

CHILDREN'S RIGHT TO PROTECTION FROM LABOUR AND SEXUAL EXPLOITATION

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Abstract

Children's rights have a very important place in human rights law. One of the important steps towards protecting fundamental children's rights is establishing a 'special juvenile justice system.' Special laws for children in modern societies are important in protecting children's rights. In addition to special laws, international agreements in this context play a key role in protecting and developing children's rights. There are different forms of child exploitation, such as sexual exploitation, child labour, physical abuse, psychological abuse, forced marriage, sexual assault, organized begging, etc. Nowadays, we see a significant increase globally when we look at the data related to child abuse and child labour. When it comes to child sexual abuse, no universally accepted definition defines sexual abuse. In this context, it is also important to emphasize the difference between sexual abuse and sexual exploitation. When we consider child labour, child labour negatively affects children's mental, social, physical, and psychological development. Child workers work long hours, often in dangerous conditions, to contribute to the livelihood of their families. Working conditions, also prevent these children from going to school, spending time with their peers, playing games, and spending their free time. There are important international conventions such as the UN Convention on the Rights of the Child; the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention); Optional Protocol of the Convention on the Rights of the Child on the sale and sexual exploitation of children; The Budapest Convention; Convention 182 on The Worst Forms of Child Labour, 1999; Maritime Labour Convention, 2006; Worst Forms of Child Labour Recommendation, 1999 (No. 190) that we should particularly highlight in terms of the prevention of both child sexual exploitations.

Keywords: Children's rights, juvenile justice, abuse, sexual exploitation, labour exploitation

1. Introduction

In the enchanting world of childhood, where laughter echoes and dreams take flight, every child deserves the right to a safe and nurturing environment. Yet, the harsh reality for millions of children around the globe is a stark contrast to this idyllic vision. Many find themselves entangled in the web of child labour, a violation that robs them of their innocence, stifles their potential, and denies them the opportunity to simply be children.

Children's rights to protection from labour exploitation form the cornerstone of a just and compassionate society. These rights, enshrined in international treaties and conventions, underscore the collective commitment to shielding the most vulnerable members of our global family from the clutches of exploitation. By understanding and championing these rights, we embark on a journey toward creating a world where every child is free to blossom, learn, and play without the shadows of exploitation looming overhead.

The history of child labour exploitation is a dark chapter in the broader narrative of human industrialization and economic development. While child labour has existed for centuries in

various forms, the widespread and systematic exploitation of children became particularly pronounced during the industrial revolution in the 18th and 19th centuries.¹

Before the industrial revolution, children often worked alongside their families in agrarian societies or small-scale family-based industries. While their labour was integral to household economies, it was generally within the context of familial structures.²

The advent of the industrial revolution brought about a seismic shift in economic and social structures. Factories and industries emerged, creating a demand for cheap and abundant labour. Children, seen as a pliable and inexpensive workforce, were subjected to grueling working conditions in factories, mines, and mills. Long hours, hazardous environments, and minimal pay became the norm for countless young workers. During the early stages of industrialization, there was minimal government intervention or regulation regarding child labour. The prevailing laissez-faire economic ideologies and a lack of workers' rights protections allowed for the exploitation of children to persist unchecked.

The 19th and early 20th centuries saw the rise of social reform movements aimed at addressing the issue of child labour. Activists and reformers advocated for legislative changes to restrict the employment of children and improve working conditions. England was the first country in which the state intervened in the regulation of wage labour relations, and this is understandable, if we take into account the fact that England was the cradle of the industrial way of production. In England, in 1802, the Child Protection Act was enacted, marking the initial legal regulation of workplace protection. Subsequently, in 1833, the Working Hours Act was introduced, stipulating a workday duration of 8 to 12 hours, depending on the employees' age. In 1847, the Ten-Hour Working Time Act was passed, followed by the Eight-Hour Working Time Act in 1907. The state's intervention in the realm of labour relations and children's protection, initially observed in England, extended to other countries as well.³

In the 20th century, international organizations such as the International Labour Organization (ILO) played a crucial role in addressing child labour on a global scale. Conventions and agreements were established to set minimum age requirements for employment and to eliminate the worst forms of child labour. Despite significant progress, child labour remains a persistent issue in many parts of the world today. Poverty, lack of access to education, and weak enforcement of labour laws contribute to the continuation of child labour in various industries, including agriculture, manufacturing, and services.

Efforts to eradicate child labour continue through a combination of legislative measures, international cooperation, and advocacy for social and economic reforms aimed at addressing the root causes of exploitation. The fight against child labour is an ongoing struggle to ensure that every child is afforded the right to a safe and nurturing childhood, free from exploitation and the shackles of hazardous labour.

The development of technology, the massive use of social media, and quick access to information are the positive aspects of globalization. Could the same listed characteristics be treated as negative? - the answer is yes. The forms of organized crime are inherently complicated, complex, and difficult to detect. One of the most well-known forms of organized crime is human trafficking, especially trafficking in women and children. This is the most serious threat to basic human freedoms and rights. Often, when it comes to human trafficking, only sexual exploitation and forced labour are thought of because these are the most common forms of human trafficking.

Other forms of human trafficking include: Forced Labour and Sexual Servitude, Involuntary Domestic Servitude, Forced Child Labour, Child Soldiers, Sex Trafficking and Prostitution, Child Sex Tourism. The sexual exploitation of children is an abhorrent and deeply distressing

¹ Elias Beck, *Child Labor in the Industrial Revolution*, <https://www.historycrunch.com/child-labor-in-the-industrial-revolution.html#/>

² UNICEF, *Child Labour in Historical Perspective – 1800 – 1985 – Case Studies from Europe, Japan and Colombia*, ed. H. Cunningham & P. P. Viazzo, Florence, Italy, 1996

³ Andon Majhoshev, Vojo Belovski, *Trudovo pravo*, Shtip, 2012

issue. It involves the manipulation, coercion, or abuse of children for sexual purposes, which can include activities such as child pornography, child trafficking, and child prostitution. This form of exploitation violates the fundamental rights and well-being of children, causing immense harm and long-term consequences.

