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**MAPPING INSTITUTIONS FOR THE EXECUTION OF MEASURES AND SANCTIONS IMPOSED ON CHILDREN IN CONFLICT WITH THE LAW IN THE REPUBLIC OF NORTH MACEDONIA: A PERSPECTIVE FROM THE NATIONAL DEINSTITUTIONALIZATION STRATEGY 2018–2027 “TIMJANIK”**

**-Abstract-**

The juvenile justice system represents a specific segment of the criminal justice system aimed at protecting children's rights, promoting their rehabilitation and social reintegration, and preventing juvenile delinquency, in accordance with national and international standards. In recent years, this system has undergone continuous development and alignment with European principles, with an increasing emphasis on the concept of restorative justice. The aim of this paper is to map and analyse the institutions responsible for the execution of measures and sanctions imposed on children in conflict with the law, as well as measures for securing their presence, with a particular focus on their role and positioning within the ongoing process of deinstitutionalization in North Macedonia. This process, envisaged by the National Deinstitutionalization Strategy “Timjanik” (2018–2027), seeks to replace institutional care with community-based services. Consequently, questions arise regarding the compatibility between existing juvenile justice measures, which largely rely on institutional infrastructure, and the new policies aimed at reducing institutional placement. The analysis is limited to institutions in which measures and sanctions involving some form of deprivation or restriction of a child’s liberty are executed. The paper highlights the complexity and fragmentation of the system, as well as the challenges associated with its adaptation to the deinstitutionalization process, particularly with regard to ensuring appropriate institutional and alternative forms for the execution of measures and sanctions imposed on children in conflict with the law.

**Keywords:** *children in conflict with the law, deinstitutionalization, institutional mapping, juvenile justice system, educational institutions*

## **1. INTRODUCTION**

The juvenile justice system is a distinct segment of the criminal justice system aimed at protecting the rights of children at risk, children in conflict with the law, child victims, and child witnesses, as well as preventing juvenile delinquency, in accordance with national and international standards. It is a complex system that is continuously being improved and harmonized within national legislation with relevant European principles and standards, with an increasing emphasis on the concept of restorative justice in dealing with children. The most significant recent reforms were introduced in 2024 with the adoption of the new Law on Justice

for Children<sup>1</sup>, which provides for improved support for children at risk and child victims, specialized assistance measures, and a stronger focus on the prevention of juvenile delinquency.<sup>2</sup> The new solutions introduced by the Law on Justice for Children, similarly to the previous Law from 2013<sup>3</sup>, emphasize the role of informal forms of proceedings, allowing for a “non-invasive” approach towards children who have committed acts defined as criminal offences<sup>4</sup>. Immediately following the adoption of the new law, amendments to the Law on Execution of Sanctions<sup>5</sup> were adopted, aligning the legal framework in the area of dealing with children in conflict with the law.

## 1.2. Aim and Scope of the Paper

The current legal framework assigns responsibilities and competencies to various institutions within both the criminal justice system and the social protection system. The aim of this paper is to map and analyze all relevant institutions in which sanctions against children in conflict with the law are implemented, as well as measures ensuring their presence during criminal proceedings against them, and to examine their role and positioning within the ongoing deinstitutionalization process carried out by the state in the field of social protection. The analysis excludes institutions dealing with children at risk, victims, and witnesses, focusing only on those in which measures and sanctions involving deprivation or restriction of liberty are implemented. The system is complex and often fragmented, with its functioning largely dependent on the existing institutional infrastructure, which justifies the need for its systematic overview.

At the same time, the Republic of North Macedonia is implementing a deinstitutionalization process aimed at replacing large-scale institutions with community-based services, through the National Deinstitutionalization Strategy 2018–2027 “Timjanik”. This strategy outlines the vision, objectives, strategic approach of the Government, and the actions required to transition from institutional care to community- and family-based social services<sup>6</sup>. The process aims to gradually close large institutional facilities and replace them with small group homes and community-based services. Deinstitutionalization is based on the idea that vulnerable groups, including children, should grow and develop in an environment as close as possible to a family setting<sup>7</sup>

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<sup>1</sup> Law on Justice for Children (Official Gazette of the Republic of North Macedonia No 66/24 and 55/25)

<sup>2</sup> Gordana Lažetić, Nevena Petrovska and Tanja Kikerekova, ‘The More Important Amendments to the Law on Justice for Children in the Light of Trends and the State of Juvenile Delinquency’ (2024) 31(1–2) *Macedonian Review of Criminal Law and Criminology*.

