



Public Policy Paper

Recommendations for Integrating Gender Equality and Social Inclusion (GESI) in the Law on Child Protection

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What Is the Purpose of This Public Policy Document?

The document aims to analyse the opportunities for greater integration of gender equality and social inclusion (GESI) in the Law on Child Protection, highlighting the challenges, shortcomings and the need for change.

The recommendations given steer towards better and higher quality services for all children, especially those at social risk, and advance the entire child protection system, with benefits in both the social and economic domains.

Key Aspects of Future Amendments to the Law on Child Protection

The Law on Child Protection regulates the system and the organisation of child protection. Child protection is an organised activity based on children's rights, as well as on parents' obligations and rights to family planning and on the obligations of the state and local self-government units to implement a humane population policy. In this sense, the Law assumes the state's obligation to care for children, so that parents, and especially mothers, can be relieved of their duties of care and nurture, and be able to self-actualise professionally and be productive.



At the same time, child protection is achieved by ensuring the conditions for and the quality of care and nurture that is in the best interests of the child and that fosters the physical, mental, emotional, moral and social development of children. For the purposes of this Law, a child is considered to be any person under 18 years of age, as well as persons with disabilities under the age of 26. In this context, care and services for children with disabilities, and equally so for gifted children, is something that needs to be promoted by all means. Moreover, the system should extend to also include children from rural areas, children living below the poverty threshold, as well as Roma children, whose enrolment in kindergartens and early childhood development centres is still very low.

What Is the Coverage of Children in Kindergartens / Early Childhood Development

According to the latest available data from the State Statistical Office, 37,804 children are currently registered in child care and education facilities – kindergartens / early childhood development centres.¹ According to the EC's 2024 Country Progress Report, **this capacity covers 34.5% of children aged 0 to 6 years and 45.5% of children aged 3 to 6 years.**² This falls far below the EU's target rate of 95% of children in pre-school education, and even further below the revised recommendation of the Council of the EU to countries to provide care for at least 96% of children aged 3 to 6 years by 2030.³

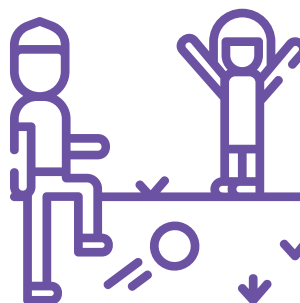


Recommendation of the Council of the EU to countries to provide care for at least **96% of children aged 3 to 6 years by 2030.**



34,5 %

children aged
0 to 6 years



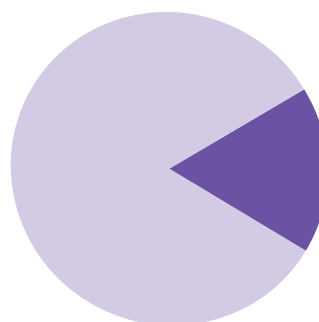
44,5 %

children aged
3 to 6 years

Percentage of children in child care and education facilities

According to ethnic background, the structure of children in kindergartens shows that the majority of children in Roma neighbourhoods are cared for at home, rather than in child care facilities. A study by HERA, "Analysis of the Barriers Faced by Roma Women and Guaranteed Minimum Assistance Beneficiaries in Accessing the Labour Market", shows that only 17% of Roma children of pre-school age attend kindergarten. As part of the project "Inclusion of Roma Children in Pre-School Education", the Ministry of Social Policy, Demography and Youth has cooperated

with 21 municipalities to exempt the socially at-risk parents of Roma children from co-payment. In 2025, 350 Roma children will be covered by this programme.



17%

of Roma children
of pre-school
age attend
kindergarten.

Percentage of Roma
children attending kindergarten

¹ <https://www.stat.gov.mk/PrikaziSooopstenie.aspx?id=25&rbr=14688>

² https://www.mep.gov.mk/data/North%20Macedonia%20report_MK2.pdf

³ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=oj:JOC_2022_484_R_0001

Moreover, unofficial statistics indicate that **the number of children with disabilities in child care facilities is very small** and amounts to 392 children, which is 1% of the total children enrolled in child care facilities. On the other hand, some estimates indicate a 3-5% share of persons with disabilities in the general population, and it is not unlikely that this percentage is 2-3 times higher; but because of the stigma, parents' denial, etc., these children are cared for at home.

