



Trafficking in Persons Report 2016 - Country Narratives - Macedonia

MACEDONIA: Tier 2

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

The Government of Macedonia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. While the influx of refugees and migrants to the country placed a significant strain on government resources, government efforts to protect victims and prevent trafficking declined markedly. Overall government funding dedicated to anti-trafficking efforts decreased in 2015 to 4.1 million denars (\$75,600) from 32.45 million denars (\$601,108) in 2014. The government convicted more traffickers compared to 2014, but identified just four victims—the fewest ever reported—despite an increase in vulnerable populations due to increased migration. The government continued to screen children engaged in street selling and begging for trafficking, yet discontinued its partnership with NGOs to operate mobile outreach teams to identify all types of victims of trafficking proactively. Victims had difficulty accessing compensation, and the government did not offer specialized services for male victims. In contrast to previous years, the government did not fund or coordinate any public awareness campaigns.

RECOMMENDATIONS FOR MACEDONIA:

Dedicate increased resources for the protection of victims; increase screening for trafficking among refugees and asylum-seekers; vigorously investigate, prosecute, and convict traffickers, including complicit officials, and impose sufficiently stringent sentences; regularly train law enforcement officials, labor inspectors, diplomatic personnel, and other officials on proactive victim identification, particularly among child beggars, irregular migrants, and asylum-seekers; train law enforcement, judges, and prosecutors on a victim-centered approach; provide accommodation to foreign trafficking victims in safe and appropriately rehabilitative settings and allow victims to

leave shelters at will; provide specialized services for male trafficking victims; improve compensation mechanisms for victims and inform them of their right to seek restitution; adequately protect victims and witnesses to prevent intimidation and re-traumatization during court proceedings; develop a comprehensive national action plan for implementation beyond 2016; make public government anti-trafficking efforts; and raise public awareness of all forms of trafficking.

PROSECUTION

The government increased anti-trafficking law enforcement efforts. The government prohibits all forms of trafficking, including forced begging and forced criminality, in articles 418(a) and (d) of its criminal code, which prescribe a minimum penalty of four years' imprisonment for trafficking adults and 12 years' imprisonment for trafficking children. This is sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. In December 2015, the government deleted article 191(a) on child prostitution, which could have enabled prosecutors to convict traffickers of a lesser offense rather than child sex trafficking, and amended article 418(d), explicitly criminalizing forced begging of minors and increasing the minimum sentence for child trafficking to 12 years' imprisonment. The government did not report any trafficking investigations in 2015, compared with three in 2014. Prosecutions were initiated against seven alleged traffickers, compared with five in 2014. In 2015, courts convicted and issued prison sentences to seven traffickers, compared with two convictions in 2014. Three were convicted for trafficking children for labor exploitation and four for trafficking children for sexual exploitation. In addition, courts convicted four traffickers for forced marriage involving domestic servitude, but issued the traffickers suspended sentences. Some police and labor inspectors allegedly accepted bribes related to trafficking crimes. Three police officers remained under investigation since 2014 for suspected involvement in organizations engaged in trafficking during the reporting period. Police cadets received specialized training, and 13 judges and six prosecutors attended trafficking trainings during the reporting period.

PROTECTION

The government decreased victim protection efforts. Police officers, labor inspectors, immigration officers, social workers, and NGOs used a national referral mechanism to refer potential victims and received training on victim identification. During the reporting period, the government discontinued its partnership with NGOs to operate six joint mobile units that identified and referred victims to services. The government formally identified four victims of sex and labor trafficking—including one adult and three children—in 2015, compared with seven in 2014. Authorities referred all four victims to a shelter for trafficking victims and later repatriated one foreign victim. In 2015, NGOs identified 94 potential victims of trafficking among the migrant and refugee population transiting Macedonia. Authorities did not investigate any of these cases further, and the anti-trafficking unit did not screen for trafficking victims. However, the government identified and provided assistance to three female migrants who were victims of trafficking prior to arriving in Macedonia. Social workers and police identified 78 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.

Overall government funding dedicated to anti-trafficking efforts decreased in 2015 to 4.1 million denars (\$75,600) from 32.45 million denars (\$601,108) in 2014. Approximately 801,036 denars

(\$15,000) went directly to victim assistance and management of a shelter for trafficking victims, compared to 663,036 denars (\$13,500) in 2014. Unlike previous years, the government did not award NGOs any grants for the 2016 fiscal year, although NGOs reported their reliance on these grants to assist victims and thus must reduce their services. Foreign and domestic victims were entitled to accommodation, psychological and medical assistance, and legal representation. Domestic victims could receive reintegration support, including education and job placement. Specialized assistance was not available for male victims, and the government did not provide services accessible for victims with disabilities. The government and NGOs jointly ran a shelter for trafficking victims, as well as a transit center for irregular migrants that offered separate facilities for foreign trafficking victims; both facilities could house male, female, and child victims. The shelter allowed victims freedom of movement, but the migrant facility did not permit foreign victims to leave without a temporary residence permit. Due to the lack of funding, the government's partnership with NGOs to run the shelter was discontinued in 2016. Victims who chose not to or were unable to stay in a shelter needed greater assistance with finding alternative lodging and follow-up care.

The law permits 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; authorities granted one victim a residence permit in 2015, as in 2014. Foreign victims do not have the right to obtain employment in the country until granted a temporary residence permit. A court ordered compensation for one victim in a criminal trial in 2015. While victims can claim restitution through civil proceedings, no victims have ever successfully completed a claim due to the complexity of the legal process. Although there were no reports of trafficking victims being penalized for unlawful acts committed as a direct result of being subjected to human trafficking, police did not contact the anti-trafficking unit to screen for potential victims of trafficking among dancers and other individuals when conducting operations in nightclubs, where sex trafficking was prevalent.

PREVENTION

The government decreased prevention efforts. Unlike previous years, the government did not fund or coordinate public awareness campaigns. The national anti-trafficking commission, comprised of government agencies, international organizations, and NGOs, met regularly to coordinate the government's anti-trafficking efforts and implement the 2013-2016 national action plan. Observers indicated the government did not provide sufficient funding to implement the plan and had not initiated development of a new action plan for implementation beyond 2016. The national commission worked with the local anti-trafficking commissions and provided training to improve local coordination. The government monitored its anti-trafficking efforts but did not make its assessment available to the public. In partnership with NGOs, the government conducted seminars for Romani students, teachers, and NGOs on the risks of forced marriages of minors. In 2015, a legal change allowed migrants and refugees who expressed intent to file for asylum to pass freely through the country, including access to public transportation and other services that reduced their vulnerability to exploitation. However, after the government restricted the asylum process in November 2015 to citizens of Syria, Iraq, and Afghanistan, authorities indicated an increase in migrant smuggling, which subsequently increased migrants' vulnerability to exploitation. The government partnered with a university in Skopje and an NGO to organize seminars focused on reducing the demand for commercial sex, but did not report tangible efforts to reduce the demand

for forced labor. The government provided diplomats basic training on human trafficking and distributed a handbook on preventing trafficking for domestic servitude in diplomatic households.