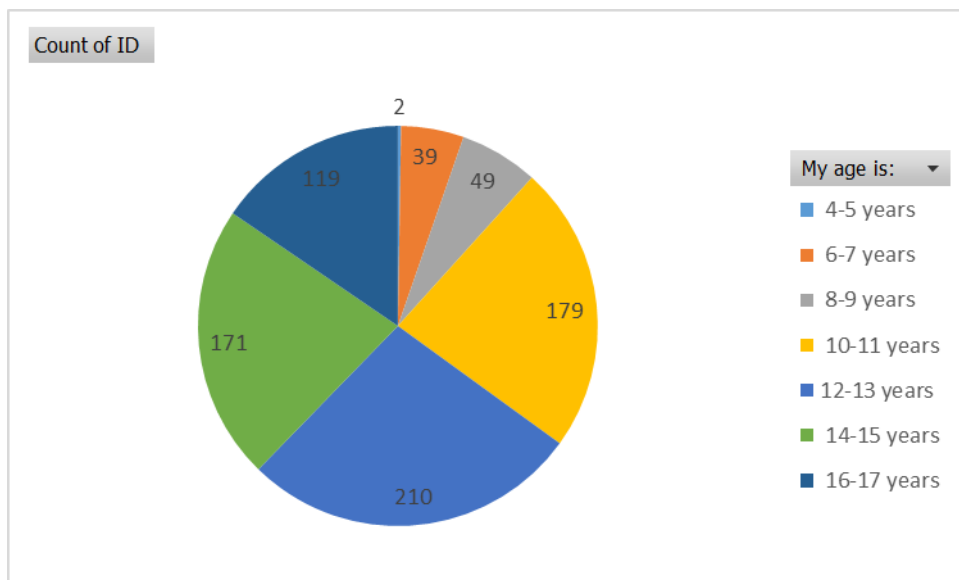
Appendix A - Children Online Survey Results

