

Document #2010878

USDOS – US Department of State

2019 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 to the previous reporting period; therefore North Macedonia remained on Tier 2. These efforts included investigating, prosecuting, and convicting more traffickers and identifying more potential victims. The government increased resources for victim protection and amended the penal code to include a non-punishment clause for trafficking victims. However, the government did not meet the minimum standards in several key areas. Judges continued to issue weak sentences that were below the trafficking statute’s minimum penalty. While the government investigated a police officer for complicity, corruption and official complicity in trafficking crimes remained significant concerns, and the government had not prosecuted a government official for complicity in recent years. The government did not award grants to anti-trafficking NGOs for the fourth consecutive year, despite relying heavily on their support, and some first responders were inconsistent in referring victims to care.

PRIORITIZED RECOMMENDATIONS

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose strong sentences. • Increase efforts to proactively identify trafficking victims and screen for trafficking among individuals in prostitution, migrants, refugees, and other at-risk populations. • Allocate sufficient resources for NGOs providing victim protection efforts. • Provide accommodation to foreign potential trafficking victims in safe and appropriately rehabilitative settings and allow victims to leave shelters at will. • Allocate sufficient resources to the police anti-trafficking unit and task force to proactively investigate trafficking. • Institutionalize advanced training to judges, prosecutors, and law enforcement on trafficking investigations and prosecutions. • Train first responders on standard operating procedures for identification and referral of victims and consistently include social workers in all potential trafficking cases. • Improve compensation mechanisms for victims and inform them of their right to seek restitution. • Publicly report on governmental anti-trafficking efforts. • Finalize the establishment of an independent Office of the National Rapporteur.

PROSECUTION

The government increased 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 four cases involving 13 suspects (two cases with seven suspects in 2017). The government prosecuted eight defendants in three cases (four defendants in four cases in 2017). Courts convicted seven traffickers (one trafficker in 2017), three for sex trafficking of adults and four for sex and labor trafficking of children. Some judges continued to issue sentences below the statute's prescribed minimum penalty of four years' imprisonment. Judges sentenced one trafficker to 13 years' imprisonment, two to 12 years' imprisonment, and one to four years and six months' imprisonment, but judges also sentenced three traffickers to two years' probation. The only convicted trafficker in 2017 received two years' probation.

The Combatting Trafficking in Human Beings and Migrant Smuggling Unit (Anti-trafficking Unit) within the Ministry of Interior (MOI) led specialized investigations. The government maintained an anti-trafficking task force, but observers reported the task force focused mainly on smuggling. The government, mostly with technical and financial support from international organizations and NGOs, trained judges, prosecutors, judicial officials, border police officers, and officers in the Anti-trafficking Unit. The government signed a cooperation agreement with Kosovo, Montenegro, and Serbia on trafficking issues and conducted joint investigations with neighboring countries. The government amended Article 418(a) to reduce the prescribed minimum eight years' imprisonment for convicted complicit officials to a minimum of five years' imprisonment. Corruption and official complicity in trafficking crimes remained significant concerns. Authorities investigated one police officer for alleged complicity in trafficking. Additionally, the government charged a civil servant with complicity in trafficking in 2017 and a municipal inspector for trafficking in 2016, while three police officers remained under investigation since 2014 for suspected involvement in organizations engaged in trafficking; the government did not report progress on those cases.

PROTECTION

The government increased victim protection efforts. The government identified nine victims; six were victims of sex trafficking and three were victims of both sex trafficking and forced labor, compared with four sex trafficking victims, one sex trafficking and forced labor victim, and one forced labor victim in 2017. Of these, three were children (five in 2017); all nine were female (five females and one male in 2017); and one foreign victim in 2017 and 2018. The government and NGOs also identified 104 potential victims (99 potential trafficking victims in 2017); 25 were adults and 79 were children (57 adults and 42 children in 2017); 65 were females and 39 were males; and four were foreign potential victims (75 in 2017). The Ministry of Labor and Social Policy (MLSP) maintained mobile identification teams comprising social workers, inspectors, and psychologists in five regions for vulnerable populations, including trafficking victims; mobile teams

identified all 104 potential victims and assisted 390 individuals. MLSP continued to dispatch social workers to screen vulnerable populations at border crossings and migrant and refugee camps; MLSP did not identify any victims through these efforts (one official victim in 2017). The government trained first responders on victim identification, including police officers, labor inspectors, border police officers, and social workers. MLSP social workers and police continued to identify potential forced labor victims among predominately Romani children engaged in street begging and street vending. The government placed them in daycare centers and warned, fined, or jailed their parents; in cases where courts deemed parents unfit to care for their children, the state placed the children in orphanages. However, government and civil society actors raised concerns about the low number of identified victims, and experts reported most government agencies lacked proactive identification efforts. Border agents screened for trafficking indicators at border posts, but did not properly identify victims, and international organizations reported authorities conducting several informal forcible removals to neighboring countries. 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 were authorized to officially identify victims. The government updated standard operating procedures on identification and referral and civil society reported the procedures worked well, particularly with the participation of social workers in the official identification phase, but some first responders followed referral procedures on an ad hoc basis. NRM officials and social workers participated in interviews with potential victims, but law enforcement and the labor inspectorate did not consistently include NRM officials and social workers at the outset of identifying potential trafficking cases. Mobile identification teams, comprising government and civil society representatives, referred 104 potential trafficking victims and civil society separately referred 20 potential victims, compared with 15 potential victims referred by the government and 84 by civil society in 2017.

