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2020 Trafficking in Persons Report: North Macedonia

OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

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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 increasing resources to victim protection and awarding the first grant to an NGO. Courts, including appellate courts, issued harsher sentences than previous years. The government increased overall prevention efforts, such as establishing and resourcing the independent office of the national anti-trafficking rapporteur and organizing robust awareness campaigns. However, the government did not meet the minimum standards in several key areas. Police did not have adequate funding and equipment to conduct proactive investigations, and the Organized Crime and Corruption Prosecution Office (OCCPO) lacked sufficient resources, including staff, to handle all cases under their

jurisdiction. The government deported, detained, or restricted freedom of movement of some potential trafficking victims due to inadequate identification practices and did not have the capacity to accommodate victims if the country's only victims' shelter was full. While mobile identification teams identified the majority of potential victims, funding and sustainability of the mobile teams remained uncertain. Corruption and official complicity in trafficking crimes remained a concern. The government has not prosecuted any officials for complicity specifically pertaining to trafficking in persons in recent years.

PRIORITIZED RECOMMENDATIONS:

Vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose strong sentences. • Allocate sufficient resources to the police and prosecutors to proactively investigate trafficking. • Ensure sustainability of mobile identification teams to proactively identify trafficking victims, and screen for trafficking among individuals in commercial sex, migrants, refugees, and other at-risk populations. • Allocate sufficient resources for the mobile identification teams and NGOs providing victim protection efforts. • Ensure access to alternative housing to accommodate victims when the shelter is full. • Fully implement written guidance to prevent penalization of trafficking victims for unlawful acts traffickers compelled them to commit. • Provide accommodation to foreign potential trafficking victims in safe and appropriately rehabilitative settings, and allow victims to leave shelters at will. • Institutionalize advanced training for judges, prosecutors, and law enforcement on trafficking investigations and prosecutions. • Train first responders on standard operating procedures for identifying and referring victims, and consistently include social workers in all potential trafficking cases. • Improve compensation mechanisms for victims, and inform them of their right to seek compensation.

PROSECUTION

The government maintained 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 OCCPO investigated four cases involving 10 suspects, and the anti-trafficking task force (task force) investigated an additional six suspects (four cases involving 13 suspects in 2018).

The government prosecuted nine defendants in three cases (eight defendants in three cases in 2018). Courts convicted five traffickers (seven in 2018); all traffickers were convicted for child trafficking, compared to three for sex trafficking of adults and four for sex and labor trafficking of children in 2018. Judges issued harsher sentences than in previous years; four traffickers received seven to 11 years' imprisonment, but one trafficker received a three-year suspended sentence (four traffickers received four years and six-months' to 13 years' imprisonment, and three traffickers received two years' probation in 2018). Appellate courts upheld four convictions and increased the sentence of one trafficker from 13 years' imprisonment to 17, two sentences from 12 years' imprisonment to 14, and one sentence from four years and six months' to eight years' imprisonment.

The Combating Trafficking in Human Beings and Migrant Smuggling Unit's Anti-Trafficking task force within the Ministry of Interior (MOI) led specialized investigations. OCCPO prosecuted trafficking cases but reported a lack of resources with only 10 prosecutors in the office to handle all cases under its jurisdiction. Additionally, the anti-trafficking unit and its task force did not have adequate funding and equipment to conduct proactive investigations, and prosecutors did not routinely grant specialized investigative measures for investigators on trafficking investigations. As a result, authorities relied almost exclusively on victim testimony with little corroborating evidence. Local police officers possessed little understanding of trafficking and did not consistently notify the anti-trafficking unit or the task force of potential trafficking cases. Observers reported the lack of a digital case management system to transfer trafficking cases between different police and prosecutors' offices resulted in lost cases.

The government, mostly with technical and financial support from international organizations and NGOs, trained judges, prosecutors, and officers in the task force on various anti-trafficking issues. The government signed a cooperation agreement with Bulgaria, Montenegro, and Serbia but did not conduct any international investigations or extraditions. While corruption and official complicity in trafficking crimes remained a concern, in 2018, 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. Officials and observers reported low-ranking police officers may be complicit in trafficking, including by hiding evidence, bribery, changing patrol routes to benefit perpetrators, tipping off perpetrators before a raid, or direct involvement in

organized crime. The government charged a civil servant with complicity in trafficking in 2017 and a municipal inspector for trafficking in 2016, but the OCCPO could not provide updates on these cases.

PROTECTION

The government maintained victim protection efforts. The government identified six victims (nine victims in 2018); four were victims of sex trafficking, one of forced labor, and one of forced begging (six victims of sex trafficking and three of both sex trafficking and forced labor in 2018). Of these, four were children (three in 2018); all were female in 2019 and 2018; and one foreign victim was from Bosnia and Herzegovina and two were from Kosovo (one foreign victim from Albania in 2018). The government and NGOs identified 124 potential victims (104 in 2018); 39 were adults and 85 were children (25 adults and 79 children in 2018); 91 were females and 33 were males (65 females and 39 males in 2018); and 29 were foreign potential victims (four in 2018).