<sup>3</sup> Law on Justice for Children (Official Gazette of the Republic of Macedonia No. 148/13 and Official Gazette of the Republic of North Macedonia Nos. 152/19 and 275/19)

<sup>4</sup> Lazar Nanev, Olga Koševaliska and Elena Maksimovska, ‘Pritvor vo postapkata sprema deca’ in *Proceedings of the Fourth International Scientific Conference “Social Changes in the Global World”* (2017), p. 215, p. 220.

<sup>5</sup> Law on Execution of Sanctions (“Official Gazette of the Republic of North Macedonia” No. 99/19, 220/19, 236/22, 74/24 and 258/25)

<sup>6</sup> Ministry of Labour and Social Policy, *National Strategy for Deinstitutionalisation in the Republic of Macedonia 2018–2027 “Timjanik”* (Government of the Republic of Macedonia 2018).

<sup>7</sup> Vesna Stefanovska, Oliver Baćanović, Danica Batić and Natasa Peovska, *Analysis of the Processes of Resocialisation and (Re)integration of Children Placed in the Public Institution for the Care of Children with*

However, this reform raises significant questions regarding the juvenile justice system. Existing criminal law measures, particularly educational and institutional measures, are based on the existence of institutions in which they are implemented. With the reduction or closure of such institutions, the question arises as to where and how these measures will be carried out. This analysis seeks to provide insight into how the juvenile justice system adapts to the ongoing deinstitutionalization process and what challenges arise in that context.

## **1.2. Methodology**

This paper is based on a qualitative research approach, primarily relying on the analysis of relevant legal and policy documents. The methodology includes a systematic review of laws and bylaws governing the juvenile justice and social protection systems, as well as strategic documents related to deinstitutionalization. In addition, academic literature and research studies were examined, alongside official reports from the Ombudsman and the State Council for the Prevention of Juvenile Delinquency. The analysis aims to provide a comprehensive overview and mapping of institutions involved in the implementation of measures and sanctions for children in conflict with the law.

## **2. SANCTIONS AND MEASURES APPLICABLE TO CHILDREN IN CONFLICT WITH THE LAW**

In order to conduct a comprehensive mapping of the relevant institutions responsible for the execution of sanctions against children in conflict with the law, it is first necessary to provide a clear overview of the system of sanctions for children, available to the state. This includes the measures for securing the presence applied during criminal proceedings against a child who has committed an act defined as a criminal offence, as well as the sanctions that may be imposed. As previously emphasized, the analysis is limited only to those measures and sanctions that involve some form of restriction of the child's liberty, i.e., institutionalization.

### **2.1. Sanctions for Children**

According to Article 37 of the Law on Justice for Children, sanctions for children include educational measures:

- reprimand or referral to a Child Center,
- intensified supervision by parents/guardians, a specialized foster family, or the Center for Social Work, and
- institutional measures, namely referral to an educational institution or a correctional facility.

and penalties applicable to children over the age of 16, as provided in Article 52:

- juvenile imprisonment,
- a monetary fine,
- prohibition from driving a motor vehicle, and
- expulsion of a foreign child from the country.

Penalties are considered a last resort; that is, a child over the age of 16 may be punished only if, due to the severity of the consequences of the offence and the high degree of criminal responsibility, the imposition of an educational measure would not be justified<sup>8</sup>.

From this list, it is evident that several measures and sanctions involve some form of institutionalization, including referral to a Child Center, institutional measures such as placement in an educational or correctional facility, and juvenile imprisonment.

## **2.2. Measures for Securing the Presence of Children in Proceedings**

In order to ensure the uninterrupted conduct of criminal proceedings, several measures may be applied to secure the presence of children during criminal proceedings. These measures largely correspond to those applied to adult defendants under the Law on Criminal Procedure: summons, precautionary measures, bail, compulsory appearance, deprivation of liberty, detention, short-term detention, house arrest, and pre-trial detention<sup>9</sup>. However, Article 121 of the Law on Justice for Children introduces an additional possibility, allowing the juvenile judge, during preparatory proceedings, to temporarily place the child in an institution for education, care, and protection (excluding institutions responsible for the execution of sanctions), to place the child under supervision by the Center for Social Work, or to assign the child to foster care, if necessary for the child's assistance, protection, or care<sup>10</sup>.

This measure, also provided in the previous 2013 LJC<sup>11</sup>, is considered a hybrid measure by some authors. By its nature, it is neither a measure for securing presence nor a measure involving deprivation of liberty; however, it does entail a restriction of the child's freedom of movement<sup>12</sup>. Such temporary placement must not be equated with detention and cannot be carried out in institutions responsible for executing sanctions against children, but exclusively in institutions for education, care, and protection. For this reason, the duration of this measure is not counted as part of educational measures or as part of a prison sentence, as it does not constitute deprivation of liberty but rather a restriction thereof<sup>13</sup>.