Number of responses – 769

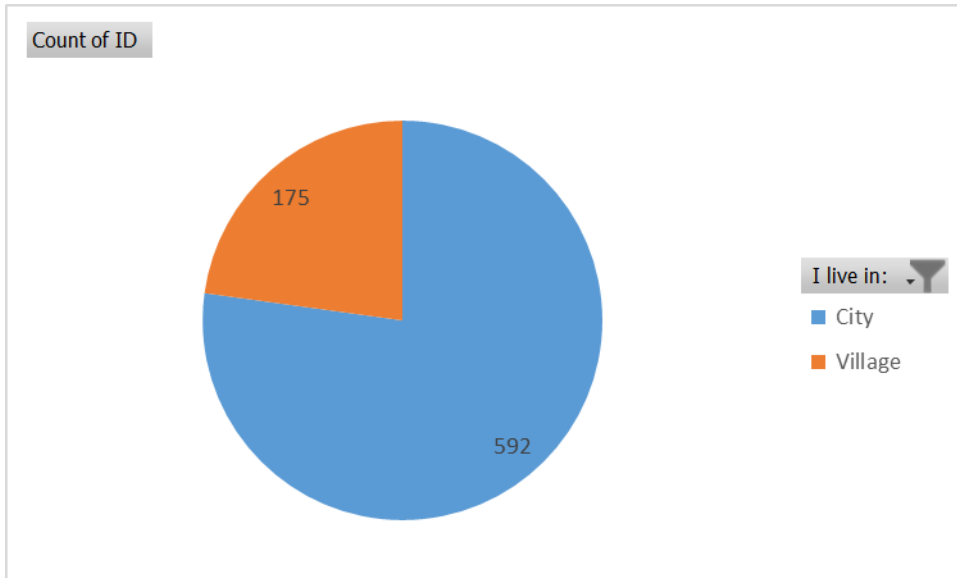
1. I am



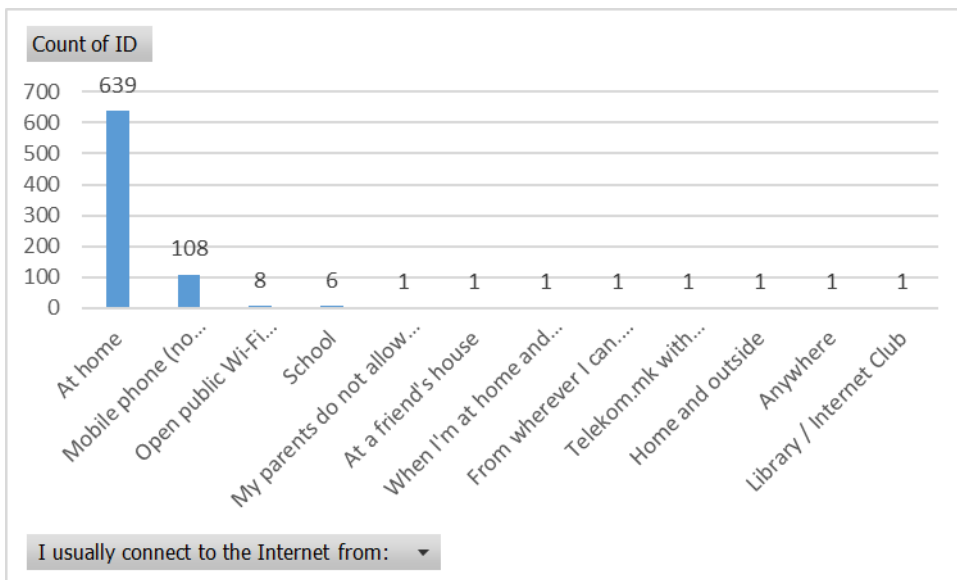
2. My Age is



3. I live in

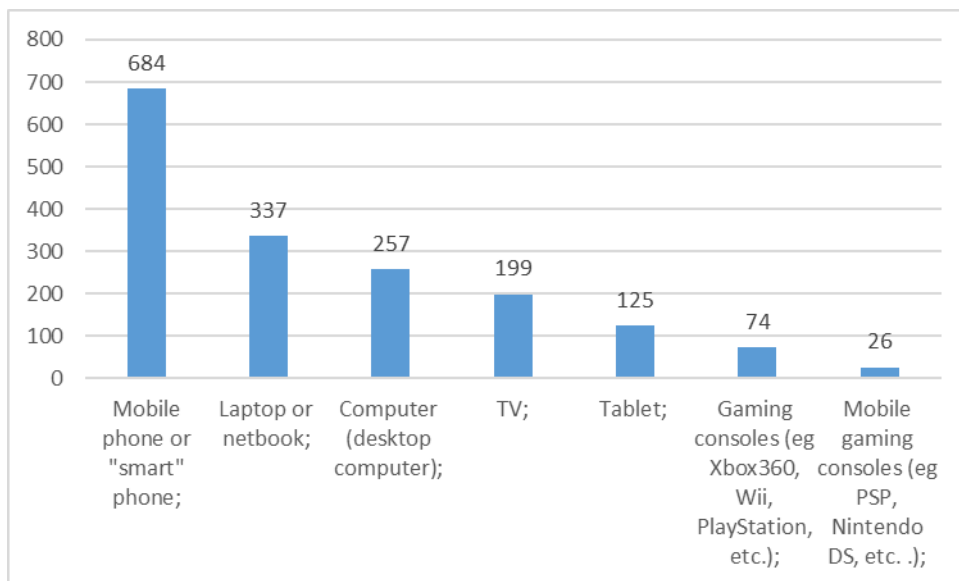


4. I usually connect to the Internet from

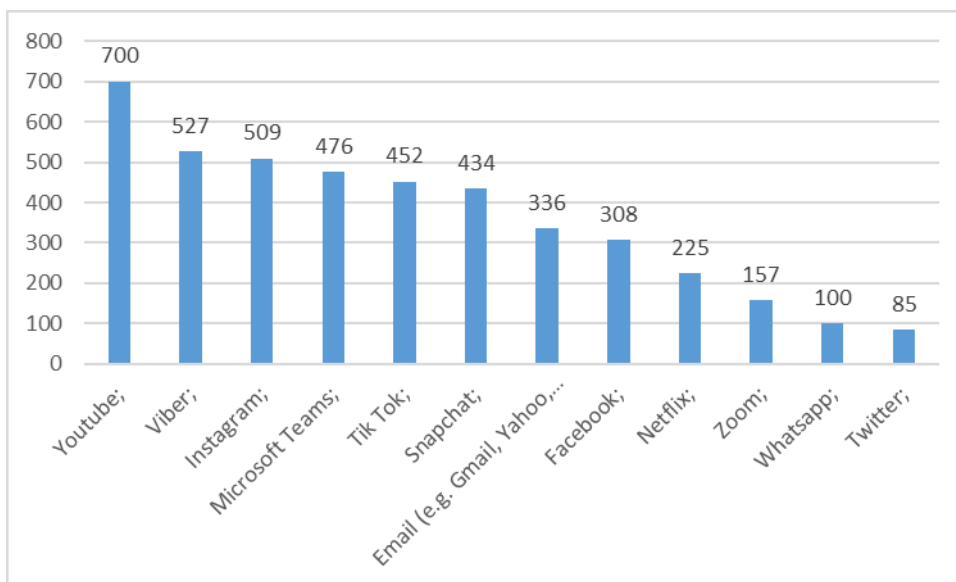


5. I usually connect to the Internet via

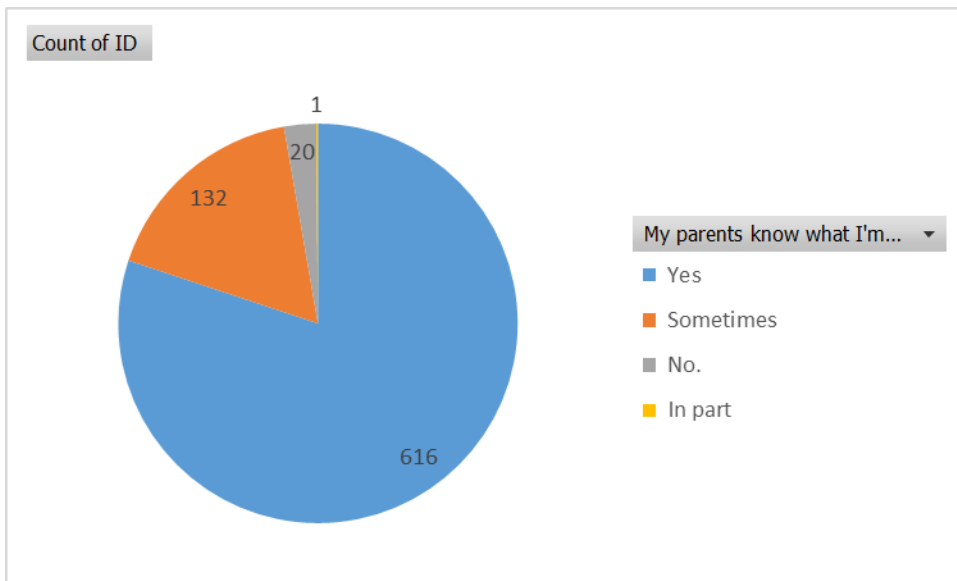
National child online safety assessment for North Macedonia



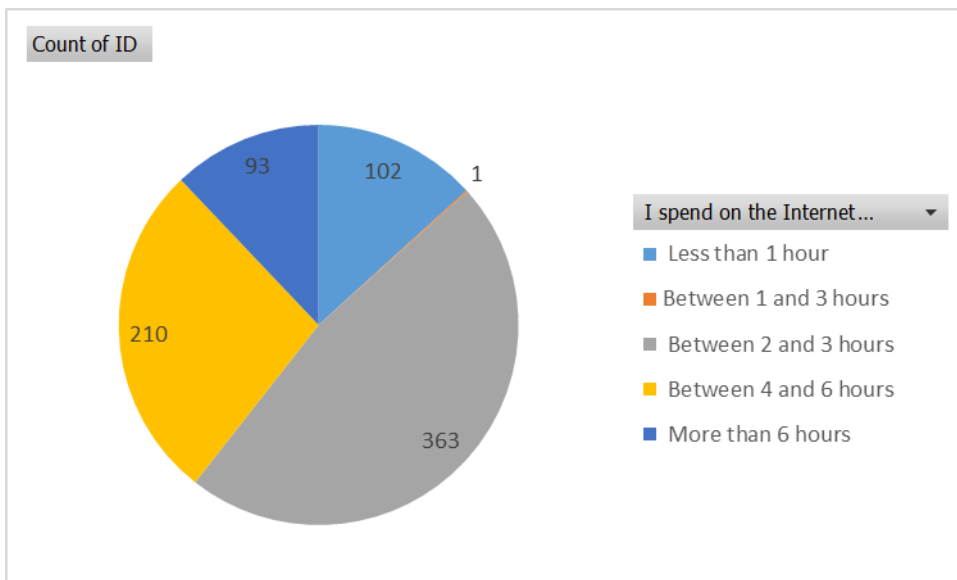
6. From internet applications / services I use: (mark all you use)



7. My parents know what I'm doing online

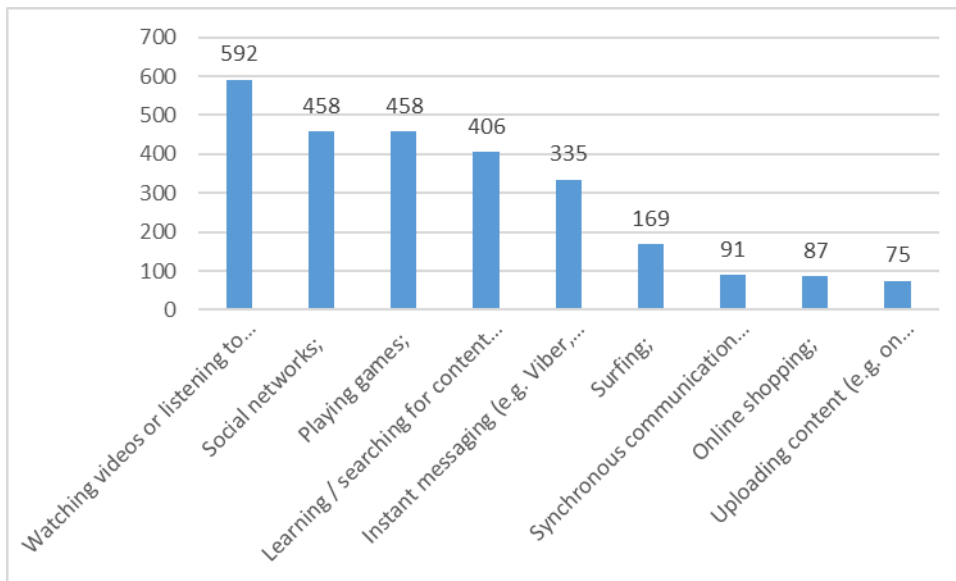


8. I spend on the Internet daily (on average):

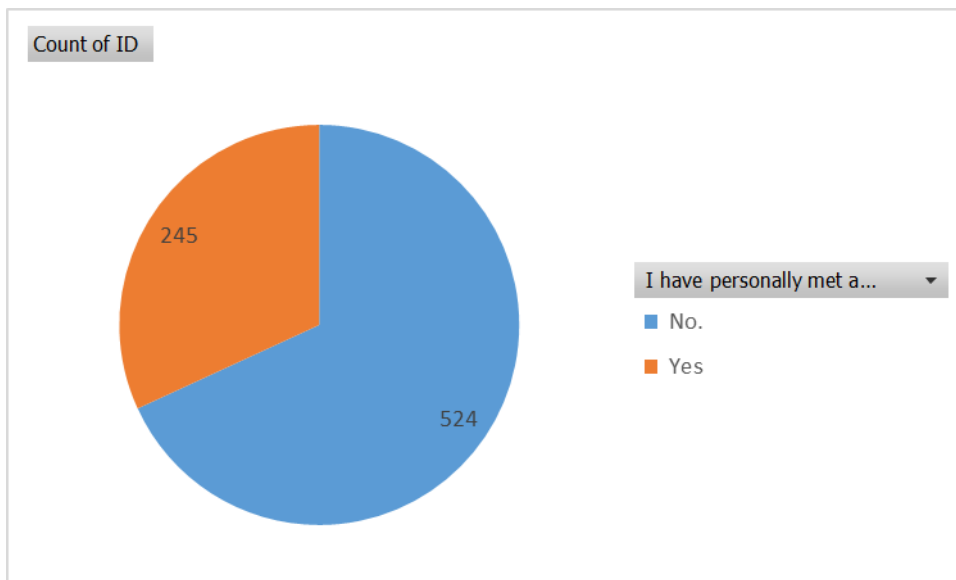


9. I use the internet most often for: (mark all you use)

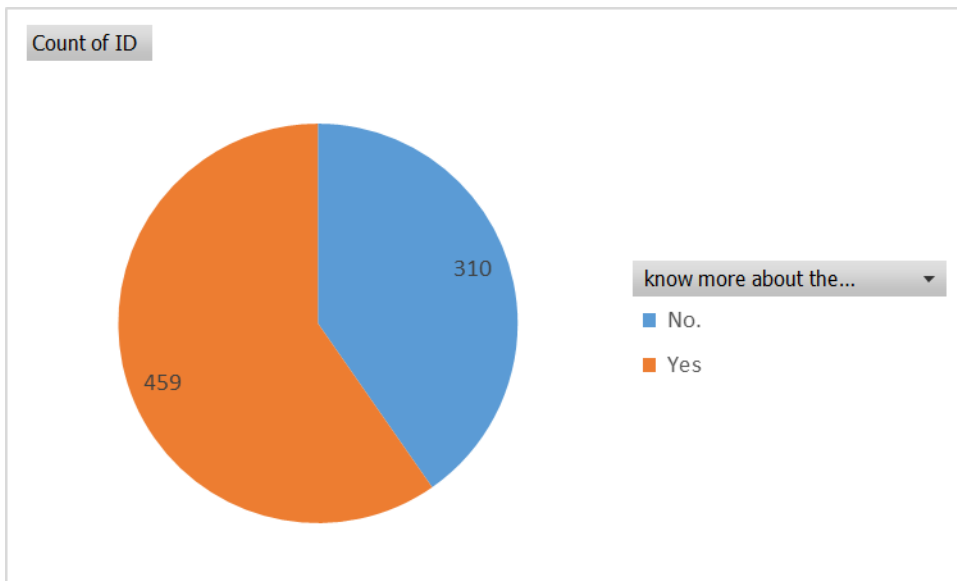
National child online safety assessment for North Macedonia



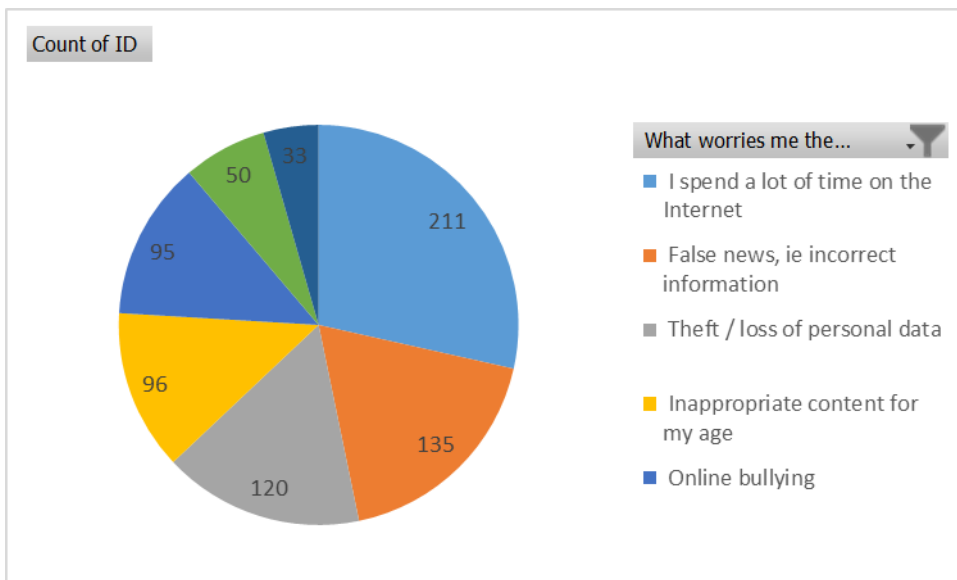
10. I have personally met a friend I have previously met online.