2. Concept of child labour exploitation

Engaging in work that has no adverse impact on the health, personal growth, or educational pursuits of children or adolescents is generally seen as a positive endeavor. This includes tasks like aiding parents in household chores, supporting a family business, or earning pocket money outside of school hours and during vacations. Such involvement fosters the development of children, contributes to family well-being, imparts valuable skills and attitudes, and serves as preparation for their future roles as contributing members of society in adulthood. It's crucial to emphasize that these activities should not be equated with child labour in any way.⁴

Child labour exploitation is a deeply concerning and morally reprehensible practice that involves the unjust and harmful use of children for labour, depriving them of their rightful opportunities for education, play, and overall well-being. It is a violation of children's rights and a grave infringement on their innocence and developmental potential.

Child labour pertains to work that:

- poses mental, physical, social, or moral dangers and harm to children; and
- hinders their education:
 - by preventing them from attending school;
 - by compelling premature departure from school; or
 - by demanding an impractical combination of school attendance with excessively long and strenuous labour.

In its most severe manifestations, child labour includes instances where children are enslaved, separated from their families, exposed to significant hazards and illnesses, and/or left to fend for themselves on the streets of large cities — often at a very young age.⁵

At its core, child labour exploitation manifests when children are engaged in work that is mentally, physically, socially, or morally harmful to them. This can take various forms, including hazardous working conditions, long hours, low wages, and work that interferes with their education or exposes them to exploitative situations. Often, children engaged in labour exploitation are forced into such circumstances due to poverty, lack of access to education, and systemic inequalities.

The concept of child labour exploitation extends beyond the mere involvement of children in work. It encompasses the broader context of vulnerability, where children are often subjected to conditions that are detrimental to their physical and emotional well-being. These conditions can include exposure to violence, denial of basic rights, and a lack of protection from exploitation.

Efforts to combat child labour exploitation focus on legislative measures, international agreements, and grassroots initiatives aimed at eliminating its root causes and providing a protective environment for children. By understanding and addressing the complexities surrounding this issue, societies can work towards creating a world where every child is granted the opportunity to grow, learn, and flourish without being subjected to the hardships of exploitative labour.

⁴ Child Labour – A Textbook for University Students, ILO, 2004

⁵ Eliminating the Worst Forms of Child Labour – A Practical Guide to ILO Convention No.182, ILO, 2002

2.1 Reasons for child labour exploitation: Child labour exploitation persists for various complex and interconnected reasons often rooted in socio-economic, cultural, and structural factors. Understanding these underlying causes is essential for developing effective strategies to eradicate child labour. Here are some common reasons for child labour exploitation⁶⁷:

- **Poverty:** Economic hardship is a major driver of child labour. Families in poverty may rely on the income generated by their children to meet basic needs. The lack of alternative sources of income, coupled with inadequate social safety nets, can force children into the workforce.
- **Lack of Education:** Limited access to quality education, including barriers such as high costs, lack of schools, or gender-based discrimination, can lead to children engaging in labour instead of attending school. This perpetuates a cycle of poverty and limited opportunities.
- **Inadequate Legal Protections:** Weak or poorly enforced child labour laws contribute to the prevalence of exploitation. Insufficient legal frameworks, lax enforcement, and gaps in monitoring, create an environment where employers can exploit children without facing significant consequences.
- **Informal Economy:** Child labour is prevalent in informal sectors where work is unregulated and often hidden from official scrutiny. In such environments, exploitation is more likely to occur due to the absence of oversight and accountability.
- **Cultural Factors:** Societal norms and expectations, particularly in communities where child labour is deeply ingrained, can perpetuate the acceptance of children working. Cultural attitudes that prioritize economic contributions over education and well-being may contribute to the persistence of child labour.
- **Migration and Displacement:** Families migrating in search of better opportunities or displaced populations may find themselves in precarious situations where children are forced to work due to lack of resources and support.
- **Supply Chain Pressures:** In global supply chains, the demand for cheap and easily exploitable labour can contribute to child labour. Companies seeking to cut costs may indirectly support child labour through their supply chain, especially when oversight is lacking.
- **Conflict and Crisis:** Areas affected by conflict or crisis often experience disruptions in social systems, making children more vulnerable to exploitation. Displacement, loss of family support structures, and economic instability can push children into labour.
- **Gender Discrimination:** Discrimination based on gender can disproportionately affect girls, limiting their access to education and increasing their vulnerability to exploitation. Girls may be subjected to domestic work or forced into early marriages, further hindering their development.
- **Lack of Awareness:** Limited awareness about the detrimental effects of child labour and the importance of education can contribute to the perpetuation of the practice. Communities may not fully grasp the long-term consequences on children's physical and mental well-being.

