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2022 Trafficking in Persons Report: North Macedonia

North Macedonia (Tier 2)

The Government of North Macedonia does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared with the previous reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore North Macedonia remained on Tier 2. These efforts included prosecuting more defendants and implementing victim-centered approaches to reduce re-traumatization for child victims. The government identified significantly more victims and increased overall prevention efforts, such as adopting the 2021-2025 National Strategy and National Action Plan (NAP) and soliciting feedback and recommendations from trafficking survivors on the NAP and other anti-trafficking efforts. However, the government did not meet the minimum standards in several key areas. The government convicted fewer traffickers, and police continued to lack adequate funding and equipment to conduct proactive investigations. Similarly, the Organized Crime and Corruption Prosecution Office (OCCPO) did not have sufficient resources, including staff and a digital case management system, to handle all cases under its jurisdiction. While the government reactivated mobile teams, which identify most potential victims each year, it did not allocate funding to the mobile teams despite promising to do so. Local police and some border agents did not consistently screen for indicators of trafficking and, as a result, authorities likely deported some unidentified trafficking victims without referral to appropriate services or safeguards to prevent re-trafficking.

PRIORITIZED RECOMMENDATIONS:

- Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and seek adequate penalties with significant prison terms.
- Allocate sufficient resources to the police and prosecutors to proactively investigate trafficking.
- Allocate sufficient resources for victim protection, including to the mobile identification teams, to the shelter for trafficking victims, and in support of specialized services for adult male victims.
- Increase proactive identification efforts for trafficking victims and consistently screen for trafficking among individuals in commercial sex, irregular migrants, refugees, and other at-risk populations.
- Train first responders on standard operating procedures (SOPs) for identifying and referring victims and consistently include social workers in all potential trafficking cases.
- Fully implement written guidance to prevent penalization of trafficking victims for crimes their traffickers compelled them to commit.
- Provide accommodation to potential foreign trafficking victims in safe and appropriate settings and allow victims to leave shelters at will.
- Establish access to alternative housing to accommodate victims when the shelter is full.
- Institutionalize advanced training for judges, prosecutors, and law enforcement on trafficking investigations and prosecutions.
- Improve victim compensation mechanisms for victims, including by adopting a specific law and informing victims of their right to seek compensation.

PROSECUTION

The government decreased law enforcement efforts. Articles 418(a) and (d) of the criminal code criminalized sex trafficking and labor trafficking and prescribed a minimum penalty of four years' imprisonment, which was sufficiently stringent and, with regard to sex trafficking, commensurate with those for serious crimes, such as rape. The government investigated one case with three suspects, compared with six cases with 13 suspects in 2020. The government prosecuted two

defendants in two cases for child sex trafficking, compared with none in 2020. Courts convicted one trafficker in absentia for child sex trafficking and forced labor, a significant decrease compared with nine traffickers convicted for child sex trafficking and two for child sex trafficking and forced labor. The judge sentenced the trafficker to 12 years' imprisonment, compared with judges issuing sentences between four and seven years' imprisonment to 11 traffickers in 2020. Appellate courts upheld two convictions and overturned one conviction, compared with upholding three convictions in 2020. Authorities operated with limited capacity due to the pandemic, including infections and quarantine procedures causing personnel shortages.

The Combatting Trafficking in Human Beings and Migrant Smuggling Unit's Anti-Trafficking Task Force (task force) within the Ministry of Interior (MOI) led specialized investigations. OCCPO prosecuted trafficking cases and, in previous years, reported a lack of adequate personnel and delayed cases, but the government increased the number of prosecutors from 10 to 13 to handle all cases under its jurisdiction. Despite not having a specifically earmarked budget, the task force conducted proactive investigations but continued to report a lack of adequate personnel. Prosecutors did not routinely grant specialized investigative measures, such as wiretapping, for trafficking investigations. As a result, authorities relied almost exclusively on victim testimony with little corroborating evidence. Local police officers lacked an understanding of trafficking and did not consistently notify the task force of potential trafficking cases, and observers reported cases languished or were mishandled due to the absence of a digital case management system to transfer trafficking cases between different police and prosecutors' offices. The government, with technical and financial support from donors, international organizations, and NGOs, trained judges, prosecutors, and officers in the task force on various anti-trafficking issues. The government started joint investigations with Greek and Serbian authorities and cooperated with an INTERPOL investigation. The government charged a civil servant with complicity in trafficking in 2017 and a municipal inspector for trafficking in 2016; the OCCPO reported that both individuals were standing trial before the Skopje Criminal Court. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes.