1% of the total children enrolled in the child care facilities are children with disabilities, while it is estimated that this percentage is 2-3 times higher in the total population.

Furthermore, the conducted analysis of available public kindergartens by municipality indicates that **there are still municipalities in the country, predominantly rural, which have no public kindergartens**. This has consequences both for equal opportunities for the development of every child regardless of their place of residence, and for gender equality, i.e. for the opportunities for development and economic activity of women in those areas, who are most often responsible to care for the children at home.

This situation places the women from rural areas in a less favourable situation for activation and labour market inclusion. At the same time, given that early childhood development and pre-school education are of great importance in laying the foundations for later success in life, it puts the very children at a disadvantage in terms of further education, as well as in terms of future wellbeing, employment opportunities and social integration.



Accordingly, it is necessary to ensure access for children with disabilities and to expand the network of child care facilities or of other arrangements that can provide for their adequate protection and care. In addition, consideration must be given to the **resources available through municipalities, either in the form of granting concessions or through the appropriate use of the inactive / unemployed segment of the population in these areas, to be hired by the state to provide care and nurture as part of paid labour**.

A possible option is to hire the persons over 65 years of age coming from related occupations, with an appropriate assessment of their skills and capacities to obtain a license and/or design other forms of informal care that will meet the needs. Additionally, **alternative solutions may be promoted in the form of kindergartens operating within state-owned or private legal entities**, civil society organisations, etc. to meet the needs of their staff. All of these approaches aim to contribute to the creation of new opportunities for a better work-life balance.



**the appropriate use
of the inactive /
unemployed segment
of the population**



**hiring the persons over
65 years of age coming
from related occupations**



**kindergartens operating
within state-owned or
private legal entities**

⁴ ЛЕШОСКА, Васка. „Доступност на градинки и родова еднаквост на пазарот на труд: анализа на поврзаноста по општини“. [Автори: Васка Лешоска, Ана Бојчевска-Митревска]. Скопје: Реактор – Истражување во акција, 2024. (LEŠOSKA, Vaska. Availability of Kindergartens and Gender Equality on the Labour Market: an Analysis of the Relationship by Municipalities. [Authors: Vaska Lešoska, Ana Bojčevska-Mitrevska]. Skopje: Reactor – Research in Action, 2024.)

What Are the Latest Amendments to This Law and What Comes Next?

In 2019, as part of a package of laws to reform the social protection system, amendments to the Law aimed at reducing child poverty were approached, through a package of measures that include: child allowance; special allowance; one-time financial assistance for a newborn; parental allowance for a child; education and co-payment allowance.

The educational allowance was introduced to prevent early school leaving. This allowance is paid to the mother as long as the child fulfils the requirement of 85% class attendance from all classes held within each measurement period.

Moreover, the Law also provides for periodic adjustment of the amount of allowances to the rising cost of living. However, a comprehensive adjustment needs to be ensured to maintain the incentive power of these entitlements and allowances.

This means considering **changing the methodology for determining the cost of kindergartens' daycare service** in line with parents' income, as well as **exempting the children from socially at-risk families from co-payment**. Alternatively, **covering the transport costs** for all those living in the most remote areas and/or **providing organised adapted transport for children with disabilities** could be offered.

Another option is to expand the activities for Roma children inclusion in pre-school education in all municipalities, by exempting the children of socially at-risk parents from co-payment.

In addition, access could be enhanced through **apps or other modern tools (available on a mobile phone)**, which would accelerate and simplify the application procedure for accessing these allowances. In doing so, mothers / families will no longer have to go in person spending time and money on transportation for the purpose of applying for and accessing the allowances, or renewing the entitlements every year.