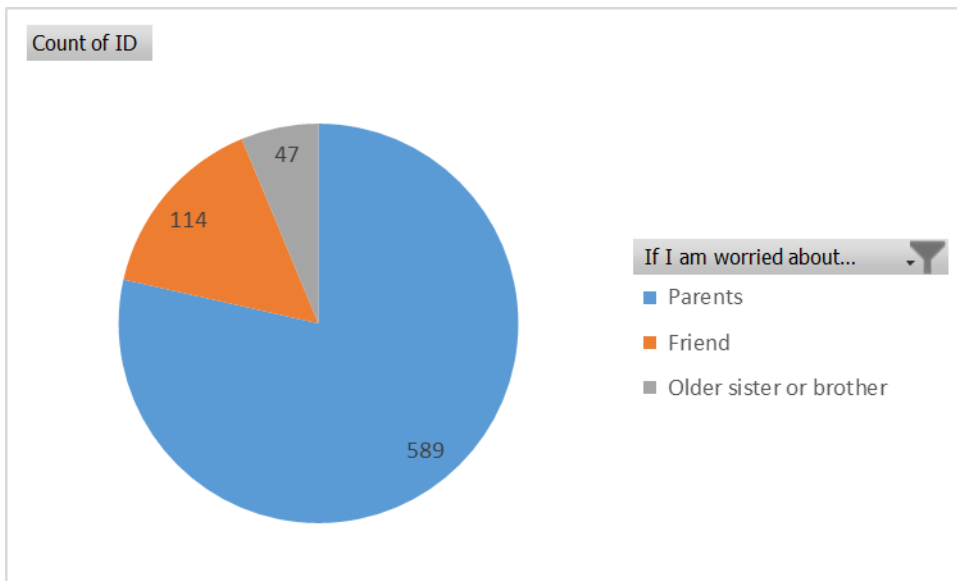
11. I know more about the Internet than my parents



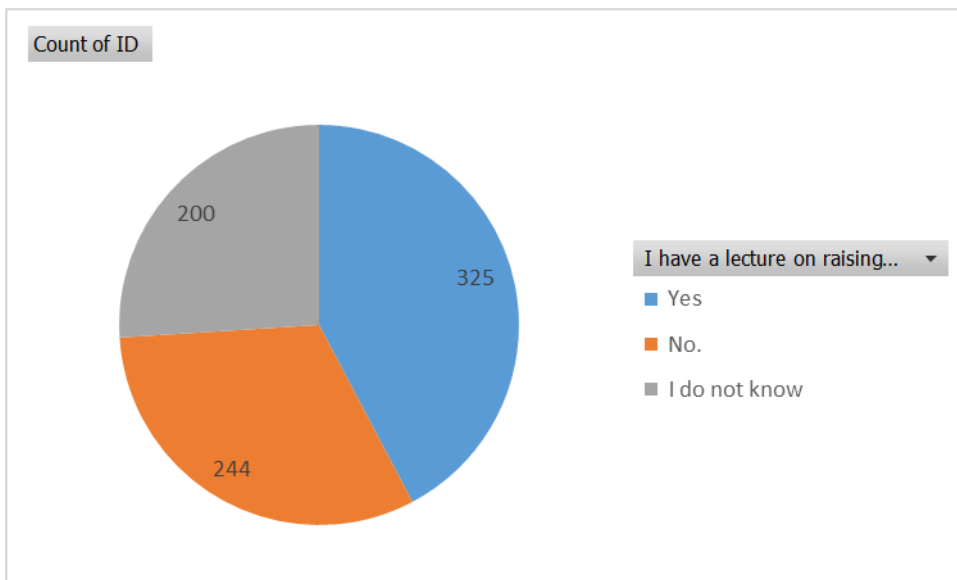
12. What worries me the most on the Internet:



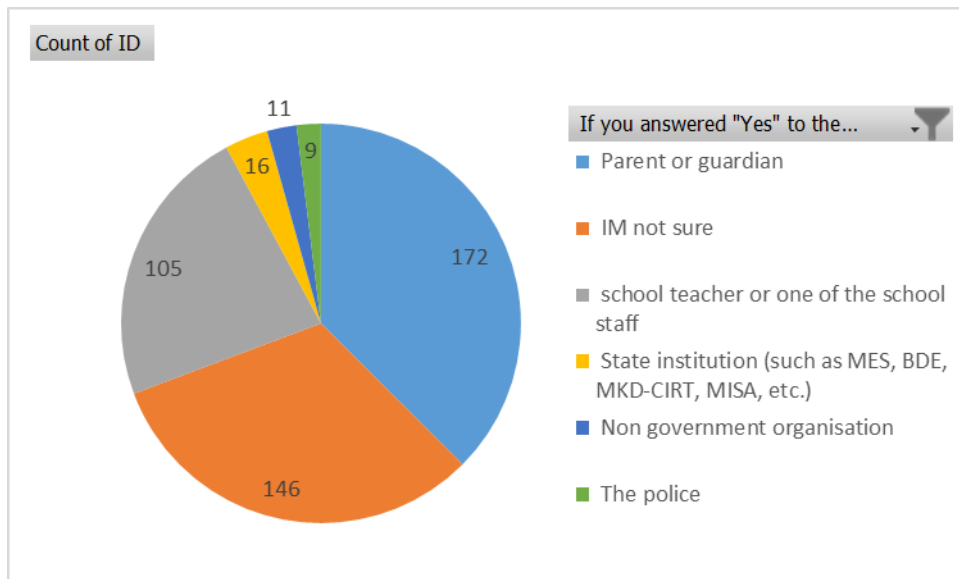
13. If I am worried about something on the Internet, I would first report it to:



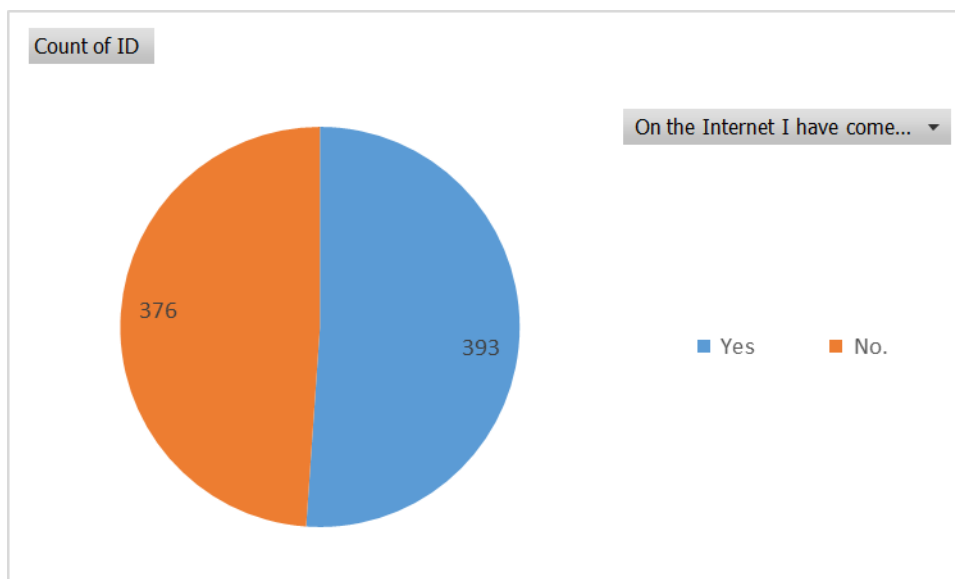
14. I have a lecture on raising awareness about Internet security



15. If you answered "Yes" to the previous question, indicate who gave the lecture on raising awareness about Internet security:



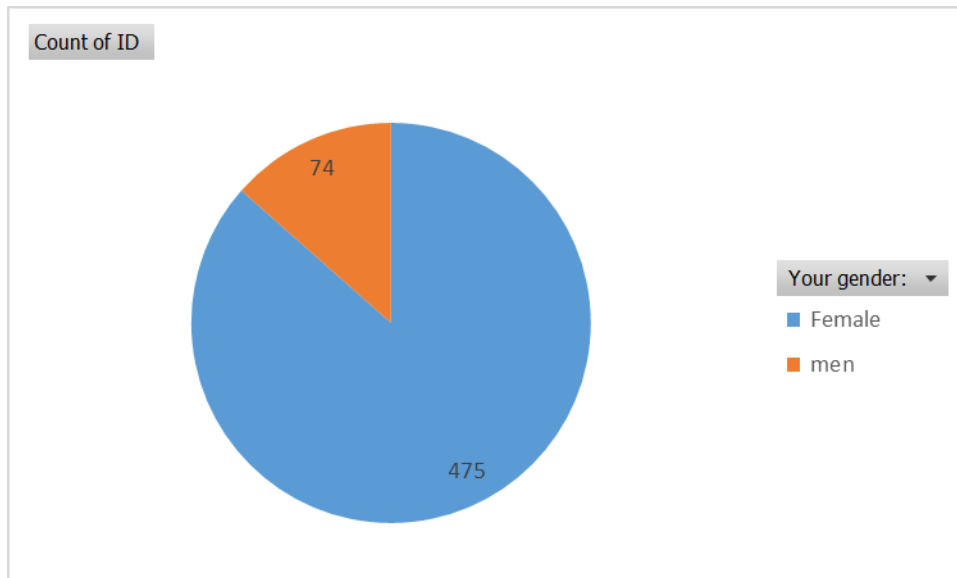
16. On the Internet I have come across content / photos that are disturbing for children / young people my age



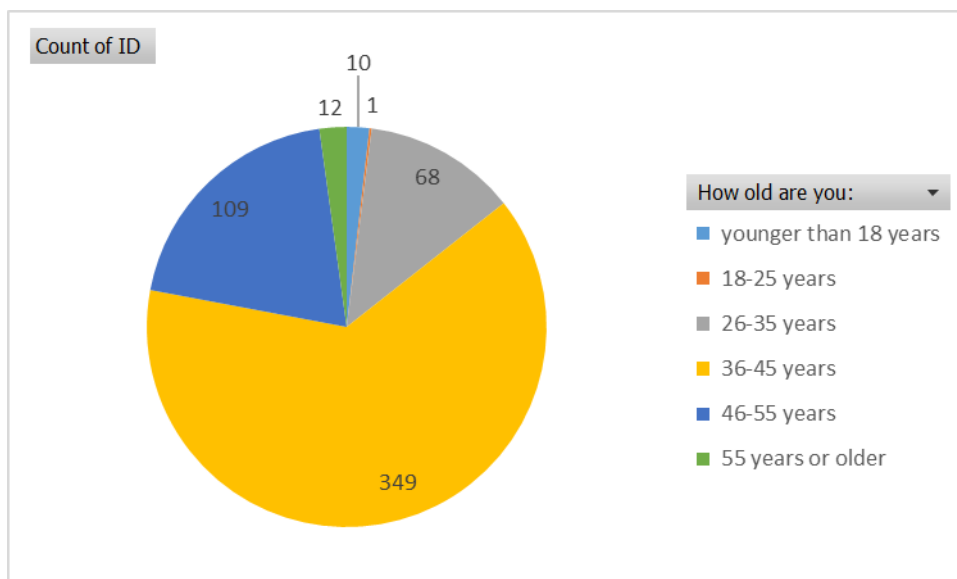
Appendix B - Parents Online Survey Results

Responses – 549

1. Your Gender

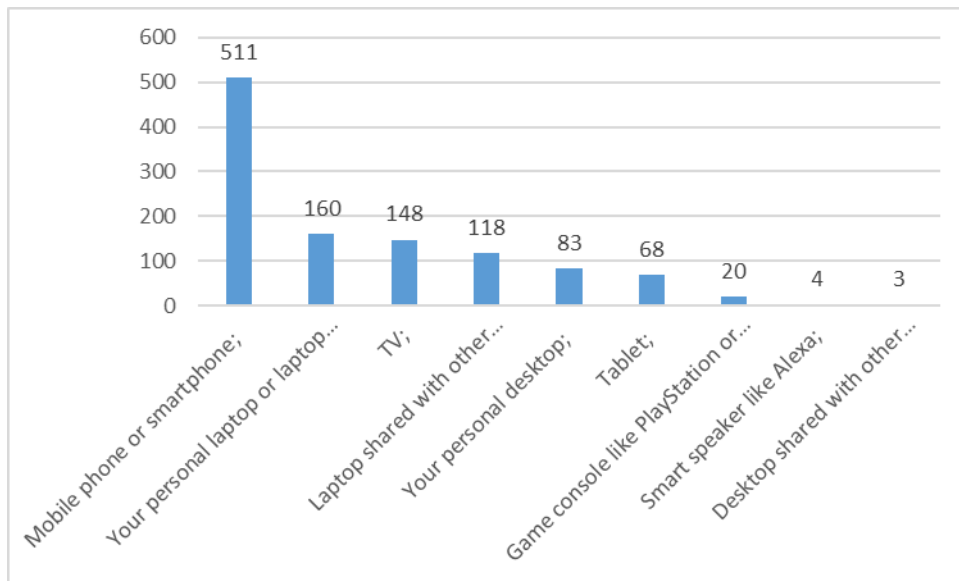


2. How old are you:

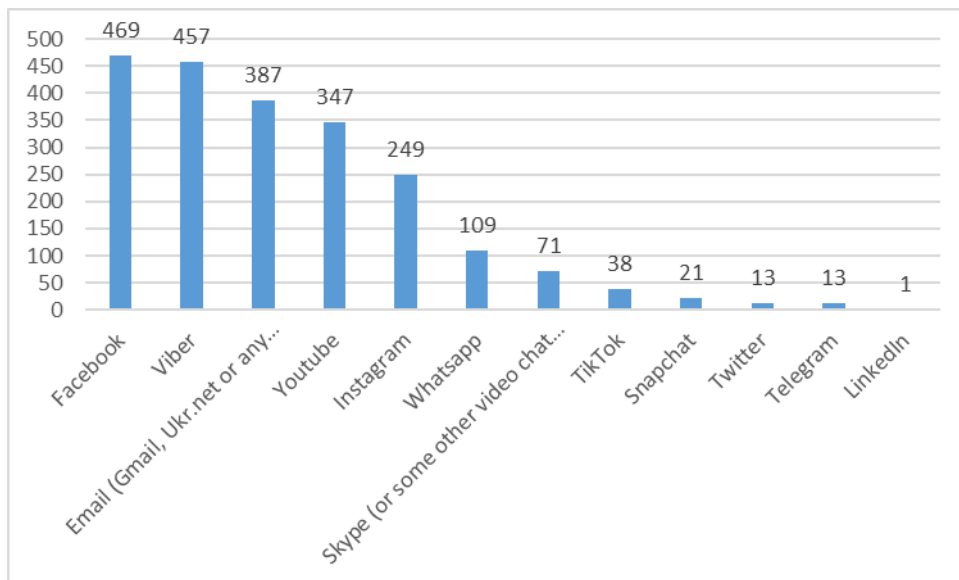


3. Which of these devices do you use for connecting to the internet? (tick all that apply)

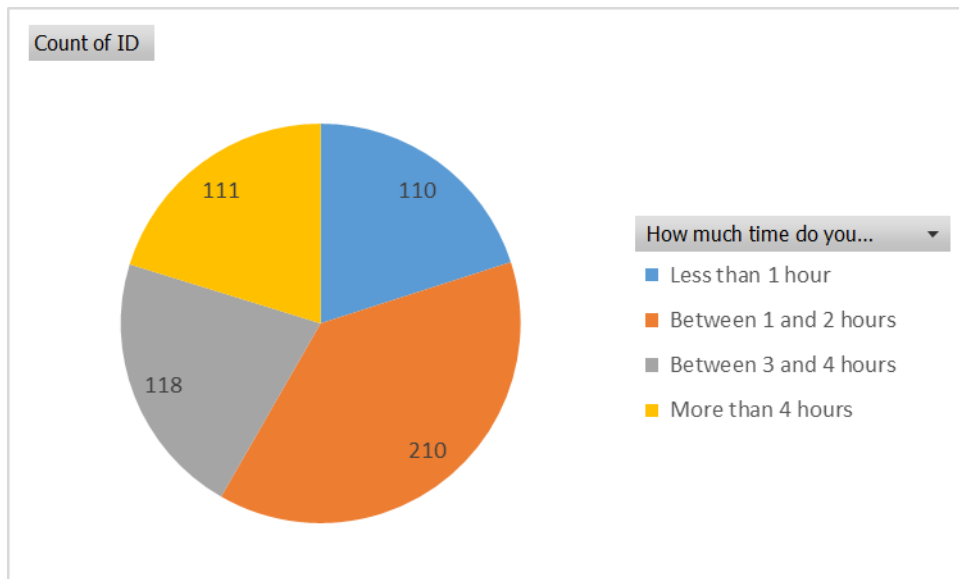
National child online safety assessment for North Macedonia



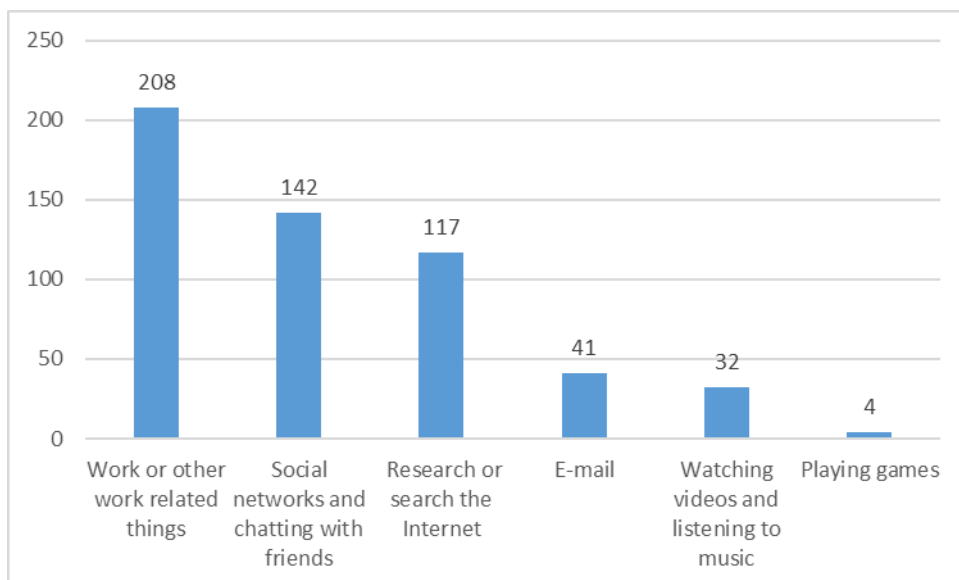
4. What of these online services/apps do you use? (tick all that apply)



