

FORMER YUGOSLAV REPUBLIC  
OF MACEDONIA

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REPUBLIC OF MACEDONIA<sup>18</sup>

## I. Introduction

The Republic of Macedonia is a small landlocked country, positioned in the heart of the Balkan Peninsula. The country has been going through a long period of transition, characterised by the impoverishment of a large segment of the population. The regional instability, due to the recent wars in the Balkans, and the transitional condition, which undermines the investment climate, has contributed to an increased social insecurity. The imposed strict visa regime, which resulted in the limitation of mobility of people and goods, added another negative element to the generally unfavourable conditions in the country. Corruption is another serious problem, which undermines the efforts to combat trafficking in human beings.

The Republic of Macedonia is currently considered to be a crossroad for trafficking in drugs, arms and human beings in the Balkans. In the last four years, trafficking in human beings became one of the leading criminal activities in the country. The perception of the Republic of Macedonia as a transit country and a country of destination for international trafficking in women is gradually changing. Nowadays, Macedonia is considered to be a source, transit, and, to a lesser extent, destination country for women and children trafficked for the purpose of sexual exploitation.<sup>19</sup> In addition, 'internal trafficking' is recognised as part of the problem, although the Government denies such allegations.

High levels of poverty and unemployment are the main reasons why young people are striving for opportunities outside their homeland. Poor education and lack of information place them at a high risk of becoming victims of trafficking. According to data collected by the International Organization for Migration (IOM), 756 victims of trafficking were identified, assisted, and repatriated in their countries of origin in the last four years

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<sup>18</sup> The authors use the constitutional name of their country (see footnote 1).

<sup>19</sup> *Trafficking in Persons Report*, released by the Office to Monitor and Combat Trafficking in Persons, 05.06.2006, available at: <http://www.state.gov/g/tip/rls/tiprpt/2006/65989.htm>.

(12% of them were children).<sup>20</sup>

According to the same statistics, most of the victims (an unexpectedly high percentage of 90%) were unaware of the fact that they would be providing sexual services and be subjected to sexual and other forms of abuse.

According to a survey of the Ministry of Interior, most victims have entered the country illegally or have been transferred therein through established networks of illegal movement of migrants. According to the sources of the Ministry of Interior, victims of trafficking come mainly from two recruitment centres: Chisinau (Moldova) and Odessa (the Ukraine). From there, they are transported to a 'collective' centre in Temisvara. Their destination is usually Greece, Turkey, the Middle East, Bosnia and Herzegovina, Kosovo and the western part of Macedonia.

The Republic of Macedonia is gradually building a comprehensive policy and a network of institutions for combating trafficking in human beings. However, relevant efforts have mainly focused on the problem of trafficking in women for the purpose of sexual exploitation.<sup>21</sup> Recent reports, by UNICEF, OSCE, the United States Department of State, and other international organizations and NGOs, reveal that trafficking within and from Macedonia<sup>22</sup> is an emerging problem that should not be overlooked by the Government.

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<sup>20</sup> According to the IOM, the composition of assisted victims of human trafficking in the transit centre in Macedonia, by country of origin was formed as following: 47.99% (359) came from Moldova; 30.61% (229) from Romania; 10.96% (82) from the Ukraine; 3.88% (29) from Bulgaria; 0.26% (2) from Macedonia; other victims were coming from other Balkan countries and countries of the Former Soviet Union. Most of assisted victims - 60.96% were between 18–24 years old; 62.56% were single; 59.62% were without children; and 34.09% were parents. (One of the victims was male at the age between 14–17 years).

<sup>21</sup> Especially on young girls originating from the countries of the former Soviet Union and those who used to belong to the socialistic block of states (Moldova, Romania, Russia, Belarus, the Ukraine, and Bulgaria).

<sup>22</sup> Unfortunately, at present, no data exist concerning the scope, number, and characteristics of trafficked children, women and men within and from Macedonia. There is an ongoing research on internal trafficking conducted by the Association For Happy Childhood and supported by the Norwegian Ministry of Foreign Affairs. The final results will be published at the end of September 2006. So far, initial data showed that the phenomenon actually exists. Another ongoing survey is the 'Research on Trafficking in Children', conducted by the Institute for Social Work and Social Policy with the support of UNICEF.