Addressing child labour exploitation requires a comprehensive approach that addresses these multifaceted factors. Efforts should include not only legal reforms and enforcement but also initiatives focused on poverty alleviation, education access, and raising awareness about the importance of protecting children's rights. International collaboration and corporate responsibility in global supply chains are also crucial elements in combating child labour.⁸

⁶ Child Labour – A Textbook for University Students, ILO, 2004

⁷ Eliminating the Worst Forms of Child Labour – A Practical Guide to ILO Convention No.182, ILO, 2002

⁸ Child Labour – A Textbook for University Students, ILO, 2004

3. International Conventions and protective mechanisms addressing the exploitation of child labour

Several international conventions have been established to protect children from labour exploitation and to promote their rights and well-being. The International Labour Organization (ILO), a specialized agency of the United Nations that was created in 1919 as part of the Treaty of Versailles, has played a central role in formulating and overseeing these conventions.⁹ Here are some key international conventions related to the protection of child labour:

- ***ILO Convention No. 138 - Minimum Age Convention (1973)***: This convention sets the minimum age for admission to employment or work and prohibits the employment of young workers below a specified age. It aims to ensure that children are not prematurely drawn into the workforce, allowing them to complete compulsory education and develop physically and mentally.
- ***ILO Convention No. 182 - Worst Forms of Child Labour Convention (1999)***: This convention addresses the most egregious forms of child labour, including slavery, trafficking, forced labour, and involvement in hazardous work that poses a threat to health, safety, or morals. It calls for immediate action to eliminate such forms of exploitation.
- ***ILO Convention No. 90 – Night Work of Young Persons (Industry) Convention (1948)***: This convention provides for the prohibition of the employment of children in night work for at least 12 hours continuously, covering the period between 10:00 PM and 6:00 AM the following day, for children under the age of 16.
- ***United Nations Convention on the Rights of the Child (CRC) (1989)***: While not specifically focused on child labour, the CRC is a comprehensive treaty that outlines the civil, political, economic, social, and cultural rights of children. Article 32 emphasizes the right of the child to be protected from economic exploitation and hazardous work.
- ***UNICEF's Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (2000)***: This protocol supplements the CRC and focuses on protecting children from sexual exploitation, including child prostitution and child pornography. It addresses the sale and trafficking of children for any purpose.
- ***ILO Convention No. 182 - Protocol of 2014 to the Forced Labour Convention, 1930***: This protocol addresses contemporary forms of forced labour, including trafficking in persons and forced labour. While not specific to child labour, it includes provisions to protect children from forced or compulsory labour.
- ***ILO Convention No. 184 - Safety and Health in Agriculture Convention (2001)***: Although not exclusively focused on child labour, this convention addresses the need to protect young persons, including children, working in agriculture, recognizing the specific risks and hazards associated with this sector.

These conventions set international standards and provide a framework for governments, employers, and workers to collaborate in the elimination of child labour and the protection of children's rights. Countries that ratify these conventions commit to adopting legislative and regulatory measures to align with the principles outlined in these instruments.

It is important to note that the effectiveness of these conventions depends on the commitment of individual countries to ratify, implement, and enforce the prescribed measures. International collaboration and advocacy play crucial roles in promoting and monitoring compliance with these conventions to ensure the protection of children worldwide.

⁹ Mbrojtja Ndërkombëtare e të Drejtave të Njeriut, OSCE – ODIHR, Tiranë, 2000

The European Union (EU) has not issued specific directives exclusively focused on child labour exploitation. However, there are broader directives and regulations that address various aspects related to labour rights, including the protection of young workers and the prevention of exploitation.

- **Directive 94/33/EC on the Protection of Young People at Work (1994):** This directive focuses on the protection of young workers, including those below the age of 18. It sets out specific measures to ensure that young people are not exposed to certain risks at the workplace, considering their physical, mental, and emotional capabilities.
- **Directive 2014/27/EU amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC concerning the posting of workers in the road transport sector (2014):** While primarily addressing the posting of workers in the road transport sector, this directive contains provisions related to the working conditions of employees, including potential implications for young workers.
- **Directive 2014/67/EU on the Enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services (2014):** This directive aims to strengthen the enforcement of rules related to the posting of workers. It indirectly influences the protection of labour rights, which includes measures to prevent the exploitation of child labour.
- **Directive 2010/41/EU on the application of the principle of equal treatment between men and women engaged in an activity in a self-employed capacity and repealing Council Directive 86/613/EEC (2010):** While not directly addressing child labour, this directive promotes equal treatment between men and women, contributing to a broader framework of labour rights and non-discrimination in employment.

It is important to note that the protection of children from labour exploitation is often integrated into broader EU policies related to human rights, social justice, and employment. Furthermore, EU member states are responsible for implementing and enforcing these directives within their national legal frameworks.

4. Legal framework in North Macedonia regarding the exploitation of child labour

The right to work, freedom of choice in employment and protection during employment are rights acknowledged by the Constitution of North Macedonia.¹⁰ Furthermore, the Macedonian legislation is in compliance with all the international principles that address child labour exploitation.

- **Minimum Age of Employment:** North Macedonian legislation defines the minimum age at which children can engage in employment. This age is 15 years, and is set to ensure that work does not interfere with a child's education and development.¹¹
- **Worst Forms of Child Labour:** North Macedonia, in alignment with international standards, explicitly prohibits the worst forms of child labour. This includes hazardous work that may jeopardize the health, safety, or morals of children. Thus, “*the employer shall be obliged to provide protection for the young persons from economic exploitation and any type of work that may have adverse consequences for their safety, health, physical, mental, moral or social development or it may endanger their education*”.¹² Also, “*a child under the age of 15 may, with payment of compensation, in exceptional situations participate in activities that by their scope and character do*

¹⁰ Article 32 of the Constitution of North Macedonia

¹¹ Article 18, paragraph 2 of the Labour Relations Law of North Macedonia (“Official Gazette of the Republic of Macedonia” No. 62/05, 106/08, 161/08, 114/09, 130/09, 50/10, 52/10, 124/10, 47/11, 11/12, 39/12, 13/13, 25/13, 170/13, 187/13, 113/14, 20/15, 33/15, 72/15, 129/15, 27/16, 120/18 and “Official Gazette of the Republic of North Macedonia” No. 110/19, 267/20, 151/21 and 288/21)