Furthermore, Article 121(3) stipulates that the costs of such placement are considered procedural costs and are covered in advance by the court budget. In this regard, a question is raised of whether, in practice, judges might perceive this measure as a last resort due to its financial implications<sup>14</sup>. Additionally, Nanev, Koševaliska and Maksimovska note that at the time of their analysis, 2017, no appropriate institutions existed for its implementation, rendering the provision effectively inapplicable<sup>15</sup>. This issue, despite the passage of time and legislative changes, remains insufficiently resolved, as it is still unclear in practice which institutions are responsible for executing this measure.

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<sup>8</sup> Law on Justice for Children, art .52

<sup>9</sup> Law on Criminal Procedure (Official Gazette of the Republic of Macedonia No. 150/10, 100/12, 142/16 and 198/18)

<sup>10</sup> Law on Justice for Children, art. 121

<sup>11</sup> Law on Justice for Children (Official Gazette of the Republic of Macedonia No. 148/13 and Official Gazette of the Republic of North Macedonia Nos. 152/19 and 275/19), art. 115 and 117

<sup>12</sup> Nanev, Koševaliska and Maksimovska, 'Pritvor vo postapkata sprema deca', p. 370.

<sup>13</sup> Ibid., p. 371.

<sup>14</sup> Ibid., p. 371.

<sup>15</sup> Ibid., p. 371.

### **2.2.1. Police Measures and Detention**

Summoning a child suspected of committing a criminal offence for the purpose of gathering information is conducted in accordance with the Law on Justice for Children. The interview must take place in specially adapted premises appropriate to the child's age and may last up to four hours, provided the child agrees to participate<sup>16</sup>. A child may be detained in a police station for a maximum of 12 hours. Police officers may detain a child caught *in flagranti* while committing a public order offence for up to eight hours if restoring public order cannot be achieved otherwise, or if the child is under the influence of alcohol, drugs, or other psychoactive substances. Detention must take place in facilities appropriate for children and separate from those used for adults<sup>17</sup>.

### **2.2.2. Pre-trial Detention**

The application of pre-trial detention has a strictly exceptional character and is used only as a measure of last resort. As a rule, the court first applies alternative measures, resorting to detention only when such measures prove ineffective or insufficient to achieve the objectives of the proceedings<sup>18</sup>.

In this context, instead of detention, the juvenile judge may apply one of the alternative measures provided in Article 121, such as placement in an institution for education, care, and protection, supervision by the Center for Social Work, or placement in a foster or other family, where necessary for the protection and care of the child<sup>19</sup>.

## **3. MAPPING OF RELEVANT INSTITUTIONS**

### **3.1. Institutions under the Law on Justice for Children (2024) and the Law on Execution of Sanctions (2019)**

Based on the analysis of the legal framework governing measures and sanctions applied to children in conflict with the law, the map of relevant institutions responsible for the implementation of these measures, i.e., institutions in which children experience some form of restriction of liberty, includes the following:

- Child Center,
- educational institution,
- correctional institution,
- police station,
- institution for the execution of pre-trial detention for children,
- institution for education, care and protection of children (as provided in Article 121 of the Law on Justice for Children), and
- institution for the execution of a prison sentence for children.

Accordingly, it is necessary to conduct a more detailed analysis of these institutions, with the aim of mapping and clearly identifying them, enabling more effective monitoring of their work

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<sup>16</sup> Law on Justice for Children art. 122

<sup>17</sup> Ibid. art. 122

<sup>18</sup> Nanev, Koševaliska and Maksimovska, 'Pritvor vo postapkata sprema deca', p. 373.

<sup>19</sup> Ibid, p. 373.

and evaluation of their performance, as well as facilitating the selection of the appropriate institution by courts when imposing measures.

### ***3.1.1. Institutions for the Execution of Pre-trial Detention and Juvenile Imprisonment***

With regard to the most restrictive measures and sanctions—pre-trial detention as the strictest measure for securing presence, and juvenile imprisonment as the most severe sanction—the legal framework is relatively clear. The amendments to the Law on Execution of Sanctions from 2024 introduce several clarifications regarding the treatment of children deprived of liberty. In particular, Article 17 introduces a new provision defining the separation of children from adult detainees, stipulating that children in pre-trial detention must be separated from adult detainees. Furthermore, Article 20 now provides that children must be ensured conditions that protect them from harmful influences of other inmates and enable appropriate living, working, cultural, sports, and other activities in accordance with their age<sup>20</sup>.