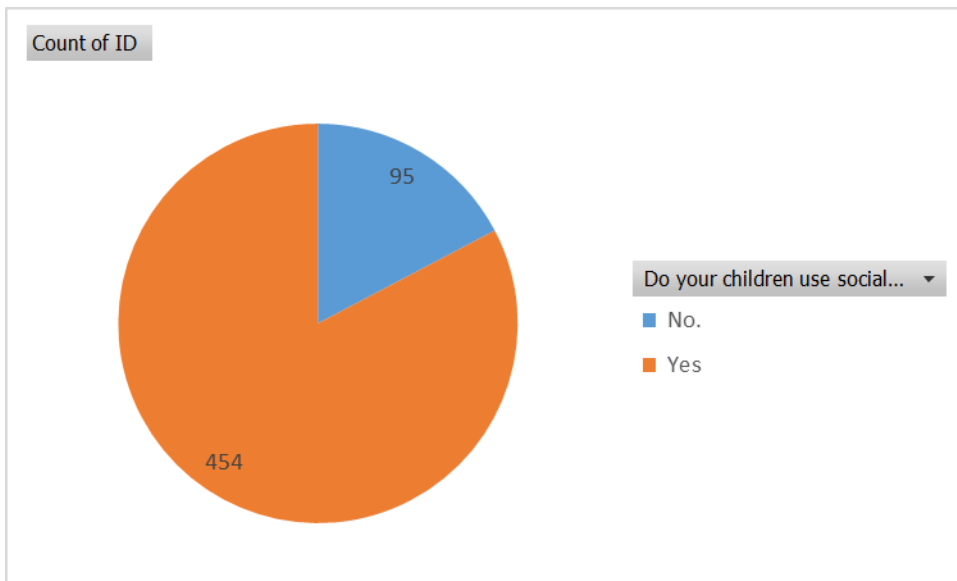
5. How many hours per day do you spend online?



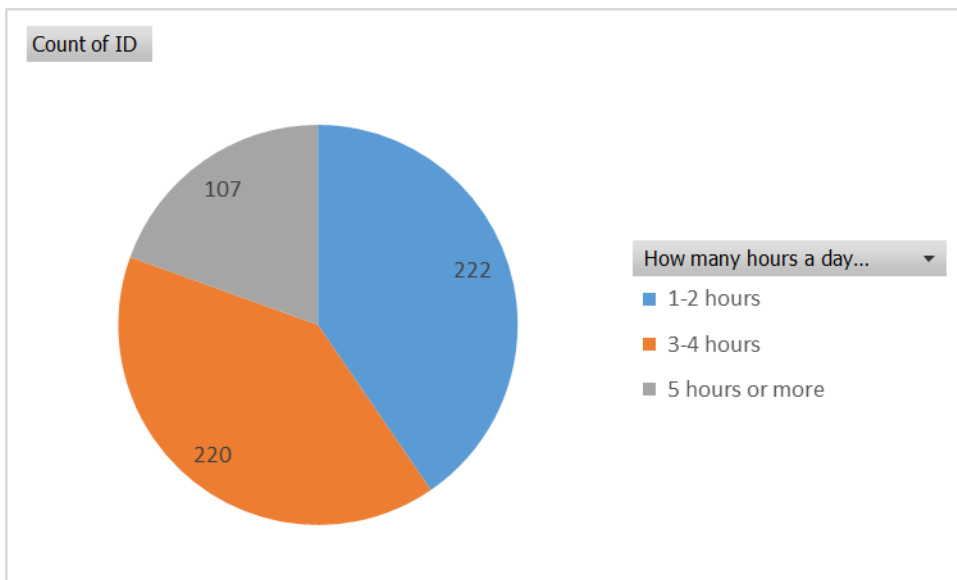
6. When you go online what do you most use internet for?



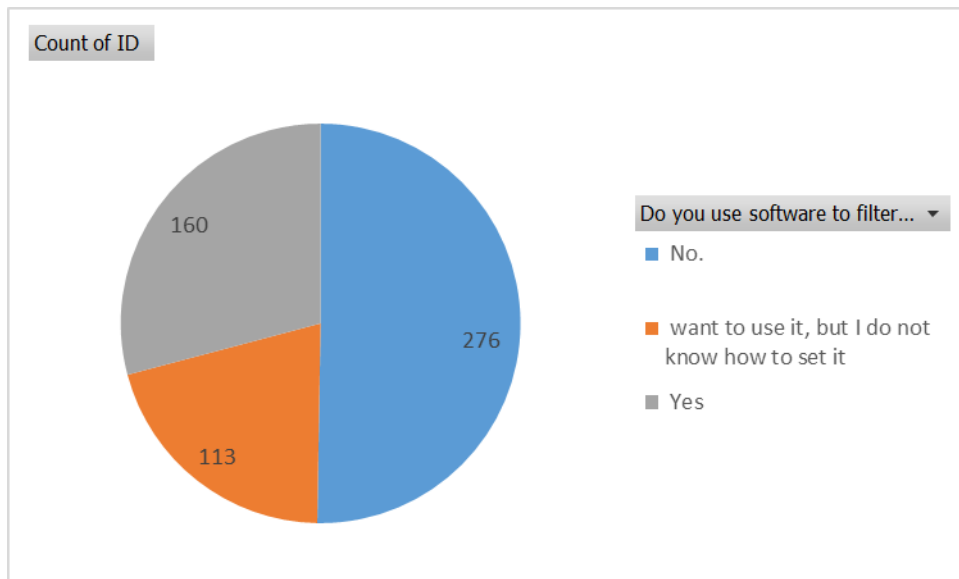
7. Do your children use social media?



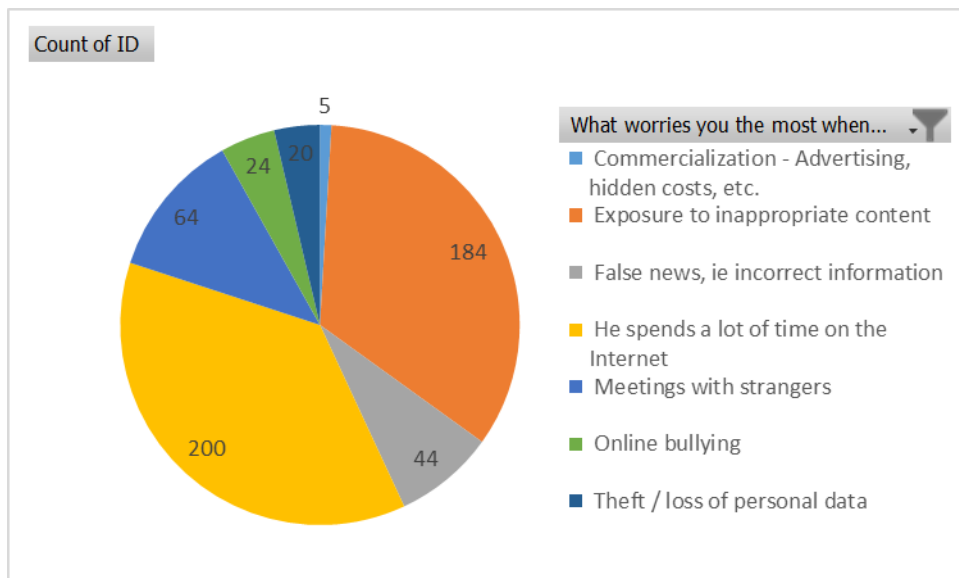
8. How many hours per day does your child spend online?



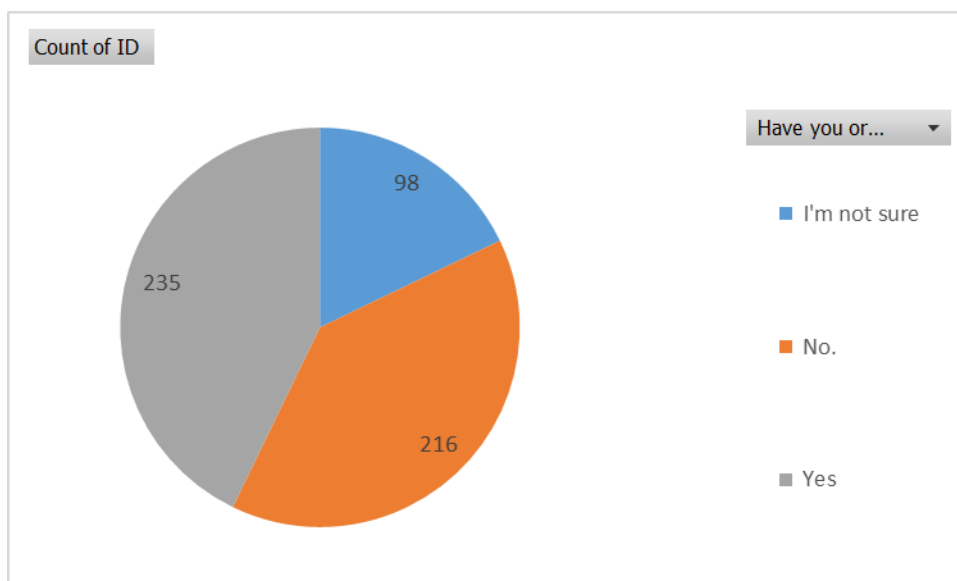
9. Do you use any filtering or monitoring software on any of your son/daughter's devices?