¹² Article 18, paragraph 3 of the Labor Relations Law

*not influence harmfully to the health, safety, development and education such as: participation in cultural and artistic activities, sports events and advertisement activities.”*¹³ *“The employees under the age of 18 must not be ordered by the employer to carry out hard manual labor, works carried out underground or underwater, works connected with sources of ionizing radiations and other works, which can have harmful and dangerous impact on the health condition and development, which are beyond their physical and psychological capacity.”*¹⁴

- **Working Hours and Conditions:** North Macedonian legislation regulates the number of hours children can work, the types of work they can perform, and the conditions under which they can work. This is to protect children from exploitation and ensure their overall well-being. Thus, *“it is prohibited for a child under the age of 15 or a child that has not yet finished the mandatory education to work, unless for a participation in activities for which the law stipulates that the child may perform, but no longer than two hours a day, but not over 12 hours a week, and during the summer break, not longer than six hours a day, i.e. not over 30 hours a week, whereby two subsequent vacation weeks are to be mandatorily provided.”*¹⁵ Also, *“the maximum number of work hours for the young person at the age under 16 shall be 30 hours a week applying also in case when the young person is employed with more employees simultaneously.”*¹⁶ *“The maximum number of work hours for a young person over the age of 16 shall be 37 hours and 45 minutes per week applying also in case when the young person is employed with more employees simultaneously.”*¹⁷ *“The work time of the young person must not exceed eight hours within a time period of 24 hours.”*¹⁸ *“The work time of the employee under the age of 18 must not exceed eight hours a day and 40 hours a week. The employee under the age of 18, who works at least four and a half hours a day, shall be entitled to a break of at least 30 minutes during the work time. The employee under the age of 18 shall be entitled to a rest of 16 consecutive hours in a period of 24 hours.”*¹⁹ *“The employee under the age of 18 must not work at night between 22:00 and 06:00 the following day. The employee under the age of 18 may exceptionally be allowed to work at night in case of force majeure, when such work lasts a determined period of time and must be carried out immediately and the adult employees are not available. In that case, the employees under the age of 18 must be provided with adequate rest during the following three days. In his cases the employer must provide supervision by an adult employee.”*²⁰ *“The employee under the age of 18 shall be entitled to annual leave extended by seven working days.”*²¹
- **Compulsory Education:** Legal provisions require children to attend school up to a certain age, aiming to prioritize their education over employment. In North Macedonia primary and secondary education are mandatory.²²
- **Protection of Children's Rights:** North Macedonian legislation includes broader provisions to protect the rights and welfare of children, encompassing aspects such as health care, social services, and protection from abuse.²³

¹³ Article 18, paragraph 4 of the Labor Relations Law

¹⁴ Article 173, paragraph 1 of the Labor Relations Law

¹⁵ Article 18, paragraph 2 of the Labour Relations Law

¹⁶ Article 18, paragraph 7

¹⁷ Article 18, paragraph 8

¹⁸ Article 18, paragraph 9

¹⁹ Article 174 of the Labour Relations Law

²⁰ Article 175 of the Labour Relations Law

²¹ Article 176 of the Labour Relations Law

²² Article 8 of the Law on Basic Education of North Macedonia (“Official Gazette of the Republic of North Macedonia” No. 161/19, 229/20); Article 3 of the Law on Secondary Education of North Macedonia (Official Gazette of the Republic of North Macedonia” No. 44/1995, 24/1996, 34/1996, 35/1997, 82/1999, 29/2002, 40/2003, 42/2003, 67/2004, 55/2005, 113/2005, 35/2006, 30/2007, 49/2007, 81/2008, 92/2008, 33/2010, 116/2010, 156/2010, 18/2011, 42/2011, 51/2011, 6/2012, 100/2012, 24/2013, 41/2014, 116/2014, 135/2014, 10/2015, 98/2015, 145/2015, 30/2016, 127/2016, 67/2017, 64/2018 and „ Official Gazette of the Republic of North Macedonia” No. 229/2020)

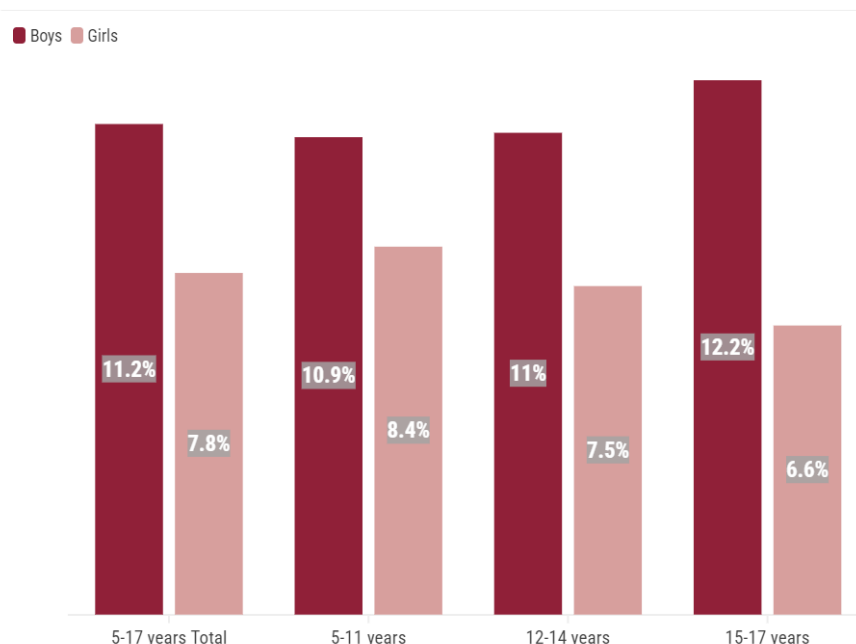
- **Enforcement and Penalties:** Effective enforcement mechanisms and penalties for violations are crucial components of child labour legislation. Authorities responsible for monitoring and enforcing these laws play a significant role in deterring and addressing child labour exploitation.
- **International Conventions:** North Macedonia is a party to international conventions addressing child labour, such as conventions established by the International Labour Organization (ILO), hence the principles enshrined in these conventions are obligatory for North Macedonia.