According to the Decision on the Allocation of Convicted Persons and Children to Correctional and Educational Institutions, as well as the allocation of detainees to detention units, female juveniles sentenced to imprisonment are placed in the Idrizovo Correctional Facility, regardless of the length of the sentence, within the women’s section, while male juveniles sentenced to imprisonment are placed in the Ohrid Prison<sup>21</sup>. Through the newly proposed amendments to the Law on Execution of Sanctions, recognizing the inadequacy of the Juvenile Prison in Ohrid for the execution of juvenile imprisonment sentences, it is proposed that children sentenced to juvenile imprisonment be transferred from Ohrid to a separate section of the facility in Volkovija, Tetovo<sup>22</sup>. Under the proposed solution, the institution in Volkovija would simultaneously serve as both a Juvenile Correctional Institution and a Juvenile Educational-Correctional Facility, accommodating both male and female juveniles. In this regard, appropriate construction and infrastructural interventions are required in the section designated for the Juvenile Prison, in order to ensure its physical separation from the Educational-Correctional Facility<sup>23</sup>.

### ***3.1.2. Institutions for the Execution of Educational Measures***

In contrast, the regulation of educational measures—particularly the measure Referral to an educational institution - is less precise. The Law on Justice for Children provides that the court may impose the measure of referral to a Child Center when it is necessary to influence the child’s personality and behavior through short-term interventions, whereby the child may attend the center for a certain number of hours per day<sup>24</sup>. According to the Law on Execution of Sanctions, this measure is carried out in a specialized institution designated as a Child Center, which is established by a decision of the Government of the Republic of North Macedonia. However, the law also allows this measure to be implemented in existing shelters, boarding facilities, small group homes, and other educational and youth care institutions located in the child’s place of residence or

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<sup>20</sup> Law on Execution of Sanctions art. 17 and 20

<sup>21</sup> Decision on the Allocation of Convicted Persons and Children to Correctional and Educational Institutions, as well as the Allocation of Detainees to Detention Units (Official Gazette of the Republic of North Macedonia No 10/2020).

<sup>22</sup> Gordana Lažetić, Nikola Tupančeski, Aleksandra Gruevska Drakulevski and Elena Mujoska Trpevska, ‘Unapređivanje na pravna ramka za izvršavanje na sankciite’ (2025) 32(1–2) *Macedonian Review of Criminal Law and Criminology*.

<sup>23</sup> Ibid.

<sup>24</sup> Law on Justice for Children art 42.

habitual residence. The Minister of Labor and Social Policy, in consultation with the Minister of Education and Science, determines which of these institutions may be designated to perform the functions of a Child Center<sup>25</sup>. Additional ambiguity arises from the Law on Social Protection, which provides that services for children at risk and children in conflict with the law are to be delivered through a Child Center in accordance with the Law on Justice for Children<sup>26</sup>. However, despite the legal requirement that a Child Centre be established by a decision of the Government of the Republic of North Macedonia, no such decision could be identified. Likewise, no by-law was found specifying the institutions in which Child Centers are to be organized and operated. As a result, it remains unclear which institutions are currently responsible for implementing this measure in practice, creating legal uncertainty regarding its execution.

Regarding the so called ‘institutional educational measures’, the court may refer a child to an educational institution when continuous supervision by professionals is required for the purpose of upbringing, re-education, and proper development, for a minimum of six months and a maximum of three years. Referral to a correctional institution is imposed in cases where longer-term and more intensive measures are necessary, including complete separation of the child from their previous environment.

The Law on Execution of Sanctions is more precise with regard to placement in a correctional institution. Following the 2024 amendments, it is defined that the correctional institution is the Correctional Facility in Tetovo for both male and female juveniles<sup>27</sup>. This means that girls, who were previously placed in the Idrizovo facility (women’s section), will now be referred to the Tetovo facility, which was previously used only for male juveniles<sup>28</sup>. This change is expected to address previous issues such as inadequate living conditions, insufficient healthcare, and underdeveloped educational and resocialization processes<sup>29</sup>. However, the effectiveness of this solution should be closely monitored, particularly in light of the reservations expressed by practitioners and the actual staffing and programmatic capacity of the institution to accommodate female juveniles<sup>30</sup>.