The government allocated 3.07 million denars (\$57,420) to the Center for Victims of Trafficking and Sexual Violence (the Shelter) and the transit center for foreigners (migrant facility), compared with 2.66 million denars (\$49,720) in 2017. The government allocated 525,850 denars (\$9,830) to support services and security for victims, compared with 382,950 denars (\$7,160) in 2017. The government did not award grants to NGOs in 2016, 2017, or 2018; NGOs reported the lack of these grants forced them to reduce services to victims. The government relied heavily on funding from the international community and on NGOs to provide assistance. The government and NGOs provided potential victims and officially recognized victims with protection and assistance, including food, clothing, medical assistance, psycho-social support, rehabilitation, and reintegration services. MLSP assigned a guardian from a center for social welfare for victims while at the shelter and MLSP-run social service centers maintained one social worker at each of the 30 centers dedicated to handling trafficking cases and provided psycho-social support and reintegration assistance, including education and job placement. The government and NGOs provided assistance to 31 official and potential victims, including basic necessities to 31, counselling and medical assistance to 22, legal assistance to six, and vocational training for one. MLSP and an NGO shared operating costs for the Shelter, the only specialized shelter for trafficking victims. The same NGO managed daily operations of the Shelter and the government

amended legislation to accommodate domestic and foreign potential trafficking victims at the Shelter. GRETA reported officially recognized victims did not receive any formal notification, which hindered their entitlement to free medical and legal assistance. Specialized assistance was not available for male victims and observers reported only one forced labor victim ever received reintegration support. The Shelter and the migrant facility could both house male, female, and child victims. The Shelter allowed victims freedom of movement, but the migrant facility did not permit foreign potential victims to leave without a temporary residence permit. GRETA reported the migrant facility, despite renovations, was in “poor material condition” and “effectively a detention facility and not the appropriate environment for trafficking victims.” The Shelter accommodated all nine confirmed victims (five child victims in 2017) and the migrant facility housed a total of 317 foreigners (131 foreigners in 2017). 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 2017 or 2018.

The government amended the penal code to include a non-punishment clause for trafficking victims and the Academy for Judges and Public Prosecutors trained officials in non-penalization of victims and victim identification. In previous years, the government may have deported, detained, or restricted freedom of movement of some trafficking victims due to inadequate identification efforts. The government did not report the number of potential victims who assisted in initial investigations in 2017 or 2018 (12 in 2016) but four officially identified victims gave statements against their alleged traffickers (five in 2017). The government reported no victims required witness protection services in 2017 or 2018. Victims could not leave the country before testifying in court; however, prosecutors, with the consent of the defense, can make exceptions and allow a victim to leave the country prior to testifying. While victims can claim compensation through civil proceedings, no victims had ever successfully completed a claim due to the complexity of the process. The government and civil society continued efforts to develop a victim compensation fund that allowed authorities to allocate compensation to victims from seized criminal assets.

PREVENTION

The government maintained prevention efforts. The National Commission (NC), led by the national coordinator and comprising government agencies, met bi-monthly and published an annual report of its activities, including the implementation of the 2017-2020 national action plan. However, the national rapporteur did not produce a public assessment for the fourth consecutive year. The NC distributed awareness raising leaflets to the general public and organized an awareness campaign on forced labor in the textile and fashion industries. Two state universities informed their students and faculty on trafficking issues, including students traveling abroad about fraudulent recruitment and labor exploitation. The government, in partnership with NGOs, conducted two seminars for Romani students, teachers, and NGOs on the risks of trafficking and forced marriages. The government assisted six local anti-trafficking commissions in implementing local action plans for trafficking. The government did not

operate a hotline, but MOI managed an application to report various offences, including trafficking; the application received one trafficking-related report (one in 2017), which resulted in an investigation. 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 acts or forced labor. The government warned citizens travelling abroad regarding fraudulent offers of employment within the Schengen zone.

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 subjected to sex trafficking and forced labor within the country in restaurants, bars, and nightclubs. Foreign victims subjected to sex trafficking in North Macedonia typically originate from Eastern Europe and the Balkans, including Albania, Bosnia and Herzegovina, Kosovo, Romania, Serbia, and Ukraine. Citizens of North Macedonia and foreign victims transiting North Macedonia are subjected to sex trafficking and forced labor in construction and agricultural sectors in Southern, Central, and Western Europe. Children, primarily Roma, are subjected to forced begging and sex trafficking through forced marriages. Migrants and refugees traveling or being smuggled through North Macedonia are vulnerable to trafficking, particularly women and unaccompanied minors. Traffickers frequently bribe police and labor inspectors, and police have been investigated and convicted for complicity in human trafficking.

ecoi.net summary:

Annual report on trafficking in persons (covering April 2018 to March 2019)



Country:

North Macedonia

Source:

[USDOS – US Department of State \(/en/source/11558.html\)](#)

Original link:

<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/north-macedonia/> (<https://www.state.gov/reports/2019-trafficking-in-persons-report-2/north-macedonia/>)

Document type:

Periodical Report

Language:

English

Published:

20 June 2019

Document ID:

2010878

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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.

