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2023 Trafficking in Persons Report: North Macedonia

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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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, if any, on its anti-trafficking capacity; therefore North Macedonia remained on Tier 2. These efforts included increasing overall law enforcement efforts, including investigating, prosecuting, and convicting more traffickers. The government established the Operational Team for Identification of Trafficking Victims (OTITV) to officially recognize potential victims and assist in coordinating victim care. The government adopted the Law on Compensation of Victims of Violent Crime, which provided trafficking victims the right to compensation and increased resources to the NGO-run shelter for trafficking victims (the shelter). However, the government did not meet the minimum standards in several key areas. The government identified significantly fewer victims and the Organized Crime and Corruption Prosecution Office (OCCPO) did not have sufficient resources to handle all cases under its jurisdiction. Some district prosecutors did not report potential trafficking cases to OCCPO and used lesser crimes to prosecute traffickers. While the government increased funding to the shelter, this covered only a small percentage of the shelter's operating expenses. Similarly, the government did not allocate funding to mobile

teams that identify most potential victims each year, despite past commitments to do so. Local police and some border agents did not consistently screen for trafficking indicators and, as a result, authorities likely deported some unidentified trafficking victims without referral to appropriate services or safeguards to prevent re-trafficking. The national rapporteur lacked the authority, resources, and legal mandate to systematically monitor and evaluate anti-trafficking efforts.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and seek adequate penalties, including, as appropriate, significant prison terms.

Allocate sufficient resources for victim protection, including to the mobile identification teams, 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, migrants, refugees, and other at-risk populations.

Allocate sufficient resources to the police and prosecutors to proactively investigate trafficking and prosecute cases in a timely manner.

Ensure victims are not inappropriately penalized solely for unlawful acts committed as a direct result of being trafficked.

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 implementing the new Law on Compensation for Victims of Violent Crime, establishing a victim compensation fund, and informing victims of their right to seek compensation.

Empower the national rapporteur to successfully monitor and evaluate anti-trafficking efforts.

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, compared with one case in 2021. The government continued to investigate seven cases initiated in previous reporting periods. The government prosecuted 10 defendants in five cases, compared with two defendants in two cases in 2021. The government continued to prosecute five defendants in two cases initiated in previous reporting periods. Courts convicted five traffickers, compared with one trafficker convicted in absentia in 2021. Judges sentenced four traffickers with imprisonment ranging from four years and eight months to 16 years and one trafficker with 10 months' imprisonment. Appellate courts upheld four convictions and overturned three convictions, compared with upholding two convictions and overturning one conviction in 2021.

The Combatting Trafficking in Human Beings and Migrant Smuggling Unit's Anti-Trafficking Task Force (task force) within the Ministry of Interior (MOI) led investigations with 16 specialized officers. The MOI maintained 16 additional officers across eight regional offices specifically working on trafficking. The OCCPO prosecuted all trafficking cases but, with only 13 prosecutors to handle all crimes under its jurisdiction, lacked the capacity to review cases in a timely manner. The Skopje Criminal Court and Skopje Appellate Court maintained authority to hear all trafficking cases. Local police officers lacked an understanding of trafficking and did not consistently notify the task force of potential trafficking cases. Additionally, some district prosecutors did not report potential trafficking cases to the OCCPO and used lesser crimes to prosecute traffickers, such as prostitution, abuse, and sexual assault. District prosecutors also prosecuted some transnational trafficking cases as smuggling due to its lower evidentiary threshold or confusion between trafficking and smuggling. 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. Observers continued to report cases languished or were mishandled due to the absence of a digital case management system to transfer trafficking cases between different police departments and prosecutors' offices. The government, with technical and financial support from donors, international organizations, and NGOs, trained judges, prosecutors, law clerks, and task force officers on various anti-trafficking issues. The government started joint investigations with Croatian and Serbian

authorities, assisted Bosnian authorities with an extradition, and shared expertise with Kosovan authorities. The government did not report any new investigations, prosecutions, or convictions of government employees complicit in human trafficking crimes. 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.

PROTECTION

The government maintained victim protection efforts. The government identified seven official victims, compared with 48 victims in 2021, seven victims in 2020, and six victims in 2019. Of these, one was a victim of sex trafficking and the other a victim of sex trafficking through forced marriage; both victims were girls and one was a person with disabilities; the other five girls were victims of labor trafficking through domestic servitude in their forced marriages. The government maintained mobile teams comprising social workers, law enforcement officers, NGO staff, and psychologists in five regions to detect and identify vulnerable populations, including trafficking victims. Mobile teams assisted 511 vulnerable people (260 in 2021), including six trafficking victims and 87 potential victims (68 potential trafficking victims in 2021). 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, leaving their sustainability in doubt. The Ministry of Labor and Social Policy (MLSP) continued to dispatch social workers to screen vulnerable populations at border crossings and transit centers. MLSP social workers and police continued to identify potential forced labor victims among predominately Romani children engaged in begging and street vending and placed them in daycare centers. Government and civil society actors continued to raise concerns some government agencies lacked policies and mechanisms to ensure proactive identification efforts. For example, local police did not consistently screen for indicators during law enforcement actions on casinos, nightclubs, and bars. Similarly, border agents did not consistently screen for trafficking indicators at border crossings, and reports continued to document police abuse of migrants and authorities conducting illegal pushbacks to Greece.