With regard to the measure of referral to an educational institution, the Law on Execution of Sanctions remains insufficiently precise and does not provide the possibility for further specification through secondary legislation. Article 342 merely states that this measure is carried out in an institution intended for education and social protection of children, while Article 344 provides that the child is placed under the same conditions and has the same rights and obligations as other children in the institution, with additional attention given to supervision and upbringing. It further stipulates that only the director of the institution and the assigned educator are informed that the child is subject to an institutional educational measure<sup>31</sup>. However, these provisions fail to

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<sup>25</sup> Law on Execution of Sanctions art 317.

<sup>26</sup> Law on Social protection (Official Gazette of the Republic of North Macedonia No. 104/19, 146/19, 275/19, 302/20, 311/20, 163/21, 294/21, 99/22, 236/22, 65/23 and 192/25) art 82.

<sup>27</sup> Law on Execution of Sanctions art 34(6).

<sup>28</sup> Slavica Dimitrievska, Protection of Children from Inhuman or Degrading Treatment or Punishment in Places of Deprivation of Liberty with Special Reference to the Juvenile Prison in Ohrid and the Educational-Correctional Facility in Tetovo (PhD thesis, Faculty of Security – Skopje, St Kliment Ohridski University – Bitola 2025), p. 251.

<sup>29</sup> Afrim Osmani and Nazmije Shaqiri, ‘The Role of the Educational-Correctional Institutions in the Resocialization of Children: Challenges and Opportunities’ (2024) 31(1–2) *Macedonian Review of Criminal Law and Criminology*, p. 5.

<sup>30</sup> Dimitrievska, p. 251.

<sup>31</sup> Law on Execution of Sanctions art 342 and 344.

clearly define which institutions are intended for education and social protection, nor do they refer to another law—such as the Law on Social Protection—where such institutions might be regulated.

### **3.2. Relevant Institutions under the Law on Social Protection (2019)**

With regard to Child Centers and educational institutions, the legal solutions remain unclear even when analyzed through the provisions of social protection law. According to the Law on Social Protection the system provides for various forms of services and institutions that are also relevant for children in conflict with the law<sup>32</sup>.

Within community-based services, the legislator envisages different forms of support, such as day care and temporary stay, resocialization, rehabilitation, and reintegration, as well as services such as “halfway houses”<sup>33</sup>. These services aim to enable the child to continue living in their own environment and to prevent placement in institutional care, thereby reducing the need for out-of-family protection. Also relevant for this analysis are the forms of out-of-family care, which include:

- supported living,
- foster care, and
- placement in an institution<sup>34</sup>.

In terms of institutional structure, the law defines social protection institutions as Centers for Social Work, institutions for out-of-family protection, and social service centers. Within the institutions for out-of-family protection, those particularly relevant to this topic include educational institutions, residential homes, group homes, and institutions for treatment and rehabilitation<sup>35</sup>.

The Law provides a basic regulation of the service of placement in an educational institution for children aged 14 to 18 who have been subjected to such a measure. In addition to basic protection, this service includes resocialization, reintegration, educational interventions, access to education, and structured leisure activities, all aimed at the child’s overall development and reintegration into the community. However, with regard to the execution of this measure/service, the law again refers to regulations in the field of juvenile justice<sup>36</sup>, where, as previously noted, it is not specified which institutions are responsible for its implementation.

Regarding community-based services, particularly day care services, Article 82 is of particular relevance. It provides that resocialization services include counseling, individual, family and group therapy, educational support, accompaniment, skills development training, sports, recreation, creative activities, and support for acquiring work-related and employment skills. It further explicitly states that this service for children at risk and children in conflict with the law is provided in a Child Center, in accordance with the Law on Justice for Children. This provision is further elaborated through secondary legislation, specifically the Rulebook on the manner, scope, norms and standards for the provision of social services adopted in 2020, which prescribes in detail the conditions that must be met by public social protection institutions providing resocialization services. These include requirements regarding premises, equipment, staffing, and the number of

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<sup>32</sup> Law on Social Protection Official Gazette of the Republic of North Macedonia No. 104/19, 146/19, 275/19, 302/20, 311/20, 163/21, 294/21, 99/22, 236/22, 65/23 and 192/25)

<sup>33</sup> Ibid art 79.

<sup>34</sup> Ibid, art 86.

<sup>35</sup> Ibid, art 117.

<sup>36</sup> Ibid, art 96.

professional workers necessary for the functioning of day care centers for children at risk and children in conflict with the law<sup>37</sup>.

However, despite this relatively precise regulation, there is no list or registry of institutions that meet these conditions, nor can such information be found on official portals or reports of North Macedonia's Ministry of Social Policy, Demography and Youth. Similarly, the Inter-Municipal Center for Social Work in Skopje provides only a general description of services, stating that the department for children in conflict with the law offers information and referral services, professional support and counseling, and out-of-family protection (institutional placement) for children with behavioral problems and juvenile offenders<sup>38</sup>.