PROTECTION

The government increased victim protection efforts. The government identified 48 victims, compared with seven victims in 2020; 40 were victims of forced labor, two of sex trafficking, two were victims of sex trafficking and forced labor, and four were victims of forced labor through forced marriage. Of these, 36 were men, six were women, five were girls, and one was a boy; 39 were victims from Taiwan and one from Russia. The Ministry of Labor and Social Policy (MLSP) maintained mobile teams composed of social workers, law enforcement officers, NGO staff, and psychologists in five regions to detect and identify vulnerable populations, including trafficking victims. In August 2021, the government reactivated the mobile teams after allocating the teams' resources to pandemic response efforts in 2020. From August 2021 to January 2022, mobile teams assisted 260 vulnerable people (362 children who were homeless or used the streets as a source of livelihood in 2020), including 68 potential trafficking victims (six potential victims in 2020). Mobile teams identified the majority of potential victims every year, and experts viewed the teams as a best practice in proactive identification and cooperation between civil society and government; however, the government did not dedicate specific funding to the mobile teams causing the sustainability of the mobile teams to remain in doubt. MLSP continued to dispatch social workers to screen vulnerable populations at border crossings and transit centers, and MLSP social workers and police continued to identify potential forced labor victims among predominately Romani children engaged in begging and street vending. Police, in cooperation with labor inspectors, conducted 32 inspections and identified two trafficking victims and one potential victim. Government and civil society actors continued to raise concerns that some government agencies lacked coordination mechanisms to ensure proactive identification efforts. For example, local police did not consistently screen for indicators during raids in casinos, nightclubs, and bars. Similarly, some border agents did not consistently screen for trafficking indicators at border crossings, and reports continued to document some police abuse of migrants and authorities conducting illegal pushbacks to Greece. The government maintained SOPs for the identification and referral of victims, and the Office of the National Referral Mechanism (NRM) within MLSP remained responsible for coordinating the identification and referral procedures. First responders referred potential victims to the Anti-Trafficking Unit and/or the NRM, which had authority to officially identify victims. NRM officials and social workers participated in interviews with potential victims, but law enforcement did not consistently include NRM officials and social workers at the outset of identifying potential trafficking cases.

The government allocated 1.2 million denars (\$22,180) to the MOI for protection and security of trafficking victims, particularly those staying at the shelter for trafficking victims, a decrease compared with 1.76 million denars (\$32,390) in 2020. However, in 2021 the government also allocated 480,000 denars (8,850) to MLSP for social services, NGO activities, mobile teams, and other types of victim protection efforts—funds the government previously diverted in 2020 to pandemic response efforts. The government also provided 465,984 denars (\$8,590) for direct victim assistance at the shelter for trafficking victims, compared with 810,000 denars (\$14,940) in 2020; however, this

covered only a small percentage of the shelter's operating expenses, and the shelter relied heavily on funding from the international community to continue operations. The government and NGOs provided potential and officially recognized victims with protection and assistance, including food, clothing, medical assistance, psycho-social support, legal assistance, and reintegration services. In 2021, 10 official and potential victims received support (14 in 2020), including medical assistance for three victims with COVID-19. MLSP assigned a guardian from a social welfare center to victims while they were at the shelter, and MLSP-run social service centers maintained one social worker at each of the 30 centers that offer assistance to trafficking victims, including psycho-social support, reintegration assistance, education, and job placement; social service centers helped five victims enroll into school and assisted five families of victims with food and hygiene. The government did not provide specialized assistance for adult male victims. The government donated personal protective equipment and disinfectants to the shelter and accommodated victims in temporary housing while awaiting COVID-19 test results. The shelter for trafficking victims accommodated female and child victims with the capacity to house six victims, but the government did not have additional capacity to accommodate victims if the shelter was full, and it lacked longer-term housing options. The government placed identified Romani child victims in daycare centers and warned or fined their parents; in cases where courts deemed parents unfit to care for their children, the state placed the children in orphanages. In 2018, the government amended legislation to accommodate domestic and foreign potential trafficking victims at the shelter; however, the transit center continued to accommodate most foreign potential victims. The shelter allowed victims freedom of movement, but the transit center did not permit foreign potential victims to leave without a temporary residence permit. In 2021, the shelter housed four victims and three potential victims (five victims in 2020), and the transit center housed 39 foreign victims (none in 2020).