5. Official data of child labour exploitation in the world

According to the data from the International Labour Organization (ILO) the phenomenon of child labour exploitation is still very wide-spread globally.

Thus, the latest global estimates indicate that the number of children in child labour has risen to 160 million worldwide – an increase of 8.4 million children in the last four years. 63 million girls and 97 million boys were in child labour globally at the beginning of 2020, accounting for almost 1 in 10 of all children worldwide. The latest Report of the International Labour Organization (ILO) warns that global progress to end child labour has stalled for the first time in 20 years²⁴

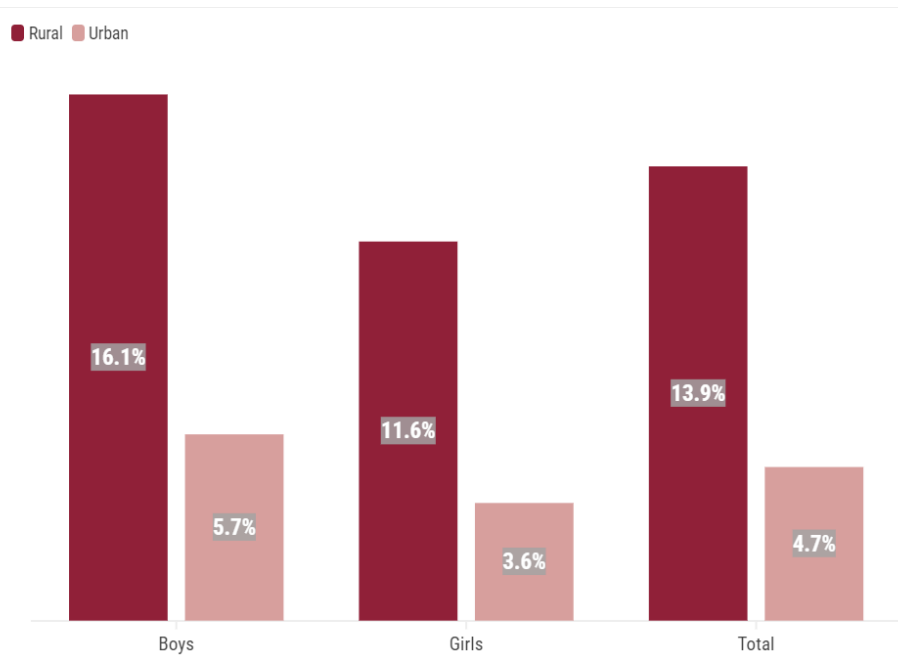
The Report shows that **involvement in child labour is higher for boys than girls at all ages.** Among all boys, 11.2 per cent are in child labour compared to 7.8 per cent of all girls. In absolute numbers, boys in child labour outnumber girls by 34 million. When the definition of child labour expands to include household chores for 21 hours or more each week, the gender gap in prevalence among boys and girls aged 5 to 14 is reduced by almost half.



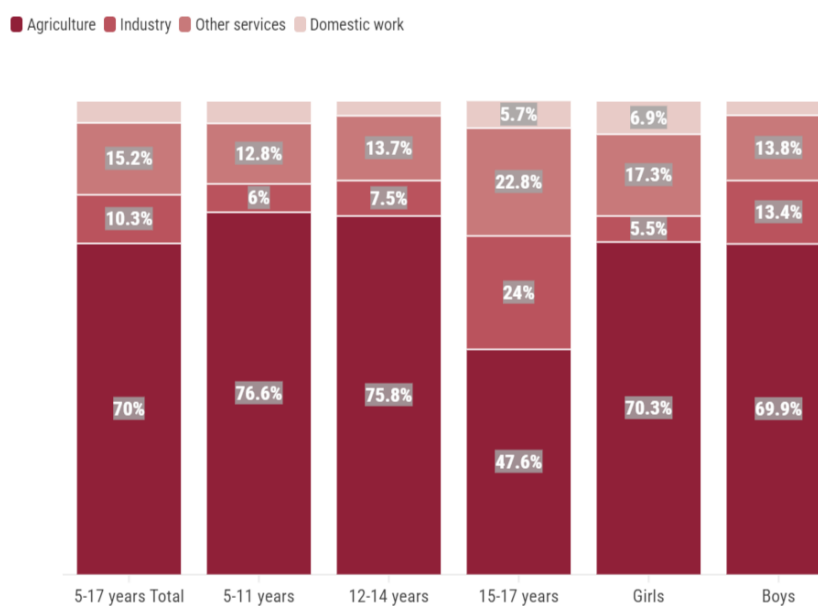
Child labour is much more common in rural areas. There are 122.7 million rural children in child labour compared to 37.3 million urban children. The prevalence of child labour in rural areas (13.9 per cent) is close to three times higher than in urban areas (4.7 per cent).