From the analysis of these provisions, it can be concluded that both the Law on Justice for Children and the Law on Social Protection provide only basic regulatory solutions with regard to the educational measure of referral to an educational institution and the measure of referral to a Child Center, without ensuring sufficiently precise regulation regarding the types of institutions and the conditions under which these measures are implemented. Instead, each law leaves the more detailed regulation to the other, creating a form of "ping-pong" effect in the normative framework. This lack of normative clarity results in practical uncertainties, particularly regarding where these measures are actually implemented, which represents a significant deficiency of the system.

#### 4. DEINSTITUTIONALIZATION PROCESS

In the National Deinstitutionalization Strategy of the Republic of North Macedonia "Timjanik" (2018–2027), deinstitutionalization is defined as the closure of institutions accompanied by the parallel development of community-based social services. According to the research report *Analysis of the Processes of Resocialization and (Re)integration of Children Placed in Public Institutions for Children with Behavioral and Social Problems*, prior to the deinstitutionalization process, two specialized institutions operated at the national level in the field of juvenile delinquency: one for children with behavioral and social problems ("25 May" Home) and another for children with behavioral disorders ("Ranka Milanović" Institute)<sup>39</sup>. The former accommodated children aged 7 to 18 referred by Centers for Social Work and included a disciplinary center where children were placed following a court-imposed educational measure under the 2013 Law on Justice for Children<sup>40</sup>. The latter accommodated children aged 10 to 18 who had committed criminal offences and were either subject to institutional educational measures imposed by a juvenile court or referred by Centers for Social Work under the Family Law<sup>41</sup>.

In 2015, the two institutions were merged into a single institution for children with behavioral and social problems and behavioral disorders, operating through two separate departments, although physically remaining in separate locations until 2019<sup>42</sup>. The adoption of the National Strategy for Deinstitutionalization in the Republic of Macedonia 2018-2027, changed the

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<sup>37</sup> Rulebook on the Method, Scope, Norms and Standards for the Provision of Social Services of Day Care, Rehabilitation, Reintegration and Resocialisation, and on the Premises, Equipment, Staff and Required Documentation for Day Care Centres, Rehabilitation Centres and Resocialisation Centres (Official Gazette of the Republic of North Macedonia No 150/20, 172/21 and 47/23).

<sup>38</sup> Inter-Municipal Centre for Social Work of the City of Skopje, 'Department for Children in Conflict with the Law' <https://www.jumcsrskopje.gov.mk/oddel-deca-vo-sudir-so-zakon> accessed 5 June 2026.

<sup>39</sup> Stefanovska and others, *Analysis of the Processes of Resocialisation and (Re)integration of Children*.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid, p. 15.

<sup>42</sup> Ibid, p. 16.

penitentiary map of educational institutions for children and contributed to the placement of children in small group homes instead of large educational institutions that did not meet the needs for successful reeducation and development of children<sup>43</sup>. In other words, since 2019, within the deinstitutionalization process, institutions in the field of social protection have been transformed, in accordance with the new services introduced by the Law on Social Protection<sup>44</sup> in 2019, into group homes and supported living services.

As part of this process, the aforementioned institution was transformed following recommendations that children in need of separation from their families should be placed in smaller, family-like environments—so-called small group homes—accommodating a limited number of children. Accordingly, the institution was reorganized into seven small group homes: as of 2022, five accommodated 17 children with behavioral and social problems referred by Centers for Social Work, while two accommodated seven children with behavioral disorders subject to institutional educational measures imposed by a juvenile court<sup>45</sup>. More recent data from the Ombudsman's 2024 report indicate that within the transformed institution, four units are currently operating, accommodating a total of 16 children: three units for children with behavioral and social problems (12 children) and one unit for children with behavioral disorders (four children)<sup>46</sup>.

A key issue identified in the National Strategy Timjanik is the absence of clearly defined standards and criteria for the transformation of this public institution for children with behavioral and social problems and behavioral disorders<sup>47</sup>. It merely declares its transformation into smaller organizational units (small group homes), without regulating in detail the conditions of treatment, which are left to other policy documents.

An additional challenge is the lack of consistency in terminology used for different categories of children, including children at risk, children in conflict with the law, children with behavioral and social problems, and children with behavioral disorders<sup>48</sup>. While the terms “children at risk” and “children in conflict with the law” are defined in the Law on Justice for Children, social protection legislation does not align with these definitions, nor are the other categories clearly defined. This indicates a need for significant improvement of the normative framework<sup>49</sup>.