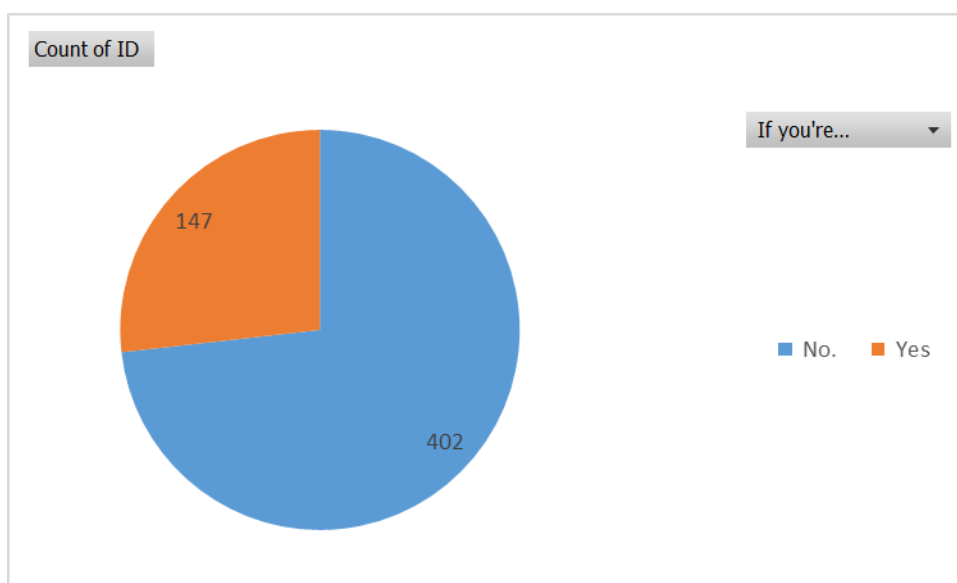
10. What concerns you most about your children being online?



11. Have you or your child encountered an issue online?



12. If you have an issue online, do you know how and to whom to report it?



Appendix C – Stakeholder Interviews

3rd December 2021

10:00-10:30	Primary School Psychologist
10:45-11:15	Secondary School Psychologist
11:30-12:00	State Council for Prevention of Juvenile Delinquency
13:30-14:00	Telekom
14:15-14:45	Center for social services

13th December 2021

National child online safety assessment for North Macedonia

09:00-09:30	Integra Solution
12:30-13:00	NGO internet hotline Macedonia
13:15-13:45	UNICEF
14:00-14:30	Council of Ethics in the media

15th December 2021

10:00 – 10:30	Ministry of Justice
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17th December 2021

14:00-14:30	AEC
	First Children’s Embassy in the World Megjashi- Republic of Macedonia

15th March 2022

14:30-15:00	Ministry of Interior
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Appendix D – Criminal Code

1/15/2021 - Праксис 

Број на Службен весник:/

Датум на објава на Службен весник:/ Број на одлука на Уставен суд (У.бр.):/

Criminal Code **CRIMINAL CODE**

(“Official Gazeer of Republic of Macedonia” No. 37/96, 80/99, 4/2002, 43/2003, 19/2004, 81/2005,60/2006, 73/2006, 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12,166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 115/14, 132/14, 160/14, 199/14,196/15, 226/15, 97/17 and 248/18)

Course and cessation of the obsolescence of the criminal prosecution

Article 108

(1) The obsolescence of the criminal prosecution starts on the day the crime was committed or the consequence occurred. If the act has been committed against a child, the obsolescence of the criminal prosecution shall commence on the day the child becomes of legal age.

(2) The obsolescence does not run at the time when, according to the law, the prosecution may not begin or continue.

(3) The obsolescence is interrupted by each process action that is undertaken in order to prosecute the perpetrator because of the committed crime.

(4) The obsolescence is interrupted also when the perpetrator, at the time while this time period of obsolescence is still going on, commits an equally severe or more severe crime.

(5) For each interruption, the obsolescence starts to run again from the beginning.

(6) The obsolescence of the criminal prosecution comes into effect in any case when a time period elapses which is twice as long as required by law for the obsolescence of the criminal prosecution.

Obsolescence of the execution of punishment

Article 122

(1) Criminal legislature of the Republic of Macedonia shall mean the provisions from this Criminal Code and the provisions contained in the other laws.

(2) The territory of the Republic of Macedonia shall mean the territory of dry land, the water surfaces inside its borders, as well as the airspace above them.

(3) The concept of a military person means: a cadet of a Military Academy; military officers; a soldier under contract; a soldier serving his military duty; a person from the reserve composition, while on military duty as a military conscript in the field of military defense regarding the execution of military duty; and civil persons on duty in the Army of the Republic of Macedonia.

(4) An official person, when marked as a perpetrator of a crime, is considered to be:

- a) The President of the Republic of Macedonia, appointed representatives and Ambassadors of the Republic of Macedonia abroad and appointed persons by the President of the Republic, an elected or appointed officer in the Parliament of the Republic of Macedonia, in the Government of the Republic of Macedonia, in the state administration bodies, in the courts, Public Prosecution, the Court council of the Republic of Macedonia, the Public Prosecutors' Council of the Republic of Macedonia and other bodies and organizations which perform certain professional, administration or other matters within the framework of the rights and duties of the Republic, in the local self-government, as well as persons who permanently or periodically perform an official duty in these bodies and organizations;
- b) A civil servant who performs expert, law- legal, executive, administrative-supervising and administrative work according to the Constitution and the law;
- c) An authorized person in a legal entity which by law or by some other regulation adopted based on the law is entrusted with performing public authority, when they perform the duty within the framework of that authority, as well as a person authorized to represent the associations, foundations, unions and organizational forms of foreign organizations, sports associations and other legal entities in the field of sport;
- d) A person performing certain official duties, based on the authorization given by law or by some other regulations adopted based on the law;
- e) A military person, when considering crimes in which an official person is pointed out as perpetrator; and f) A representative of a foreign country or an international organization in the Republic of Macedonia.

(5) A foreign official person, when pointed out as a perpetrator of a criminal activity, shall mean a person who in a foreign country, international organization or a public institution performs some of the functions from paragraph a) to e) from paragraph 6 of this Article in a foreign country.

(6) A legal entity shall mean: the Republic of Macedonia, local self-government units, political parties, public enterprises, trade companies, institutions and other associations, foundations, unions and organizational forms of foreign organizations, sports associations, financial organizations, and other organizations determined by law, which are registered as legal entities, and other communities and organizations to which the characteristic of a legal entity has been recognized. A foreign legal entity shall mean public enterprise, an institution, a fund, bank,

trade company or some other kind of organization according to laws of a foreign state for performing economic, financial, banking, trade, service and other activities, who has a headquarter in another country or a representative office in the Republic of Macedonia, or it is established as an international enterprise, foundation, bank or institution.

(7) A person in a legal entity shall be considered to be a responsible person, who considering their function or based on special authorization in the legal entity, is entrusted with a certain circle of matters which concern the execution of legal regulations, or of regulations that are adopted based on a law or a general act of the legal entity, use and disposition of property, the management of the production or other

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economic process, or the supervision over these. An official person shall also be considered to be an official person, when this concerns crimes where a responsible person is designated as the perpetrator, and which crimes are not foreseen in the chapter about crimes against official duty, i.e., as crimes by an official person, foreseen in some other chapter of this Code. When it is strictly determined with this Code, a responsible person shall also be the person that performs a special function or authority or who has an authority for an independent realization of a particular work in a foreign legal entity, as well as person who in Macedonia represents a foreign legal entity.

(8) When an official or responsible person is designated as the perpetrator, all the persons listed in paragraphs 4, 5 and 7 may be perpetrators of these crimes unless from the legal features of a certain crime it arises that just one of these persons may be the perpetrator.

(9) A person that perform a work of public interest is the one that performs functions, duties or work for public-general interest such as: a teacher, educator, doctor, social worker, journalist, notary public, lawyer or other person who individually performs public work or who works in a legal entity that performs a public work i.e. work of general interest determined with a law.

(10) Elections and voting means the elections for representatives of the citizens in the Parliament of the Republic of Macedonia and in the local self-government, for the President of the Republic of Macedonia, and the declaration of the citizens at a referendum.

(11) A document shall be any object that is suitable or defined to serve as proof of any fact that is of value for the legal relations. Public document is a writing issued by an authorized body, organization or person who performs a public work determined by law or other regulation stipulated by law.

(12) Money shall be means of payment in cash, in denominations or electronic money that, in accordance with law, are in circulation in the Republic of Macedonia or in a foreign country.

(13) Marks of value also mean foreign marks of value.

(14) Securities shall be: shares, bonds and other securities that are traded based on a law of the Republic of Macedonia.

(15) Payment cards shall mean every kind of means of payment issued by banking or other financial institutions containing electronic data on persons and electronic generated numbers enabling the performance of any kind of financial transactions.

(16) An income from a punishable act shall mean each property or benefit acquired directly or indirectly by execution of a punishable act as well as income from a punishable act perpetrated abroad, under the condition that in the period when it was committed to have been envisaged as a punishable act according to the state laws where it has been perpetrated, as well as according the law of the Republic of Macedonia.