Proposed measures



changing the methodology for determining the cost of kindergartens' daycare service



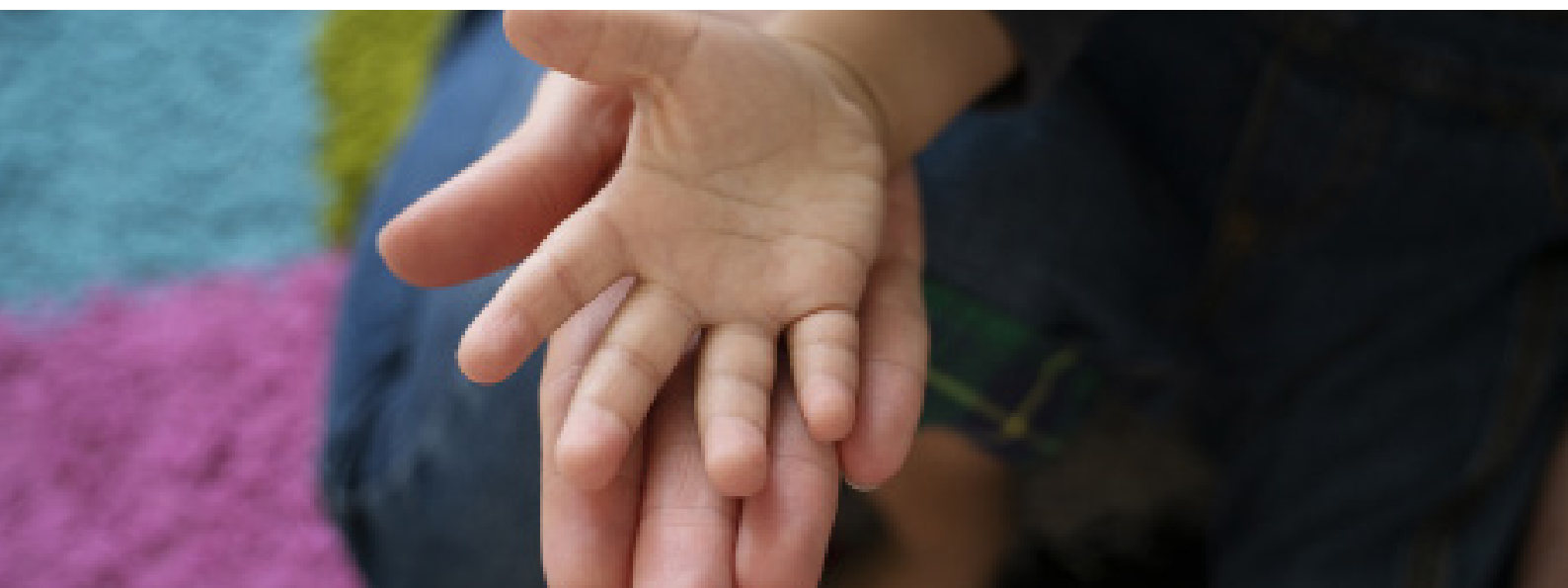
covering the transport costs



providing organised adapted transport for children with disabilities



mobile application





A Special Consideration of the Situation with Child Poverty

Although one of the main goals of the latest legislative amendments was to reduce child poverty, according to the most recent published Laeken Poverty Indicators of the State Statistical Office, however, over 120,000 children in the country, or 32.8% of all children, live below the national poverty threshold. This again indicates that there is a **need to redefine the monetary entitlements** provided by the Law on Child Protection in the direction of **expanding the coverage and increasing the amount of cash assistance for children living in poverty**.

This should be especially taken into account for the most vulnerable groups, according to a study on multidimensional child poverty by the Economic Research and Policy Institute "Finance Think" and UNICEF, namely, for Roma children and for children from socially at-risk households with more than two children.⁵

120 000 +

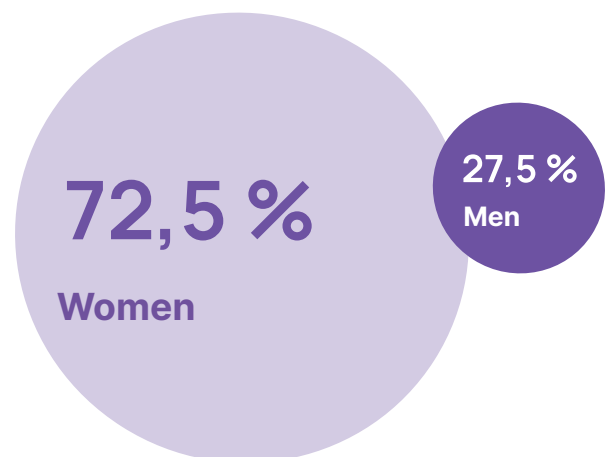
children in this country
live below the national
poverty threshold

What Are the Main Benefits of a Well-Organised Child Care System and How Can This System Be Improved?