During the reporting period, the government established the OTITV to assess and officially recognize potential victims and assist in coordinating victim care and placement. OTITV comprised a prosecutor from OCCPO, an officer from MOI, a social worker from MLSP, and a

representative from an NGO. OTITV's multi-disciplinary structure and SOPs eliminated the requirement for victims to cooperate with law enforcement to receive official victim status. After OTITV's official victim identification process, the Office of the NRM within MLSP remained responsible for coordinating the referral of official victims to service providers. The government allocated 1.5 million denars (\$26,060) for direct victim assistance at the shelter, a significant increase compared with 465,984 denars (\$8,100) in 2021. This included an increase from 27,000 denars (\$470) to 39,000 denars (\$678) per month per victim for operating expenses with an additional 1,310 denars (\$23) per day per victim for services provided at the shelter. 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 also allocated 180,310 denars (\$3,130) to the MOI for protection and security of trafficking victims, particularly for those staying at the shelter, a decrease compared with 1,202,740 denars (\$20,900) in 2021. The government allocated 1,222,000 denars (\$21,230) to MLSP for social services, NGO activities, mobile teams, and other types of victim protection efforts, compared with 480,000 denars (\$8,340) in 2021.

The government, the shelter, and NGOs provided officially recognized and potential victims with protection and assistance, including food, clothing, medical assistance, psycho-social support, legal assistance, and reintegration services; nine victims, including several identified in previous years, received assistance (10 in 2021). The government donated personal protective equipment and disinfectants to the shelter and accommodated victims in temporary housing while awaiting COVID-19 test results. 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 offering assistance to trafficking victims, including psycho-social support, reintegration assistance, education, and job placement; social service centers helped three victims enroll into school and assisted four families of victims with food and hygiene. The government did not provide specialized assistance for adult male victims. The shelter accommodated female and child victims with the capacity to house six victims, but the government lacked longer-term housing options and did not have additional capacity to accommodate victims if the shelter was full. 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. The transit center housed one foreign victim (39 in 2021).

Due to a lack of consistent screening efforts, authorities likely arrested, detained, and deported some unidentified trafficking victims. For example, local police detained and deported potential victims in commercial sex without screening for trafficking indicators or notifying the task force, according to experts and government officials. Additionally, experts reported labor inspectors requested to further interview potential victims after observing indicators of trafficking during a joint inspection with local police, but police denied the request and deported the potential victims. 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; one foreign victim received a residence permit (none in 2021). The law provided witness protection and 24-hour police protection; no victims required witness protection services in 2022 and 2021. 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; three victims testified against their alleged traffickers before a prosecutor (two in 2021). Experts reported trafficking cases languished in courts, at times up to 10 years, and authorities lost contact with victims and their testimonies. Some prosecutors interviewed victims multiple times or required multiple testimonies, likely causing re-traumatization, according to experts, who also reported traffickers were present when victims were testifying, creating ample opportunities for intimidation and threats. Prosecutors also did not consistently protect victim confidentiality and published names of child victims on a public website. Courts rarely issued restitution as part of criminal sentences, but a judge issued restitution to one victim for 400,000 denars (\$6,950) in 2021. While victims can claim compensation through civil proceedings, the complexity of the process often dissuaded victims from pursuing action. In November 2022, the government adopted the Law on Compensation of Victims of Violent Crime, set to enter into force in May 2023. Under this law, trafficking victims have the right to compensation of 120,000 denars (\$2,085) to 270,000 denars (\$4,690) even when no criminal proceedings have been initiated against the perpetrator.

PREVENTION

The government maintained prevention efforts. The government maintained the National Commission (NC) composed of 12 government agencies and led by the national coordinator to direct anti-trafficking efforts. The NC drafted its 14th annual report on government anti-trafficking efforts, held bimonthly meetings, and implemented the 2021-2025 NAP. For the second year, the NC solicited feedback from trafficking survivors on implementation of the 2021-2025 NAP and, separately, MLSP continued to identify 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 bimonthly meetings. The national anti-trafficking rapporteur within the Ombudsman's Office published a report focused on identification and reintegration on victims. However, observers reported the national rapporteur lacked the authority, resources, and legal mandate to successfully monitor and evaluate anti-trafficking efforts. For example, the national rapporteur could not access transit centers, obtain information from ministries, and lacked general resources, such as computers, office supplies, and transportation. The government, in cooperation with international organizations and local NGOs, implemented awareness campaigns for youth, students, and the public on various trafficking issues.

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, existing labor law tied work permits for foreigners to a specific employer and required a new work permit 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 regular inspections, but did not identify any trafficking victims, compared with 32 inspections and identifying two trafficking victims in 2021. The NC maintained a "Codex of Cooperation" with hospitality and hotel companies to prevent forced labor in the tourism industry. The government, in cooperation with a local NGO, informed citizens traveling abroad about labor trafficking risks 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 zero trafficking-related reports (no trafficking-related reports in 2021). Observers reported cases of Romani children not registered at birth, and their parents lacked 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.

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 are increasingly vulnerable to trafficking. Officials and observers continued to report low-ranking police officers may be complicit in trafficking, including hiding evidence, accepting bribes, changing patrol routes to benefit perpetrators, tipping off perpetrators before raids, or direct involvement in organized crime.

TAGS

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Human Trafficking

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