(17) A movable object shall also mean any produced or collected energy for providing light, heat or movement, as well as telephones impulses, other mechanisms for distant transmission of voice, picture or text and computer services, collected and distributed drinking water and other general use items.

(18) A force shall also mean the use of hypnosis and stunning means in order to bring another against their will into an unconscious state or to disable them for resistance.

(19) A social body shall mean the agencies for social work and other institutions that perform social activity.

(20) A motor vehicle shall mean any traffic means with a motor drive, in land, water and air traffic.

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(21) The concept of domestic violence shall mean maltreatment, rude insults, endangering of safety, bodily injuries, sexual or other psychological or physical violence causing a feeling of insecurity, threat or fear in a spouse, parents or children or other members living in a marital or extra-marital union or in a common household, as well as in former spouse or persons having a child together or are otherwise in close personal relations.

(22) A victim of a criminal act shall imply each person that sustained damages, including physical or mental injury, emotional suffering, material loss or other type of violation or endangerment of their basic freedoms and rights as a consequence on a perpetrated criminal act.

A child- victim of a criminal act shall imply a minor under the age of 18.

(23) Several persons shall imply a minimum of three or more persons.

(24) Child pornography shall imply a pornographic material that visually displays evident sexual acts with a minor or a mature person that looks like a minor or display the minor or the mature persons looking like a minor in an evident sexual position or real images displaying evident sexual acts with a minor or display the minor or the mature person looking like a minor in an evident sexual position.

(25) a family shall imply the spouse, extra- marital partner, children, parents, brothers, sisters and other relatives the person lives with in a family unit.

(26) A computer system shall imply any type of device or a cluster of interconnected devices one or several of which performs automatic processing of data according to a certain programme.

(27) Computer data shall imply presenting of facts, information or concepts in the shape convenient to process through a computer system, including a programme that is convenient to put the computer system in function.

(28) The concept of a group, a gang or other criminal association or organization shall mean an association of at least three persons with the aim of committing crimes, considering the organizer of the association being as included in this minimum number.

(29) The concept of a court, judge and court (judicial) proceedings shall also pertain to an international court whose jurisdiction has been recognized by the Republic of Macedonia, as well as the judges and the proceedings in front of such court.

(30) Inebriation shall mean a state of alcohol in the blood exceeding 1.5 g-promiles.

(31) Explosive or other deadly device shall mean any kind of weapon or explosive or incendiary device that can cause death, bodily injuries or larger damage to property through physical injuries, emission or dispersion of detrimental chemical substances, biological substances, toxic or likewise substances or radiation of radioactive substances, as well as any weapon or device created for such purpose.

(32) The concept of a public place shall mean buildings, parts of buildings, yards, premises for conducting trade, cultural, official, educational, religious, recreational

or other activity, public roads, open rooms, water surfaces and other places open and accessible to an unlimited number of persons.

(33) A smaller property gain, value or damage shall mean a gain, value or damage that corresponds to the amount of the officially announced average one-half monthly salary in the economy of the Republic of Macedonia, at the time when the crime was committed.

(34) A larger property gain, value or damage shall mean a gain, value or damage that corresponds to the amount of five average monthly salaries in the economy, at the time when the crime was committed.

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(35) A significant property gain, value or damage shall mean a gain, value or damage that corresponds to the amount of 50 average monthly salaries in the economy, at the time when the crime was committed.

(36) A property gain, value or damage of a great extent shall mean a gain, value or damage that corresponds to the amount of 250 average monthly salaries in the economy, at the time when the crime was committed.

(29) A net daily income shall mean a net salary and remunerations, and other business or property income and income from property rights. Net daily income shall be calculated by deducting taxes and other legal dues. If the court cannot calculate the net daily income in such manner or this will cause big delay in the procedure, as a base for its determination shall be taken the daily income of average salary in the Republic of Macedonia for the last three months during the trial.

(38) Property shall mean money or other payment means, securities, deposits, other type of property of any kind such as material and non- material, movable or immovable, other rights on the objects, demands as well as travel documents and legal papers for ownership or interest in such property.

(39) Objects shall imply movable or immovable objects that are fully or partially used or should be used or have occurred by the execution of the criminal act.

(40) A stakeholder shall imply a person that has interest in the performance of the deal by the company if that person, their representative, spouse, parents, children, brothers/sisters from both parents or only one parent, adoptive parents, adopted children and/ or some person related with them:

- is a party in such deal, its user, representative or mediator in such deal or
- Individually or together they own 20% or more from the shares in the legal entity that is a party in the deal, its user, representative or mediator in such deal or

- is a member of the administrative body, i.e. supervisory body of the legal entity that is a party in the deal, its user or representative in such deal, or is a management person of that legal entity.

(41) Aside to the violence referred under paragraph (21) of the present Article, the violence against a child shall also encompass psychological violence, internet violence, bullying and child stocking and following.

(42) A criminal act against a natural or legal entity or related entities or property, committed entirely or partially due to real or hypothetical (imaginary) characteristic or connection of the entity with a certain race, skin color, nationality, ethnicity, religion or persuasion, mental or physical handicap, sex, gender identity, sexual orientation or political persuasion shall be considered a hate crime in accordance with the provisions of the present Code.

Murder of a child at birth

Article 127

(1) A mother that takes the life of her child at birth or directly after giving birth, in a state of derangement caused by the birth, shall be punished with imprisonment of three months to three years.

(2) The attempt is punishable.

Instigation to suicide and helping in suicide

Article 128

(1) A person who instigates another to suicide or helps him in committing suicide, and this was committed, shall be punished with imprisonment of three months to three years.

(2) If the crime from paragraph 1 is committed against a juvenile who reached the age of fourteen or against a person who is in a state of decreased mental competence, the perpetrator shall be punished with imprisonment of one to ten years.

(3) If the crime from paragraph 1 is committed against a juvenile who has not reached the age of fourteen years yet, or against a mentally incompetent person, the perpetrator shall be punished according to article 123.

(4) A person behaving cruelly or inhumanely towards another who has a subordinate or dependent relationship to him, and if this person commits suicide because of this relationship, which could be attributed to negligence by the perpetrator, shall be punished with imprisonment of six months to five years.

- (5) If because of the crimes from paragraphs 1 to 4 the suicide was only attempted, the court may punish the perpetrator more leniently.

Cloning

Article 128-a

The person who creates a human being genetically identical to another human being death or alive shall be punished with imprisonment of three to ten years.

Prohibited Genetic Manipulations of fertilization

Article 128- b

The person who fertilizes an egg cell with a spermatozoid from an animal, or an animal egg cell with a spermatozoid of a man, or replaces the embryo with transplantation of parts of other human or animal embryos or human cells or puts a human embryo in an animal or an animal egg cell or embryo in a woman, shall be punished with imprisonment of three to ten years.

Unlawful Deprivation of freedom

Article 140

(1) A person who unlawfully deprives a person of freedom, keeps detained, or in some other way takes away or limits the freedom of movement of another, shall be punished with a fine, or with imprisonment of up to one year.

(2) If the crime provided in paragraph (1) is committed with an act of domestic violence, due to hatred or against a child, the perpetrator shall be punished with imprisonment of six months to three years.

(3) The attempt is punishable.

(4) If the unlawful deprivation of freedom is performed by an official person, by misusing the official position or authorization, they shall be punished with imprisonment of six months to five years.

(5) If the unlawful deprivation of freedom lasted longer than thirty days, or if it was performed in a cruel manner, or if the health of the unlawfully freedom deprived person was seriously damaged because of this, or if some other serious consequences occurred as a result, the perpetrator shall be punished with imprisonment of one to five years.

(6) If the person who was unlawfully deprived of freedom lost his life because of this, the perpetrator shall be punished with imprisonment of at least four years.

CRIMES AGAINST SEXUAL FREEDOM AND SEXUAL MORALITY

Rape

Article 186

1) A person who by the use of force or threat to directly attacks upon the life or body of another or upon the life or body of someone close to that person, forces them to intercourse, shall be punished with imprisonment of three to ten years.

2) If the criminal act referred to in paragraph (1) from the present Article has been committed against a child under the age of fourteen, the perpetrator shall be punished with a minimum of ten years of imprisonment.

(3) If because of the crime from paragraph 1 a severe body injury, death or other severe consequences were caused, or the crime was perpetrated by several persons or in an especially cruel and degrading manner, or due to hatred the perpetrator shall be punished with imprisonment of at least four years.

(4) A person that forces another to intercourse with a serious threat that they shall disclose something about this person or about another close to this person, that would harm their honor and reputation, or which would cause some other big evil, shall be punished with imprisonment of six months to five years.

(5) The person who in the cases from paragraphs 1, 2 and 3 commits only some other sexual act, shall be punished for the crime from paragraph 1 - with imprisonment of six months to five years, for the crime from paragraph 2 – with imprisonment of one to ten years, and for the crime from paragraph 3 – with imprisonment of three months to three years.

Statutory rape of a helpless person

Article 187

(1) A person, who commits statutory rape over another, misusing the mental illness, mental disorder, helplessness, retarded mental development, or some other state because of which this person is unable to resist, shall be punished with imprisonment of a minimum of eight years.

(2) If the criminal act referred to in paragraph (1) from the present Article has been committed against a child under the age of fourteen, the perpetrator shall be punished with a minimum of ten years of imprisonment.

(3) If because of the crime from paragraph 1 a severe body injury, death or some other severe consequence was caused, or if several persons perpetrated the crime in an especially cruel or degrading manner, or due to hatred the perpetrator shall be punished with imprisonment of at least three year.

(3) The person who in the cases from paragraphs and 2 commits only some other sexual act shall be punished for the crime from paragraph 1 - with imprisonment of three to five years, and for the crime from paragraph 2 – with imprisonment of three to ten years.