In our country, women are still the primary care providers in families. Traditional gender roles and gender stereotypes mean that caring for the home and children is primarily the responsibility of women, and this is one of the key factors contributing to women's inactivity in the labour market.

The low rate of women's participation in the labour force means that the country does not tap into the potential of about half of its working-age women, as they are not active job seekers and are not included in the labour market. Namely, the established activity rate for women was 44.9% in 2021 (versus 67.2% for men)⁶, which is slightly higher in rural areas. Moreover, women perform 72.5% of the unpaid work at home and in child care, which significantly affects their ability and time to engage in paid work.

Who performs the unpaid work at home



This particularly puts women from rural areas, women from minority communities, especially Roma women, and women caring for children with disabilities in a vulnerable position.

⁵ <https://www.financethink.mk/wp-content/uploads/2021/12/Multidimensional-child-poverty-MK.pdf>

⁶ Жените и мажите во Република Северна Македонија, 2023. (Women and Men in the Republic of North Macedonia. 2023.) <https://www.stat.gov.mk/publikacii/2023/ZeniteMazite_2023.pdf>

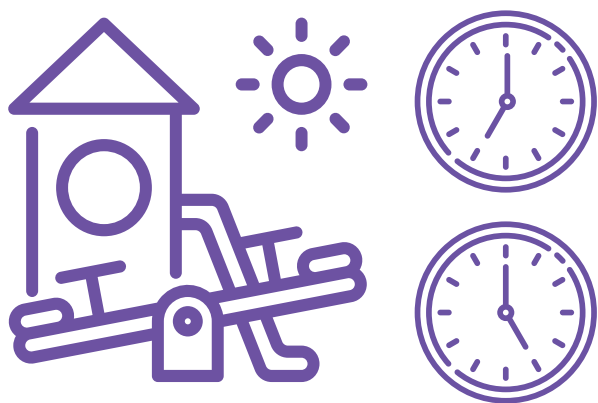
Women's equal participation in the labour market and the valuation of women's unpaid work is key to achieving a more equitable, prosperous and resilient society. A study by "Finance Think" titled "Behind the Curtain: Cultural Norms, Gender Stereotypes and Attitudes about Work Shape Women's Inactivity in the Labour Market in North Macedonia"⁷ also points out that, in circumstances of limited child care services, especially for children under 3 years of age, many women are forced to stay at home to care for their children. Flexible work arrangements are not widely available, making it difficult for women to find a balance between work and family responsibilities.



According to the above, when expanding child care capacities, priority should be given to **municipalities without public kindergartens and to municipalities with a high rate of economic inactivity of women**. Namely, economic simulations by the European Commission's Joint Research Centre confirm that measures to provide formal early childhood care and education services in the Member States would result in an increased participation of women in the labour force.

Further on, it is necessary to expand child care services by providing afternoon child care, to support parents working in two shifts. Namely, the Law provides for the possibility of child care for 9-11 hours a day, through full-day child care programmes, which can be carried out in the morning, in the afternoon, all day or alternating. However, a very small share of facilities offer services beyond 4-5 p.m., and there is hardly any facility that works in the afternoon.

In this context, provision of such services is necessary, especially in the child care facilities of those municipalities and regions where a large proportion of the population works in two shifts. However, one such needs assessment must be accompanied by an appropriate **assessment of the capacities in child care facilities, as well as of the available and necessary resources, for the proper provision of these services**.



It is necessary to expand child care services by providing afternoon child care, to support parents

⁷ <https://www.financethink.mk/wp-content/uploads/2024/09/Policy-Study-Nr.-52-MK-1.pdf>

How To Achieve More Efficient and Better Quality Services in Child Care Facilities?

When constructing new facilities or reconstructing the existing ones, **the established standards should be observed regarding the availability and accessibility of facilities**, the number of children within groups and the number of children with disabilities, the provision of appropriate didactic aids and staff that will respond to the needs of children.