## II. National Legal Framework

### A. National law

*Illegal migration* is regulated in the national legislation by the Law on Trespassing the State Border and Moving near the State Border<sup>23</sup>, as well as, by the Law on Movement and Residence of Foreigners.<sup>24</sup>

*Trafficking in human beings* as a separate *criminal act* was criminalised with the adoption of the *Law on changes and amendments to the Criminal Code* of the Republic of Macedonia.<sup>25</sup> The scope of the crime of trafficking in human beings (Article 418-a) has been redefined in 2004<sup>26</sup>, encompassing recruitment, transportation, transfer, harbouring or receipt of children for the purpose of exploitation, either within or outside a country. The purpose of *exploitation* includes prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery and servitude or removal of organs. The revisions introduce stricter punishment for the perpetrators of the crime, as well as confiscation of the means used for committing the crime.

This Law introduced two new articles: Smuggling of migrants (Article 418-b)<sup>27</sup> and organising a group or encouraging the commitment of the offence of human trafficking and smuggling of migrants (Article 418-c).<sup>28</sup> A new Law for *witness protection* was also adopted in 2005. *Prostitution* is not a criminal act, but an *administrative offence*. *Mediation in conducting prostitution* (Article 191) provides sanctions against a person who recruits, instigates, stimulates or entices another to

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<sup>23</sup> Official Gazette of the Republic of Macedonia, No. 36/92, 66/92, 26/93 and 45/02.

<sup>24</sup> Official Gazette of the Republic of Macedonia, No. 36/92, 66/92, 26/93 and 45/02.

<sup>25</sup> Official Gazette of the Republic of Macedonia, No. 04/02.

<sup>26</sup> *Id.*

<sup>27</sup> Article 418 (b) *Smuggling of migrants* prescribes sanctions against persons who, by using force or serious threat, attacking the life or the body, by kidnapping, fraud, abuse of his/her official position or taking advantage of the weakness of another person, illegally transfer migrants through the state border, as well as against those who produce, purchase or own fake passports with such intention. Also, the means and tools used in committing the crime shall be confiscated.

<sup>28</sup> Article 418 (c) penalizes the organization of 'a group, gang or other association with intention to commit crimes of trafficking in human beings and smuggling of migrants'. This article also mentions the possibility of a pardon, if a member of the group discloses the group before he/she commits a crime as its member or on its behalf.

prostitution, or a person who, in any kind of way, participates in turning over a person to another, for the purposes of prostitution.

## B. Bilateral agreements

The Government of the Republic of Macedonia willing to contribute to the development of bilateral relations, has signed and ratified Agreements of Cooperation in the fight against terrorism, organised crime, illegal trafficking of narcotic drugs, psychotropic substances and precursors, illegal migration and other criminal acts with: Albania, Bulgaria, Serbia and Montenegro, Romania, Slovenia, France, the Ukraine, the Swiss Confederation, and the Kingdom of Norway.

The aim of these agreements is to enhance cooperation in the prevention and prosecution of organised crime. These agreements establish direct communication between the Ministers of Interior/Police of contracting parties.

On the basis of the above mentioned agreements, the following documents were also signed: Protocol on Defining Directions and Modes of Cooperation in the Field of Border Crossing Control and Prevention of Illegal Migration between the Ministry of Interior of the Republic of Macedonia and the relevant ministries of the Republic of Bulgaria, Albania and Greece. Cross-border cooperation with neighbouring countries is based on concluded bilateral/international agreements regulating specific areas of cooperation. Furthermore, joint bodies are established for cooperation in specific areas of interest.

Cooperation with neighbouring countries is also maintained through various regular, as well as *ad hoc meetings*, where discussions take place and solutions proposed for various kinds of problems that might appear in the border cooperation. In particular, cooperation with neighbouring countries can be outlined as follows:

A *Stabilization and Association Agreement* has been signed between the Republic of Macedonia and the European Union.<sup>29</sup> At the First Meeting of the Stabilization and Association Council, the issue was raised of signing a bilateral Readmission Agreement with the EC. It should also be noted that the Republic of Macedonia has signed *Readmission Agreements* with the following states: the Republic of Albania; the Republic of Bulgaria; the Italian Republic; the Swiss Confederation; the Re-

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<sup>29</sup> Chapter VII – Justice and Home Affairs, Article 76.

public of Slovenia; the French Republic; the Slovak Republic; the Republic of Croatia; Romania; the Federal Republic of Germany and Hungary.

### C. National Action Plan

The *National Programme* for combating trafficking in human beings and illegal migration is currently the basic anti-trafficking policy document. It expresses Macedonia's compliance with the principles of the Palermo Protocol, and its purpose is to develop and implement a national campaign.