²³ Law on Child Protection of North Macedonia

²⁴ Child Labour: Global Estimates 2020, Trends and the Road Forward, ILO and UNICEF, New York, 2021

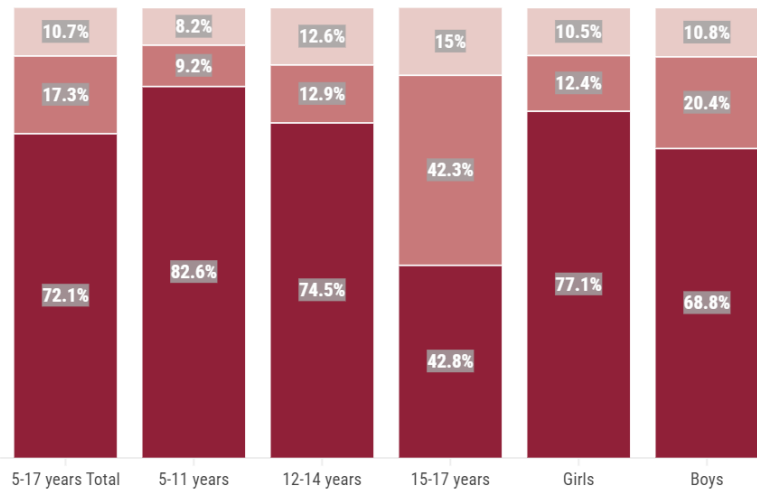


Most child labour – for boys and girls alike – continues to occur in agriculture. More than 70 per cent of all children in child labour, 112 million children in total, are in agriculture.

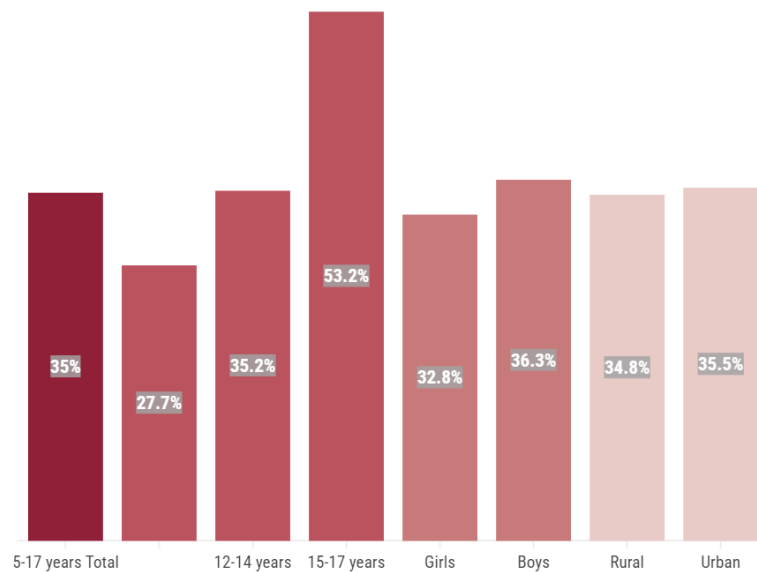


The largest share of child labour takes place within families. 72 per cent of all child labour and 83 per cent of child labour among children aged 5 to 11 occurs within families, primarily on family farms or in family microenterprises.

■ Contributing family workers ■ Employees ■ Own-account workers



Child labour is frequently associated with children being out of school. A large share of younger children in child labour is excluded from school despite falling within the age range for compulsory education. More than a quarter of children aged 5 to 11 and over a third of children aged 12 to 14 who are in child labour are out of school.



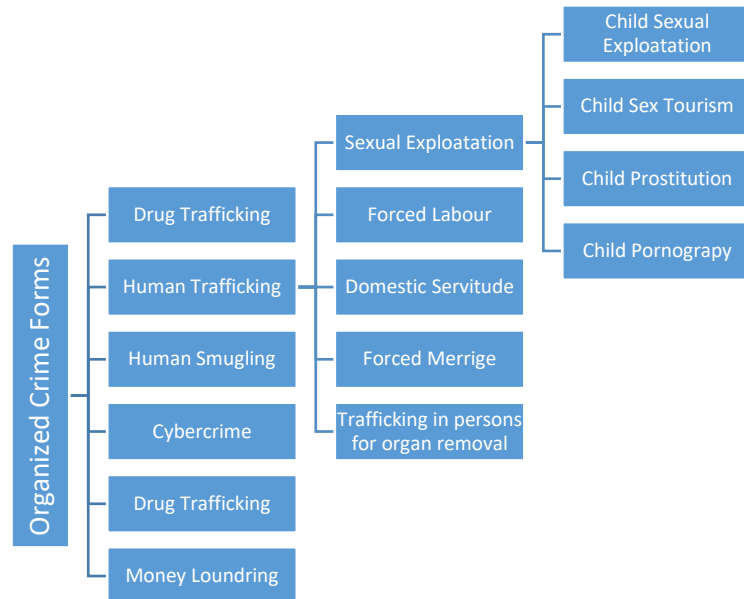
6. The Concept of Child Sexual Exploitation

The sexual exploitation of children is a serious violation of their rights and a deeply disturbing issue that demands urgent attention. It involves the manipulation, coercion, or abuse of children for sexual purposes, causing immense harm and long-lasting consequences. Child sexual exploitation refers to the use of children for sexual purposes, which can manifest in various forms. These include child pornography, child trafficking, child prostitution, online grooming, and the production and distribution of explicit materials involving children. One of the important things about the sexual exploitation of children is the definition of this problem. Working Together to Safeguard Children (2006) describes sexual abuse as follows: *‘Sexual abuse involves forcing or enticing a child or young person to take part in sexual activities,*

including prostitution, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative (e.g. rape, buggery or oral sex) or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, sexual online images, watching sexual activities or encouraging children to behave in sexually inappropriate ways.²⁵

In order to explain this very complex form of child abuse, it is important to locate the place of sexual exploitation of children in the overall picture of crimes. First of all, it is important to emphasize that this is a serious crime, and by its form, it can be defined as transnational because it belongs to the group of "trafficking in human beings."

The table below explains the location of child sexual exploitation in all forms of organized crime.