Moreover, it is necessary **to invest in staff training and capacity building and in the technical infrastructure of welfare institutions**, to ensure that institutions and facilities can effectively implement the legislation. In addition, new and **improved programmes are needed to work with children with disabilities, but also with gifted / talented children** and children with higher intellectual capacities, in order to properly recognise and support their development. In this context, consideration should be given to the possibility **for the Law to provide for special professional services and jobs for this purpose**. A quality analysis of the existing capacities of public institutions can give a good overview of the required staff, such as special educators, speech therapists or other specialists working with children with disabilities or gifted children. Moreover, these jobs **should not necessarily be tied to a specific facility, but can cover entire municipalities, regions, etc.**

➤ Training and Staff - development

➤ Investment in the technical infrastructure

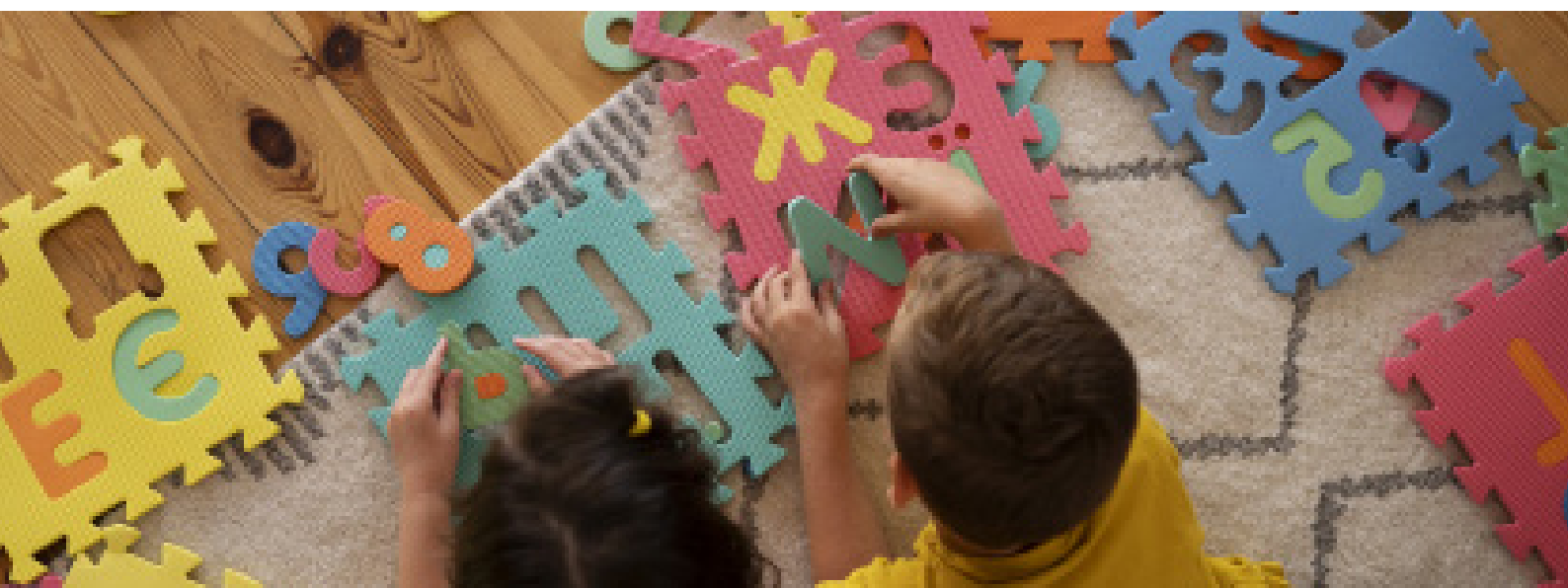
➤ Improved work programmes for children with disabilities, but also with gifted / talented children

➤ Special professional services and jobs for this purpose

➤ Monitoring and evaluating the programme implementation

➤ Measurable outcomes for children's development

Particular attention should be paid to the development of systems for **monitoring and evaluating the programme implementation and service delivery**, as well as their effect on children's development. In this context, all oversight bodies are adequately provided for in the Law, but more attention should be paid to **measurable outcomes for children's physical, intellectual and emotional development**. Appropriate testing at the beginning and at the end of the calendar year (or every two years) can more accurately determine the level of maturity of children by developmental periods and provide guidance for future child development care programmes.