The National Programme, adopted in 2002, is composed of *six parts*: legal activities<sup>30</sup>; preventive actions<sup>31</sup>; assistance and support to victims of trafficking in human beings<sup>32</sup>; repatriation and reintegration of victims<sup>33</sup>; training of staff<sup>34</sup> and coordination of the activities by the *United for Combating Trafficking in Human Beings* (under the Department of criminal police of the Ministry of Internal Affairs)<sup>35</sup>, as well as, the *Na-*

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<sup>30</sup> In particular, changes and amendments of the Criminal Code, in order to improve the national legislation and create a legal framework for more effective action against trafficking in human beings.

<sup>31</sup> For example, identification and reduction of economic and social factors that result in women and children becoming victims of trafficking; identification of the levels of home violence and its economic and social influence over women and children; initiation of a research project on the problems of trafficking in human beings and illegal migration; preparation and presentation of the statistical indicators in this area etc.

<sup>32</sup> The aim is to improve the conditions for safe and humane repatriation through the adoption of protection and assistance measures for victims of trafficking. Establishment of transit (shelter) centres, where victims are provided with accommodation, food, translation services, information, social and health services and legal assistance.

<sup>33</sup> Providing victims with the right for repatriation and reintegration in accordance with international instruments, or through different mechanisms and instruments, i.e. concluding bilateral and multilateral agreements of cooperation for victims' repatriation; regulating financial costs for the right for repatriation; establishing cooperation between reception centres and non-governmental organizations; preparing programmes for settling in third countries.

<sup>34</sup> The programme proposes a series of specific educational activities aiming at: empowering institutional capacities in the Republic of Macedonia through comprehensive training and activities on collaboration and exchange; establishing practical collaboration of all governmental and non-governmental institutions in the Republic of Macedonia on national and regional level; education of operations staff of the Ministry of Interior directly responsible for police enquiries in cases of trafficking in human beings; training of judicial staff in penal institutions; education of lawyers for representing victims of trafficking in human beings.

<sup>35</sup> This department coordinates the operative activities for identification and prosecution of perpetrators of the criminal acts and will be in charge of the data collection system.

tional Commission and the Secretariat for Combating Trafficking in Human Beings and Illegal Migration in the Republic of Macedonia.<sup>36</sup> In this context, the *Strategy for Combating Trafficking in Human Beings and Illegal Migration*, as well as, the *National Action Plan*, have been adopted by the Government on 21.03.2006.

#### Comment

Both the Strategy and the National Action Plan did not take into account two main objections:

The actual anti-trafficking policy is neither *gender sensitive* nor *human rights based*.<sup>37</sup> For example, the *human rights based approach* is only mentioned in the context of 'Capacity building'<sup>38</sup>, and there is no reference to 'human rights' in the Action Plan, where this strategic objective is further elaborated.

*Women's human rights* were not explicitly referred to in the Strategy and in the Action Plan.<sup>39</sup> However, a local NGO, in its Shadow Report on the implementation of CEDAW, revealed several issues concerning the violation of human rights of victims of trafficking.<sup>40</sup>

<sup>36</sup> The National Commission is proposing an anti-trafficking programme to the Government of the Republic of Macedonia, and is responsible for the promotion and coordination of the programme, following its adoption by the Government.

<sup>37</sup> For further analysis see *Gender Perspective of Trafficking in Human Beings*, The Research Centre in Gender Studies, Euro-Balkan Institute, Skopje, 2004.

<sup>38</sup> Pertinent part of the policy states that: 'Building the capacities of state and non-state subjects for the combat of trafficking in human beings through human rights based approach'.

<sup>39</sup> Implicitly, in the context of education, there is mention of the need for curricula based on a multidisciplinary approach, founded on the principles of human rights, gender equality and non-discrimination. Also, in the context of 'Prevention', the Action Plan envisages for 2006 campaigns for gender equality and for the elimination of all forms of discrimination.

<sup>40</sup> See CEDAW, Shadow Report, ESSE, Skopje, 2005, p. 12: 'Observation by the OSCE field missions suggests that not all women are brought to the shelter. Moreover, as the shelter takes only those victims who are willing to return to their country of origin, trafficked women who do not want to take part in the IOM programme have no choice but to be deported. Internally trafficked women and children are not identified at all. Victims of trafficking often refuse the assistance available at the Shelter Centre or do not seek help at all, fearing repatriation, deportation and public condemnation in their countries of origin, facing again all problems that led in the first place to their having been trafficked: poverty, discrimination, little education and job opportunities.'