Sexual attack upon a child under the age of 14

Article 188

(1) A person who commits statutory rape or some other sexual act upon a child under the age of 14 shall be punished with imprisonment of a minimum of 12 years.

(2) If because of the crimes from paragraphs 1 and 2 a severe body injury, death or some other severe consequences were caused, or the crime was perpetrated by several persons, or in an especially cruel and degrading manner, or due to hatred the perpetrator shall be punished with imprisonment of at least fifteen years or life imprisonment.

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(3) The perpetrator of the criminal act referred to in paragraph (2) of the present Article shall be imposed with a punishment of prohibition to perform profession, activity or duty under the conditions stated in Article 38- b from the present Code.

Statutory rape with misuse of position

Article 189

(1) A person who by misusing their position induces another, who is subordinated or dependent in relation to them or maltreats, intimidates or treats him/her with the same intentions, in a manner that is regarded as humiliating to human dignity and human personality, to intercourse or to some other sexual act shall be punished with imprisonment of a minimum of five years.

3) If the criminal act referred to in paragraph (1) of the present Article is perpetrated by straight line relative, i.e. brother, sister, a teacher, educator, adoptive parent, guardian, stepfather, stepmother doctor or some other person who by misusing their position or as an act of domestic violence commits statutory rape or some other sexual act upon a child under the age of 14, who was entrusted to them for study, education, custody or care, shall be punished with imprisonment of a minimum of ten years.

(3)The perpetrator of the criminal act referred to in paragraph (2) shall be imposed with prohibition to perform profession, activity or duty under the conditions from Article 38-b of the present Code.

(4)The punishment of imprisonment shall be accompanied with a punishment stated in Article 33, paragraph (6)

Satisfying sexual passions

in front of another

Article 190

(1) A person who performs a sexual act in front of another, in a public place, shall be punished with a fine, or with imprisonment of up to one year.

(2) A person who performs a sexual act in front of a child under the age of 14, or who induces a child to perform such an act in front of them or in front of another, shall be punished with imprisonment of three to eight years.

(3) The person who performs sexual action in front of a child under the age of 14 or induces the child to perform such action in front of them or another, shall be punished with imprisonment of a minimum of four years.

Showing pornographic materials to a child

Article 193

(1) A person who sells, shows or by public presentation in some other way makes available pictures, audio-visual or other objects with a pornographic content to a child under the age of 14, or shows them a pornographic performance, shall be punished with imprisonment six months to three years.

(2) If the crime was performed through the public media, the perpetrator shall be punished with a fine, or with imprisonment of three to five years.

(3) The punishment from paragraph 2 shall be applied to a person who abuses a child over the age of 14 in the production of audio-visual pictures or other objects with a pornographic content or for pornographic presentations, as well as their own participation in the presentation.

4) If the criminal act referred to in paragraph (3) from the present Article has been committed upon a child under the age of 14, the perpetrator shall be punished with a minimum of four years of imprisonment.

5) The person who forces a child under the age of 14 to produce and record images or other objects with pornographic contents or for pornographic presentation, shall be punished with imprisonment of at least eight years.

6) If the criminal act from paragraph (4) of the present Article has been committed over a child under the age of 14, the perpetrator shall be punished with a minimum of ten years of imprisonment.

7) If the criminal act referred to in the present Article is perpetrated by a legal entity, it shall be punished with fine.

8) The objects referred to in paragraphs (1), (2), (3), (4), (5), (6), and (7) shall be confiscated.

Production and Distribution of Child Pornography

Article 193- a

- (1) The person producing child pornography with the purpose of its distribution or transfers it or offers it to another or in another manner makes it available, shall be punished with imprisonment of a minimum of five years.
- (2) The person acquiring child pornography for themselves or another or possess child pornography, shall be punished with imprisonment from five to eight years.
- (3) If the criminal act referred to in paragraphs (1) and (2) from the present Article has been committed through a computer system or another means of mass communication, the perpetrator shall be punished with imprisonment of a minimum of eight years.
- (4) If the criminal act referred to in the present Article has been committed by a legal entity, it shall be punished with a fine.

Enticement to Intercourse or another Sexual Act of a Child under the Age of 14

Article 193- b

The person that through a computer and communication means with appointment of a meeting or in another manner entices a child under the age of 14 to an intercourse or another sexual act or production of child pornography and if such intention resulted in direct meeting with the minor, the person shall be punished with imprisonment from one to five years.

Incest

Article 194

<https://www.praksis.mk/Document/Details/10840064/155>

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- (1) A person who commits statutory rape upon a blood relative of the first line or with a brother, i.e. sister, shall be punished with imprisonment of five to ten years.
- (4) If a crime as provided in paragraph 1 is committed against a child under the age of 14 the perpetrator shall be punished with at least ten years of imprisonment.

Article 194- a

While convicting for a criminal act referred to in the present Chapter committed against a minor under the age of 14, the court upon the Public Prosecutor's request, shall decide on account of the convicted to announce the enforced court decision or its record through the public information means, with protection of the personal information of the victim.

Extra-marital life with a child

Article 197

(1) An adult who lives in an extra-marital union with a child who has reached the age of fourteen years, but not the age of eighteen, shall be punished with imprisonment of three months to three years.

(2) The punishment from paragraph 1 shall apply also to a parent, adoptive parent, or guardian, who allows a child who has reached the age of fourteen but not yet eighteen years, to live in an extra-marital community with another, or who induces them to this.

(3) If the crime from paragraph 2 is committed from self-interest, the perpetrator shall be punished with imprisonment of one to five years.

(4) If the act from paragraphs (1) and (2) has been committed with a minor who reached the age of sixteen, but has not yet reached the age of eighteen, the prosecution shall be initiated by proposition.

Taking away a child

Article 198

(1) A person who unlawfully takes away a juvenile from a parent, adoptive parent, guardian, from an institution or person to which the juvenile was entrusted, or who hinders the juvenile from being with the person who has a right to this, or who makes it impossible to execute a decision for assigning the juvenile that has come into effect, shall be punished with a fine, or with imprisonment of up to one year.

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(2) If the crime from paragraph 1 was committed from self-interest, or for some other low motives, or by using force, threat or deceit, or if because of this the health, upbringing, sustenance or education of the juvenile is threatened, the perpetrator shall be punished with imprisonment of three months to three years.

(3) When pronouncing a conditional sentence, the court may order the perpetrator to return the juvenile or to make possible the execution of the decision for assigning the juvenile that has come into effect.

(4) If the perpetrator of a crime from paragraph 1 returns the juvenile of own volition, or if they enable the execution of a decision that has come into effect, they may be acquitted from punishment.

Change of family situation

Article 199

(1) A person who by planting, substituting or in some other way changes the family situation of a child, shall be punished with imprisonment of three months to three years.

(2) The attempt is punishable.

Deserting a helpless child

Article 200

A parent, adoptive parent, guardian or any other person entrusted with a helpless child, who deserts it, with the intention of permanently getting rid of it, shall be punished with imprisonment of three to three years.

Neglecting and mistreating a child

Article 201

(1) A parent, adoptive parent, guardian or some other person who by crudely neglecting their duty of caring and upbringing neglects a juvenile or mistreats them, shall be punished with imprisonment of a minimum of five years.

(2) The punishment from paragraph 1 shall apply also to a parent, adoptive parent, guardian who forces a juvenile to work which does not correspond to their age and physical force, or from self-interest induces them to begging or performing other activities which are damaging to their development.

(3) If because of the crimes from paragraphs 1 and 2 a serious body injury or a severe damage to the health of the child was caused, or the juvenile started with begging, prostitution, or other forms of asocial behavior, the perpetrator shall be punished with imprisonment of a minimum of five years.

(4) If the criminal act referred to in paragraphs (1), (2) or (3) of the present Article has been committed against a child by inducing narcotics or psychotropic substances, the perpetrator shall be punished with imprisonment of a minimum of eight years.

Violence against a Child

Article 201-a

The person who subjects a child under physical, psychological or other type of violence shall be punished with a monetary penalty or imprisonment in duration from six months to three years.

Serving alcoholic drinks to children

Article 204

(1) A person, who serves a child under the age of 14 in catering premises or in some other shop or place where alcoholic drinks are served and sold, shall be punished with a fine, or with imprisonment of three months to three years.

(2) If the crime from paragraph 1 is committed against an inebriated child under the age of 14, the perpetrator shall be punished with imprisonment of six months to three years.

(3) If a crime as provided in paragraph (1) shall be committed against a child under the age of 14, the perpetrator shall be punished with at least one up to five years of imprisonment.

(4) Providing the criminal act outlined in the present Article is performed by a legal entity, then it shall be punished with a fine.

(5) If an perpetrator was sentenced to a punishment of imprisonment or he/she has been put on probation from imprisonment, the Court shall also impose a punishment of prohibition to exercise and carry out business activity.

Enabling the taking of narcotics

Article 216

(1) A person who induces another to taking narcotics, or who gives narcotics and precursors to another for this person or someone else, or who makes available premises for the taking of narcotics and precursors, or in some other way enables another to take narcotics and precursors, shall be punished with imprisonment of one to five years.

(2) If the crime from paragraph 1 is committed towards a child under the age of 14, or towards several persons, or if it caused especially severe consequences, the perpetrator shall be punished with imprisonment of one to ten years.

3) If the criminal act referred to in paragraph (2) from the present Article has been committed against a child under the age of 14, the perpetrator shall be punished with a minimum of four years of imprisonment.

4) If the criminal act referred to in Article is committed by a legal entity, it shall be punished with a fine.

(3) Narcotic drugs, as well as movable and non-movable objects used for their manufacture, transport, and distribution or were intended for particular use, shall be confiscated.