Furthermore, under the Law on Social Protection, children with behavioral and social problems receive out-of-family care through placement in small group homes, same as children with behavioral disorders placed under institutional educational measures, who are also accommodated within small group homes. However, these forms of accommodation are not explicitly provided for in the Law on Justice for Children, nor the Law on Execution of Sanctions.

Based on these findings, Stefanovska et. al recommend harmonization of the Law on Execution of Sanctions and the Law on Justice for Children, particularly regarding the implementation of the educational measure – placement into an educational institution, in light of

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<sup>43</sup> Gordana Lažetić and Elena Mujoska Trpevska, ‘Advanced Legal Framework for Justice for Children in Conflict with the Law and Penitentiary Institutions for Children’ (2026) 17(1) *Iustinianus Primus Law Review*.

<sup>44</sup> Law on Social Protection Official Gazette of the Republic of North Macedonia No. 104/19, 146/19, 275/19, 302/20, 311/20, 163/21, 294/21, 99/22, 236/22, 65/23 and 192/25)

<sup>45</sup> Stefanovska and others, *Analysis of the Processes of Resocialisation and (Re)integration of Children*, p. 5.

<sup>46</sup> Ombudsman of the Republic of North Macedonia, Annual Report on the Level of Ensuring, Respecting, Promoting and Protecting Human Rights and Freedoms for 2024 (2025), p. 84.

<sup>47</sup> Stefanovska and others, *Analysis of the Processes of Resocialisation and (Re)integration of Children*, p.120.

<sup>48</sup> Ibid, p. 120.

<sup>49</sup> Ibid, p. 120.

the transformation of such institutions into small group homes<sup>50</sup>. It is proposed that this measure be adapted to allow implementation through non-institutional forms of accommodation, i.e., organizational units of educational institutions (small group homes). Such regulation is necessary for statistical monitoring, development of specialized treatment and services, and ensuring appropriate conditions for achieving the purpose of the measure<sup>51</sup>.

However, even if such legislative harmonization is achieved, a fundamental question remains: whether the deinstitutionalization process, as applied to children in conflict with the law subject to institutional educational measures, is consistent with the objectives of these measures and with the existing legal framework. The Institute for Social Activities in its research report has assessed that, due to the specific nature of the educational measure of referral to an educational institution—intended for children aged 14 to 18 and involving separation from their environment and continuous professional supervision—full deinstitutionalization of this measure is not feasible.

Nevertheless, it allows for its transformation into smaller regional facilities with a capacity of seven to ten children<sup>52</sup>.

## 5. FIELD CONDITIONS AND STATISTICAL DATA

Data from the Final Annual Report of the State Council for the Prevention of Juvenile Delinquency for 2024 indicate several important trends in the treatment of children in conflict with the law that are relevant to this analysis. Regarding the overall application of criminal measures, it is evident that in the majority of cases sanctions not involving deprivation of liberty are applied, which is in line with the principles of the Law on Justice for Children. At the same time, pre-trial detention continues to be used in a limited number of cases, with the measure imposed on only six children in 2024, representing a decrease compared to 2023 and 2022<sup>53</sup>.

In terms of educational measures, 2024 shows a certain increase in institutional measures, which were imposed on 20 children, compared to 12 in 2023 and 18 in 2022. Of these, eight children were referred to educational institutions and 12 to correctional institutions, with the majority of measures imposed on male children<sup>54</sup>. At the same time, the report indicates a concerning increase in the number of children held in police custody. In 2024, out of a total of 1,246 summoned children, 149 were detained in the police station, representing a 198% increase compared to 2023 (50 children) and a 166% increase compared to 2022 (56 children). Although there are eight specially equipped rooms for interviewing children in police stations, their use remains extremely low. In 2024, only 6 children (0.5% of all summoned children) were interviewed in such conditions, marking a significant decrease compared to previous years, when 61 children were interviewed in 2023 and 188 in 2022<sup>55</sup>.

Out of these numbers, it can be concluded that juvenile courts largely adhere to the principle of restorative justice by applying less intrusive measures and sanctions. However, these outcomes could be further improved if a more clearly structured system existed, with well-defined institutions and competencies, enabling more effective monitoring and evaluation of their

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<sup>50</sup> Ibid, p. 31.

<sup>51</sup> Ibid, p. 32.

<sup>52</sup> Ibid, p. 34.

<sup>53</sup> State Council for the Prevention of Juvenile Delinquency, Annual Report on the Work of the State Council for the Prevention of Juvenile Delinquency and the Situation Regarding Children's Rights and Juvenile Delinquency in 2024 (2025), p. 2.