### III. General Framework

#### A. Capacity building

The following list outlines the capacity building projects that have been implemented by various key agents:

##### *Ministry of Interior:*

- Community based policing strategy and implementation project, UK Department for International Development (DfID) implemented by Atos Consulting, Great Britain;
- Reform of the police (phase II and III), Community Assistance for Reconstruction, Development and Sustainability (CARDS) 2001 and 2004, European Agency for Reconstruction (EAR);
- Strengthening of the implementation capacity of the Ministry of Interior, United Nations High Commissioner for Refugees (UNHCR);
- Support to the Police Academy (Phase II), CARDS 2003, EAR.

##### *Border Police:*

- Vehicles for the border police, CARDS 2003 (national), implementing Agency, EAR;
- Construction of a facility for the National Border Management Coordination Centre and Border Police, CARDS 2004 (national), EAR;
- Provision of equipment for the needs of the border police "TETRA", CARDS 2004 (national), EAR;
- EXBS-Export control and border security, US Embassy in Skopje;
- Support and coordination of integrated border management strategies for Western Balkan countries, CARDS 2002 (regional), Ministry of Interior (MOI);
- Cross border cooperation programme in South Eastern Europe, (SEE) (OSCCP), Implementation and financing by OSCE, Vienna;
- Action plan for integrated border management, CARDS 2002, EAR;
- Development of IBM data processing systems, CARDS 2003 (national), EAR;

- Integrated Border Management Strategy and Action Plan, (Phase II), CARDS 2002, EAR;
- Border Crossing Points: Communication Networks (phase I), CARDS 2001, EAR.

*Criminal Police:*

- Development of reliable and functional policing systems, enhancement of combating main criminal activities and police cooperation (CARPO), CARDS 2002 (regional);
- Support of the development of police registry management and forensic analysis capacities, CARDS 2004, EAR

*INTERPOL:*

- Modernization of the National Central Bureau of Interpol in the 5 CARDS countries of the Balkan region, CARDS 2001 (regional), IOM;
- Aliens' and Immigration Issues;
- Technical assistance to develop and implement a National Action Plan for migration and asylum, CARDS 2002, EAR;
- Further development of immigration and asylum strategies, legislation and action plan, CARDS 2003, EAR;
- Establishment of a compatible EU legal, regulatory and institutional framework in the fields of asylum, migration and visa matters, CARDS 2002 (regional).

*National Commission for the fight against trafficking in human beings and illegal migration:*

- Enhancement of Implementation Strategies for National Anti-trafficking Action Plans in SE European countries, CARDS Regional programme: support to civil society to help reduce cross-border crime, including regional actions to help fight trafficking in human beings and anti-corruption initiatives;
- Counter-trafficking: Prevention and Capacity Building Activities in Kosovo and the Republic of Macedonia, Finland, IOM;
- Strengthening law enforcement capacities against human trafficking in SE Europe, the Netherlands and Switzerland, International Centre for Migration Policy Development/ United Nations Development Programme (ICMPD/UNDP) Romania;
- The fight against trafficking in human beings and illegal migration-strengthening capacities, IOM;

- Enhancement of the Implementation Strategies for National Anti-Trafficking Action Plans in SE European Countries, in conjunction with The Enhancement of the Implementation Strategies for National Anti-Trafficking Action Plans in Bulgaria, Moldova and Romania, in the framework of the CARDS regional programme. Support to civil society to help reduce cross border crime, including regional actions to help fight trafficking in human beings and anti-corruption initiatives, CARDS (regional), ICMPD;
- 'Residence 2005', OSCE/USAID, *Open Gate/La Strada*-Macedonia.