It is important to emphasize that sexual abuse can take many forms, involving and not involving contact.²⁶

Types of sexual abuse involving contact

- Touching any part of the child's body and/or genitals
- Forcing the child to touch his/her body and/or genitals
- Hugging, kissing, caressing, rubbing the child for sexual pleasure
- Mouth and genital contact (oral rape)
- Rape, attempted rape
- Genital mutilation (cultural child circumcision)
- Gender reassignment surgeries for intersex babies
- Sexual abuse of a child through marriage (forcibly marrying off a child at an early age)

Types of non-contact sexual abuse

- Trying to flirt with the child
- Meeting children over the Internet, corresponding with them, establishing relationships, requesting photos
- Talking sexually to a child
- Using the child's gender, body, and genitals as a tool for ridicule, boasting, or shame
- Looking at the child's body and/or genitals
- Watching or spying on the child (directly or digitally with a camera)

²⁵ Hillingdon local safeguarding children board. (2015). Child Sexual Exploitation Prevention and Intervention Strategy 2015. London, p.4

²⁶ <https://cinselsiddetlemucadele.org/2020/05/18/cocuga-yonelik-cinsel-istismar-tanimi-ve-farkli-turleri/>, (online) 10.09.2023

- g) Taking photographs or recording images of the child for personal pleasure, storing them, and/or sharing them in various media
- h) Asking and watching the child to touch his/her own body and/or genitals
- i) Showing one's own body and/or genitals to the child
- j) Touching oneself and letting the child watch it
- k) Showing the child sexual images or watching movies
- l) Witnessing the child to sexual intercourse
- m) Commercial sexual exploitation of the child (use in advertisements, virtual sexual exploitation)
- n) Using the children in the production of pornographic materials to monitor them, keep them recorded, and disseminate them
- o) Discourses and behaviors that include oppression and discrimination against the child's gender identity, sexual orientation, and gender expression

6.1 Relationship of the Sexual Abuse of Children with Similar Concepts in the Criminal Code of North Macedonia: The protection of children is especially important in crimes against sexual immunity. As with all kinds of abuse against children, some realistic measures should be taken in addition to increasing the punishment for sexual abuse. For this reason, in addition to the opportunities of criminal law, support should be received from disciplines such as psychology, sociology, and philosophy, and the data, warnings, and suggestions of this multi-disciplinary study should be able to find their place in the policy tool of the state.

Child protection from sexual abuse in the domestic legal system is implemented through two systems: The criminal law system and The social, child, and health care system. The Criminal Code and the Law on Criminal Procedure cover the criminal-legal protection of child victims of sexual violence and exploitation. The Criminal Code of the Republic of North Macedonia provides for a special chapter of crimes related to sexual exploitation of children, it is about crimes against gender freedom and morality.

In the context of this chapter of the Criminal Code, it is important to distinguish the following crimes:²⁷

- Rape
- Sexual assault of a helpless person
- Sexual assault upon a child who has not turned 14 years of age
- Sexual assault by position abuse
- Gratifying sexual urges in front of another
- Displaying pornographic material to a child
- Production and distribution of children pornography

Article 186 Rape

(1) Whosoever, by the use of force or threat to directly attack upon the life or body of another or upon the life or body of someone close to that person, forces him to intercourse, shall be sentenced to imprisonment of three to ten years.

(2) If the act referred to in paragraph (1) of this Article is committed against a child who turned 14, the offender shall be sentenced to imprisonment of at least ten years.

²⁷ Criminal Code of Republic of North Macedonia, Consolidated Text, Official Gazette of the Republic of Macedonia, 248/18

Article 187 Sexual assault of a helpless person

(1) *Whosoever commits sexual assault of another, abusing the mental illness, mental disorder, helplessness, mental handicap, or some other condition due to which this person is unable to resist, shall be sentenced to imprisonment of minimum eight years.*

(2) *If the crime referred to in paragraph (1) of this Article is committed against a child who turned 14, the offender shall be sentenced to imprisonment of at least ten years.*

Article 188 Sexual assault upon a child who has not turned 14 years of age

(1) *Whosoever commits statutory rape or some other sexual act upon a child who has not turned 14 years of age, shall be sentenced to imprisonment of minimum 12 years.*

(2) *If a severe bodily injury, death or any other severe consequences have been caused because of the crime referred to in paragraph (1) or the crime has been committed by several persons or in an especially cruel and degrading manner or out of hate, the offender shall be sentenced to imprisonment of minimum 15 year or to life imprisonment.*

Article 189 Sexual assault by position abuse

(1) *Whosoever by abusing his position induces another, who is subordinated or dependent, to sexual intercourse or some other sexual act, or with the same intention abuses, intimidates or acts in a way that humiliates the human dignity and the human personality against another, shall be sentenced to imprisonment of minimum five years.*

(2) *If the crime referred to in paragraph (1) of this Article is committed by a blood relative in direct line or a brother, i.e. sister, teacher, tutor, adoptive parent, guardian, stepfather, stepmother, doctor or another person by abusing their position or by committing family violence commits a statutory rape or other sexual act with a child who has turned 14 years of age and who is entrusted to him/her for education, tutoring, care, shall be sentenced to imprisonment of at least ten years.*

Article 190 Gratifying sexual urges in front of another

(1) *Whosoever performs a sexual act in front of another, in a public place, shall be fined or sentenced to imprisonment of up to one year.*

(2) *Whosoever performs a sexual act in front of a child who has turned 14 years of age or who induces a child to perform such an act in front of him or in front of another, shall be sentenced to imprisonment of three to eight years.*

(3) *Whosoever performs a sexual act in front of a child who has not turned 14 years of age or who induces a child to perform such an act in front of him or in front of another, shall be sentenced to imprisonment of at least four years.*

Article 193 Displaying pornographic material to a child

(1) *Whosoever sells, shows or by public display in any other way makes available pictures, audio-visual or other objects with pornographic content to a child who has not turned 14, or shows him a pornographic performance, shall be sentenced to imprisonment of six months to three years.*

(2) *If the crime is committed through the mass media, the offender shall be sentenced to imprisonment of three to five years.*

(3) The sentence referred to in paragraph 2 shall be imposed to whosoever abuses a child who has turned 14 in the production of audio-visual pictures or other objects with pornographic content or for pornographic presentations, as well as whosoever participates in the presentation.