Consideration of the Law from the Aspect of Protection against Discrimination

The Law on Child Protection **explicitly prohibits any form of direct or indirect discrimination** and harassment in the exercise of children's rights and in child protection arrangements, in compliance with the Law on Prevention and Protection against Discrimination.

The Law specifically refers to the obligation that anyone can report any abuse and that the authorities are obliged to oversee the management of child care facilities and conduct special professional supervision, as well as take appropriate action. The Law stipulates that any discriminatory action committed in the performance of official duty constitutes grounds for initiating discrimination proceedings under the Law on Prevention and Protection against Discrimination. However, we are of the opinion that, instead of a direct reference to another law, the Law on Child Protection should within itself provide for specific articles and **special procedures or authorities and bodies that will consider the cases of unequal or unfavourable treatment** within these facilities.



This will allow for better detection of cases where discrimination exists, as well as for setting up appropriate oversight mechanisms within the very facilities, before initiating proceedings under the Law on Prevention and Protection against Discrimination. It is also worth considering a separate body safeguarding children's rights (Children's Ombudsman) to operate under this Law.

Instead of a direct reference to another law, the Law on Child Protection should within itself provide for specific articles and special procedures or authorities and bodies that will consider the cases of unequal or unfavourable treatment within these facilities



Advancing the Available Data System

As data have been mentioned several times to serve as the basis for all future planning and monitoring of the situation, it is necessary to improve the system of collecting and analysing statistical data relating to the rights and services provided for by the Law. These data will help monitor and evaluate the effectiveness of legislative measures and will allow for identification of possible areas for improvement.

In this context, relatively solid and readily available data exist concerning the child population share within the total population to which the provisions of this Law apply, and which are disaggregated by age groups, by ethnicity, etc.; also, data exist on some of the capacities of public and private child care facilities (in terms of space, equipment, staff, etc.).



Data are available on the total number of children with disabilities registered with, but not so on children who are not registered with a child care facility. Moreover, there are no data available reflecting the type and the degree of disability, nor whether these children come from urban or rural areas, to be able to assess and plan the coverage of these children in facilities. Additionally, an analysis should be made of child care facilities' level of inclusivity in terms of ethnicity.

Regular updating of data on the number of beneficiaries from different target groups – particularly children with disabilities, type of disability, region / municipality, and distance from the first available care services – will allow for a more complete adaptation of policies to protecting vulnerable groups.



Publisher:
HERA – Health Education and Research Association

Editors:
Elizabeta Bozinoska, Gordana Stefkovska Veljanovska

Title of the original publication:
Препораки за вклучување на родовата еднаквост и социјалната инклузија (РЕСИ) во Законот за заштита на децата Документ за јавни политики

Proofreading:
Violeta Tancheva Zlateva

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Place and year of publication:
Skopje, 2025

HERA – Health Education and Research Association
www.hera.org.mk

CIP - Каталогизација во публикација
Национална и универзитетска библиотека "Св. Климент Охридски", Скопје

305-055.1/.2:364-053.2(094.5)(497.7)
316.4.063.3:364-053.2(094.5)(497.7)

RECOMMENDATIONS for integrating gender equality and social inclusion (GESI) in the law on child protection [Електронски извор] : public policy paper / [editors Elizabeta Bozinoska, Gordana Stefkovska Veljanovska ; translated from Macedonian to English by Radomir Trajković]. - Скопје : HERA – Health education and research association, 2025

Начин на пристапување
(URL): <https://hera.org.mk/wp-content/uploads/2025/06/policy-brif-on-law-for-child-protection-eng.pdf>.
- Превод на делото: Препораки за вклучување на родовата еднаквост и социјалната инклузија (РЕСИ) во Законот за заштита на децата : документ за јавни политики. - Текст во ПДФ формат, содржи 12 стр. - Наслов преземен од екранот. - Опис на изворот на ден 25.08.2025. - Фусноти кон текстот. - Публикацијата е во рамки на проектот: "Together for gender equality: Building support for gender-inclusive policies"

ISBN 978-608-4859-88-8

а) Родова еднаквост -- Вклучување -- Закон за заштита на децата -- Македонија б) Социјална инклузија -- Вклучување -- Закон за заштита на децата -- Македонија

COBISS.MK-ID 66736389