<sup>54</sup> Ibid, p. 2.

<sup>55</sup> Ibid, p. 1.

performance, as well as timely identification and resolution of existing shortcomings. At present, the network of institutions is fluid and regulated inconsistently across different laws, creating both legal and practical uncertainty. This fragmentation not only complicates the mapping of institutions but also creates difficulties for professionals within the system, who face unclear mandates and overlapping responsibilities.

In this regard, findings from practice point to serious challenges. Monitoring of small group homes reveals a frequent occurrence of children leaving the facilities without authorization, as well as insufficient coordination between institutions and Centers for Social Work, particularly in relation to the role of guardians. These developments indicate weaknesses in the system of supervision and care<sup>56</sup>. Additionally, the amendments to the Law on Social Protection led to the loss of previous professional specialization, with a single professional now working with multiple categories of beneficiaries, including children in conflict with the law. This results in overload, lack of time for individualized work with children and their families, and reduced effectiveness of interventions. In practice, Centers for Social Work often deflect responsibility to the institutions—i.e., the small group homes—considering that they have greater insight into the children’s needs and circumstances<sup>57</sup>.

Furthermore, field experience indicates that although deinstitutionalization has contributed to increasing children’s rights and freedoms, in certain cases these are misused, leading to a lack of clear boundaries and control. The open regime in small group homes is particularly problematic, as it is not suitable for all categories of children, especially those with mental health issues, substance abuse problems, or pronounced aggressive behavior. In such cases, the lack of appropriate placement options results in situations where the system cannot adequately respond to the children’s needs<sup>58</sup>.

It can therefore be concluded that the current fluidity and insufficient systematization of the institutional network, combined with a lack of clearly defined competencies and specialized services, represent a significant obstacle to the effective functioning of the system. This further emphasizes the need for precise mapping of institutions, clear definition of their roles, and strengthened coordination, in order to ensure more effective protection and support for children in conflict with the law.

## 6. CONCLUSION AND RECOMMENDATIONS

Based on the mapping of institutions responsible for the implementation of measures and sanctions against children in conflict with the law, it can be concluded that the system is characterized by significant normative and institutional inconsistency. There is a clear discrepancy between the legal framework, which still relies on institutional measures, and the new policies aimed at their gradual abandonment.

Although deinstitutionalization represents a positive and rather necessary process, the analysis shows that the juvenile justice system remains heavily reliant on institutional solutions. Even where alternative forms of care are envisaged, they remain insufficiently defined—neither their exact nature nor their practical functioning is clearly specified—representing a serious systemic shortcoming. Small group homes and community-based services are still not sufficiently

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<sup>56</sup>Ombudsman of the Republic of North Macedonia, Annual Report on the Level of Ensuring, Respecting, Promoting and Protecting Human Rights and Freedoms for 2024 (2025), p. 84.

<sup>57</sup> Stefanovska and others, *Analysis of the Processes of Resocialisation and (Re)integration of Children* p. 110.

<sup>58</sup> Stefanovska and others, *Analysis of the Processes of Resocialisation and (Re)integration of Children* p. 84, p. 111.

developed to replace existing institutions, particularly in relation to children in conflict with the law. In such conditions of normative ambiguity, courts lack a clear basis for deciding where to refer children, while the professional and academic community is unable to consistently monitor and evaluate the outcomes of applied measures.

With regard to measures for securing presence during criminal proceedings against children, the inconsistent use of specialized premises for interviewing children in police procedures remains problematic, as indicated by the available statistical data. Additionally, a significant normative deficiency lies in the practical unavailability of alternatives to pre-trial detention. Despite the fact that both the previous and the current Law on Justice for Children provide for alternatives—such as the temporary placement of a child in an institution for education, care, and protection under Article 121—it remains unclear which institutions are intended for this purpose and how they function in practice. Under such circumstances, as noted by the professional community, these legal solutions remain largely inapplicable, which further discourages the use of alternatives to detention.

Finally, the lack of coordination between the judicial and social protection systems further complicates the implementation of reforms. The findings indicate that, although the deinstitutionalization reform concerning certain institutions accommodating children in conflict with the law has been formally initiated, it remains insufficiently supported in practice by adequate resources, institutional clarity, and functional infrastructure. Therefore, a cautious and gradual approach to the proper deinstitutionalization of institutions for children in conflict with the law—particularly educational institutions—is necessary, alongside the improvement and harmonization of the legal framework, in order to ensure a clear, functional, and coordinated system of intervention for this vulnerable category of children.

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