(4) If the crime referred to in paragraph (3) of this Article is committed against a child who has not turned 14, the offender shall be sentenced to imprisonment of at least four years.

(5) Whosoever coerces a child who has turned 14 to preparation and production of photos or other objects with pornographic contents or to pornographic presentation, shall be sentenced to imprisonment of minimum eight years.

(6) If the crime referred to in paragraph (4) of this Article is committed against a child who has not turned the age of 14, the offender shall be sentenced to imprisonment of minimum ten years.

Article 193-a Production and distribution of children pornography

(1) Whosoever produces children pornography for the purpose of its distribution or transfer or offer or in any other manner to make the children pornography available, shall be sentenced to imprisonment of minimum five years.

(2) Whosoever purchases children pornography for himself or for another, or whosoever owns children pornography shall be sentenced to imprisonment of five to eight years.

(3) If the crime referred to in paragraphs (1) and (2) of this Article is committed via an information system or other mass communication media, the offender shall be sentenced to imprisonment of minimum eight years.

Article 193-b Enticing a child who has not turned 14 to sexual assault or other sexual act

Whosoever by computer-communication means, by scheduling a meeting or in any other manner entices a child who has not turned 14 to sexual assault or other sexual act or to production of children pornography, and by such intention directly meets the juvenile, shall be sentenced to imprisonment of one to five years.

Article 194 Incest

(1) Whosoever commits sexual assault against a relative by blood in direct line or a brother, i.e. sister, shall be sentenced to imprisonment of five to ten years.

(2) If the crime referred to in paragraph (1) is committed against a child who has not turned 14, the offender shall be sentenced to imprisonment of minimum ten years.

In the context of the protection of children from sexual exploitation, it is important to mention the provisions from the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography that was ratified in 2003 in Republic of North Macedonia. The protocol serves as an essential tool to combat the exploitation and abuse of children, which unfortunately remains a pervasive issue in many parts of the world.

The protocol emphasizes the need to prevent the sale of children, child prostitution, and child pornography. According to Article 2 of the protocol,²⁸

²⁸ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted 25 May 2000 by resolution A/RES/54/263 at the fifty-fourth session of the General Assembly of the United Nations

Sale of children means any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration;

Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;

Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.

In order to justify the general conclusion, it is important to emphasize that the regulation of the most severe forms of sexual exploitation of children within the criminal code, as well as the ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography by the Republic of North Macedonia, is an important step for the protection of children from sexual exploitation. Of course, the obligations do not end there. Governments must allocate adequate resources to prevention, protection, and rehabilitation strategies. Especially the most complex and difficult part is the prevention of sexual exploitation of children because we should mention here that there is a serious need for preventive mechanisms.

7. Conclusions

Child labour exploitation remains a pervasive and concerning global issue, with profound social, economic, and ethical implications. Despite international efforts and conventions, many regions still grapple with the challenges of enforcing and implementing effective measures against child labour exploitation.

The consequences of child labour exploitation extend beyond immediate economic considerations, impacting children's health, education, and overall well-being.

There is a crucial need for enhanced collaboration between governments, non-governmental organizations, and international bodies to strengthen legal frameworks and ensure their effective enforcement.

Ongoing awareness campaigns and educational initiatives are essential to address the root causes of child labour and promote a cultural shift towards the protection and well-being of children.

Economic factors often drive child labour, emphasizing the necessity for sustainable development and poverty-alleviation strategies to create environments where families are not compelled to resort to child labour.

Companies and industries must adopt responsible business practices, ensuring that their supply chains are free from child labour, and consumers play a role by supporting ethically produced goods and services. Comprehensive data collection and research efforts are crucial to understanding the dynamics of child labour exploitation, identifying vulnerable populations, and designing targeted interventions.

International cooperation and mutual support are vital for addressing cross-border challenges related to child labour, necessitating a unified and coordinated global effort.

Ending child labour exploitation requires a multi-faceted approach that combines legislative measures, social programs, and economic strategies to create an environment where every child can enjoy their right to a childhood free from exploitation.

On the other hand, Child sexual exploitation as another form of exploitation is a distressing reality that exists globally, cutting across socioeconomic backgrounds, cultures, and societies. This form of exploitation, whether through pornography, sex trafficking, or online grooming, has devastating effects on children's physical and mental well-being, often resulting in long-term consequences that may persist into adulthood.

Efforts to combat child sexual exploitation have increased over the years, with governments, organizations, and communities working together to raise awareness, prosecute offenders, and protect vulnerable children. Legal frameworks continuously evolve to ensure harsh penalties for perpetrators and justice for victims. However, we must do much work to prevent this problem.

Prevention plays a crucial role in tackling child sexual exploitation through education programs, community involvement, and empowering children to become informed and resilient against potential threats. Building strong support systems, including counselling services and safe havens for victims, is vital in aiding their recovery and helping them reintegrate into society.

Prevention of child sexual exploitation requires collaboration at all levels – from governments to communities, individuals to institutions. It demands continued commitment to raising awareness, strengthening laws, supporting victims, and implementing preventive measures. The well-being and safety of our children should always be a priority, and it is our collective responsibility to work toward a world where children are protected from the horrors of sexual exploitation and are allowed to thrive and grow into healthy adults.

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