Due to a lack of consistent screening efforts, authorities likely arrested, detained, and deported some unidentified trafficking victims. For example, local police detained individuals in commercial sex without screening for trafficking indicators or notifying the task force, according to experts and government officials, who also reported local police deported foreign potential victims before their two-month reflection period expired. The law permitted foreign victims a two-month reflection period to decide whether to testify against their traffickers, followed by a six-month temporary residence permit, regardless of whether they testify; no foreign victims requested residence permits in 2021. The law provided witness protection, legal aid, and 24-hour police protection; no victims required witness protection services in 2021 and 2020. In practice, courts required victims, who were voluntarily cooperating with proceedings, to remain in North Macedonia until they testified in court. However, prosecutors, with the consent of the defense, had authority to make exceptions and allow a victim to leave the country prior to testifying in court, upon giving testimony before a prosecutor, and in some cases, before a pre-trial procedure judge; two child victims testified against their alleged traffickers before a prosecutor (six victims in 2020). Prosecutors protected the identities of the two child victims and recorded the testimony in private to prevent the need to testify multiple times. Courts rarely issued restitution as part of criminal sentences, but a judge issued restitution to one victim for 400,000 denars (\$7,380). While victims can claim compensation through civil proceedings, the complexity of the process often dissuaded victims from pursuing action. The government and civil society continued efforts to develop a victim compensation fund, which would allow authorities to allocate compensation to victims from seized criminal assets.

PREVENTION

The government increased prevention efforts. The government maintained the National Commission (NC), composed of 12 government agencies led by the national coordinator, which held bi-monthly meetings. The NC drafted its 13th annual report on government anti-trafficking efforts and adopted the 2021-2025 NAP. For the first time, the NC solicited feedback from trafficking survivors on the NAP, and separately, MLSP identified areas for improvement in the government's anti-trafficking efforts based on recommendations from survivors. The NC also supported seven municipal-level anti-trafficking commissions in implementing their local action plans. The Anti-Trafficking Secretariat, composed of government ministries, the international community, and civil society, operated under the NC and also held bi-monthly meetings. The national anti-trafficking rapporteur within the Ombudsman's Office conducted four research projects on trafficking, including monitoring trafficking cases in court. The government, in cooperation with international organizations, implemented awareness campaigns for youth, students, and the public on trafficking.

The law prohibited illegal and unreported employment and set out criteria for labor recruitment, defining the terms of employment, employer obligations, and employees' rights. However, work permits for foreigners were tied to a specific employer, and a new work permit was required to change jobs, thereby increasing a migrant workers' vulnerability to coercion and forced labor. The NC trained labor inspectors on indicators of trafficking, and the Labor Inspectorate conducted regular inspections to verify compliance with labor laws and issued fines and sanctions against those companies and owners who were out of compliance, with the ability to press charges for criminal acts. Labor inspectors, in cooperation with police, conducted 32 inspections and identified two trafficking victims and one potential victim. Labor inspectors also independently inspected 30,155

businesses for a wide range of labor law violations. The NC maintained a “Codex of Cooperation” with hospitality and hotel companies to prevent forced labor in the tourism industry. The government informed citizens traveling abroad about potential risks of labor exploitation and fraudulent offers of employment abroad. The government did not operate a hotline, but MOI managed an application to report various crimes, including trafficking; the application received no trafficking- related reports (three trafficking-related reports in 2020). Observers reported cases of Romani children not registered at birth, and their parents lacked the registration and identification documents to access health care, social protection, and education. The government did not make efforts to reduce the demand for commercial sex.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in North Macedonia, and traffickers exploit victims from North Macedonia abroad. Women and girls in North Macedonia are exploited through sex trafficking and forced labor within the country in restaurants, bars, and nightclubs. Sex traffickers recruit foreign victims typically from Eastern Europe and the Balkans, including Albania, Bosnia and Herzegovina, Kosovo, Moldova, Romania, Russia, Serbia, and Ukraine. Citizens of North Macedonia and foreign victims transiting North Macedonia are exploited for sex trafficking and forced labor in construction and agricultural sectors in Southern, Central, and Western Europe. Traffickers, who are often relatives or close friends, exploit Romani children through forced begging and sex trafficking within forced marriages. In 2021, Taiwanese traffickers recruited Taiwanese workers with false promises of work in North Macedonia for the purpose of forced labor. Traffickers confiscated passports, withheld wages, restricted movement, and set up a call center where they forced the Taiwanese victims to make fraudulent calls.

Irregular migrants and refugees traveling or being smuggled through North Macedonia, particularly women and unaccompanied children, are vulnerable to trafficking by their smugglers or other migrants. NGOs report children with mental and physical disabilities were increasingly vulnerable to trafficking. Officials and observers continued to report low-ranking police officers may be complicit in trafficking, including hiding evidence, bribery, changing patrol routes to benefit perpetrators, tipping off perpetrators before raids, and/or direct involvement in organized crime.

ecoi.net summary: 
Annual report on
trafficking in persons (covering
April 2021 to March 2022)

Country:
North Macedonia

Source:
[USDOS – US Department of State](#)

Original link:
<https://www.state.gov/reports/2022-trafficking-in-persons-report/north-macedonia/>

Document type:
Periodical Report

Language:
English

Published:
29 July 2022

Document ID:
2077629

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