The Ministry of Labor and Social Policy (MLSP) maintained mobile identification teams (mobile teams) comprising social workers, law enforcement officers, and psychologists in five regions for vulnerable populations, including trafficking victims; mobile teams identified 86 potential victims and assisted 316 individuals (identified 104 potential victims and assisted 390 individuals in 2018). Mobile teams identify 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, funding and sustainability of the mobile teams remained uncertain with their only funding from an international organization ending in 2020. MLSP continued to dispatch social workers to screen vulnerable populations at border crossings and transit centers. The government trained first responders on victim identification, including police officers, labor inspectors, teachers, psychologists, and social workers. MLSP social workers and police continued to identify potential forced labor victims among predominantly 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. The government developed an updated set of indicators with a focus on child forced labor. 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 conducted informal forcible removals to neighboring countries. The government maintained standard operating procedures for the identification and referral of victims, and civil society reported the procedures worked well. 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. 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 a total of 5.1 million denars (\$93,250) to combat trafficking in persons, compared to 3.6 million denars (\$65,700) in 2018. Of that, 2.2 million denars (\$40,390) was dedicated to MOI for the protection and security of victims of trafficking, particularly those staying at the country's only shelter for trafficking victims, compared to 230,020 denars (\$4,200) in 2018. The MLSP received 2.7 million denars (\$49,310) for social services and other types of victim assistance, compared to 295,840 denars (\$5,400) in 2018. This included 1.2 million denars (\$21,910) for services at the shelter—the first time the government provided funding to an NGO for direct assistance to victims. NGOs welcomed the funding but acknowledged it only covered 13 percent of the shelter's operating expenses, and the government continued to rely heavily on funding from the international community. 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; 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 89 official and potential victims (31 in 2018), including basic necessities to 89 (31 in 2018), counseling and medical assistance to 30 (22 in 2018), legal assistance to seven (six in 2018), and vocational training for three (one in 2018). Specialized assistance was not available for male victims. 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 accommodated female and minor victims with the capacity to house five victims, but the government did not have additional capacity to accommodate victims when the shelter was full. The shelter allowed victims freedom of movement, but the transit center did not permit foreign potential victims to leave without a temporary residence permit. Observers reported poor living conditions at the transit center, and GRETA similarly reported the transit center, despite renovations, was in “poor material condition” and was “effectively a detention facility and not the appropriate environment for trafficking victims.” The shelter accommodated five victims (nine in 2018), and the transit center accommodated one foreign victim. 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 chose to testify; no foreign victims requested residence permits in 2018 or 2019.

The government deported, detained, or restricted freedom of movement of some trafficking victims due to inadequate identification efforts; specifically, local police often deported foreign potential victims before their two-month reflection period expired. Additionally, local police detained and deported individuals in commercial sex without screening for trafficking indicators or notifying the task force, according to experts and government officials, who noted authorities deported approximately 245 potential trafficking victims in 2019. The government, in cooperation with an international organization, trained 70 representatives of the judiciary, prosecution, police, and social services on non-punishment of trafficking victims. Eight officially identified victims gave statements against their alleged traffickers (four in 2018). The government reported no victims required witness protection services in 2019 or 2018. Victims generally cannot leave the country before testifying in court; however, prosecutors, with the consent of the defense, can make exceptions. They can 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. While victims can claim compensation through civil proceedings, no victims have 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 increased prevention efforts. The government implemented the 2017-2020 National Strategy and National Action Plan, and the National Commission (NC), comprising government agencies and civil society organizations and led by the national coordinator, met bi-monthly and published its 11th annual report of government anti-trafficking efforts. The NC supported a municipality in establishing a new local anti-trafficking commission and drafting its first 2020 local action plan and also assisted the existing six local anti-trafficking commissions in implementing local action plans. The government established an independent office of the national anti-trafficking rapporteur within the Ombudsman's Office, selected a new national rapporteur, and hired staff for the office. The NC produced and distributed anti-trafficking posters and leaflets, organized lectures at schools, and implemented an awareness campaign for the general public. The MOI cooperated with Kumanovo municipality to organize five meetings for residents along North Macedonia's border with Serbia on anti-trafficking issues. The government, in partnership with NGOs and the Romani community, conducted two public debates on the risks of trafficking and forced marriage. The government warned citizens traveling abroad regarding fraudulent offers of employment within the Schengen zone.

The law prohibited illegal and unreported employment and set out criteria for labor recruitment, defining the terms of employment, employer obligations, and employees' rights. The Labor Inspectorate conducted regular inspections to verify compliance with labor laws, issued warnings and fines, and sanctioned businesses; labor inspectors inspected 11,749 businesses and issued fines ranging from \$625 to \$7,800 for labor law violations. The government did not operate a hotline, but MOI managed an application to report various offenses, including trafficking; the application received three trafficking-related reports (one in 2018), 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. The NC signed a "Codex of Cooperation" with a private hospitality and hotel company to prevent forced labor in its supply chain.

TRAFFICKING PROFILE

As reported in the last five years, human traffickers exploit domestic and foreign victims in North Macedonia, and traffickers exploit victims from North Macedonia abroad. Traffickers exploit women and girls in North Macedonia through sex trafficking and forced labor in restaurants, bars, and nightclubs. Foreign victims exploited for 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 exploited for sex trafficking and forced labor in construction and agricultural sectors in southern, central, and western Europe. Children, primarily Roma, are exploited by 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.

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