*Court system reforms:*

- 'Trafficking in human beings': two counselling meetings with a total number of 144 participants, out of which 75 judges and 35 participants from the prosecution;
- 'Trafficking in human beings: implementation of the regional manual for training of judges and public prosecutors', three seminars, with the financial assistance of the OSCE-ODIHR and Oversees Prosecutorial Development Assistance Training (OPDAT), with a total number of 89 participants, out of which 44 judges, two professional collaborators and 28 prosecutors.
- Development and training of prosecutors (OPDAT) –with the participation of eight judges (Organization of Counselling on Trafficking in Human Beings, in collaboration with the US Embassy in Skopje– Programme of the US Ministry of Justice for assistance, development and training of the prosecution).
- Manual for the training of judges and public prosecutors in the combat against trafficking in human beings for all deputy public prosecutors that had not had the opportunity to participate in one of the five seminars that took place on this topic.<sup>41</sup>

B. Analysis, research and monitoring mechanisms

*Systematic governmental research* on the various aspects of trafficking in human beings in society *has not yet*

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<sup>41</sup> In the framework of the implementation of the regional project of the Stability Pact for Trafficking in Human Beings, in collaboration with the US Embassy in Skopje - (OPDAT), Centre for continuous education of the Union of judges in Republic of Macedonia.

*started*. However, several non-governmental research projects already exist.<sup>42</sup>

Although research and analysis are not mentioned as separate titles in the *Strategy*, under the chapter on *Education*, there is a clear objective set out as one of the main priorities. It concerns the *initiation and realization of research projects related to the study of trafficking in human beings and related phenomena, in particular the study of causes (factors) of this especially complex social phenomenon, or type of crime*.<sup>43</sup>

In the second part of the *Action Plan*, under the title *Prevention*, a separate objective is defined concerning *the identification of causes and consequences of trafficking in human beings and the study of the phenomenon in general and specifically in the Republic of Macedonia*. This goal is supposed to be achieved by *increasing research activities on the aspects of trafficking in human beings through analysis of conditions, data, and reports and through establishing cooperation with relevant research centres in the region*. According to the *Action Plan*, the National Commission should prepare a *public report in 2006*, and should assign a National Rapporteur.

### C. Cooperation and networking at the regional and national levels

The bilateral and multilateral cooperation of the Republic of Macedonia was developed with the aim to combat trafficking in human beings and has usually been conducted by the Ministry of Interior. Cooperation specifically developed with neighbouring and other countries in the region, has been enhanced by ratifying several international agreements against organised crime.

A number of domestic NGOs, developing and implementing programmes in the area of trafficking are involved in the network *NGO Civil Association in combating human trafficking 'BORDER'*. This Network was formed a year and a half ago and consists of 12 NGOs from different cities in the Republic of Macedonia. These NGOs have experience in projects related to

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<sup>42</sup> For example, 'Gender Perspective of Trafficking in Human Beings', The Research Centre in Gender Studies, Euro-Balkan Institute, Skopje, 2004 (in Macedonian), 'Prevention of Trafficking in Human Beings (Perceptions of potential victims and potential clients)', Helsinki Committee for Human Rights of the Republic of Macedonia, 2006.

<sup>43</sup> 'Strategy for the combat against trafficking in human beings and illegal migration in Republic of Macedonia', Skopje, March 2006, p. 14.

the prevention of human trafficking.<sup>44</sup> They have also established cooperation with local Centres for social labour, police stations and local Employment Bureaus. The *Border Association* collaborates with other networks in the country, such as: *Open gate-La Strada* and *Citizens Initiative-Antico*.<sup>45</sup> The NGO-members of the networks are also members of the Secretariat, within the National Commission for combating trafficking in human beings.

#### D. Mobilization of resources

During the last few years, funds were allocated for projects relating to trafficking in human beings, supported by intergovernmental, governmental, international and domestic organizations, while four ministries (Justice, Interior, Labour and Social Policy and Education) are strategically working on the problem of trafficking. There is also considerable mobilization of civil society in an attempt to prevent, combat and overcome the phenomenon.

Significant contributions have also been made by several international and/or intergovernmental organizations (UNICEF, Southeast Cooperative Initiative (SECI), INTERPOL, OSCE, USAID, ICMPD, *Kvinna till Kvinna*, Swedish International Development Cooperation Agency (SIDA), IOM, as well as by several governments, through their local embassies (especially the Embassies of Norway, USA, and Sweden).

### IV. Implementation of Anti-Trafficking Laws

#### A. Prevention and awareness raising

Several prevention and awareness raising projects have been implemented, mainly by non-governmental agents. For example, IOM in cooperation with various NGOs, realised four awareness campaigns and supported thirteen NGO campaigns, in the period 2001-2004. A significant number of public awareness campaigns realised by NGOs have been supported by the OSCE.

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<sup>44</sup> Joint activities of the BORDER Network are: National campaign: 'Human trafficking exists' – supported by posters and education of multi-institutional teams for joint activities in combating human trafficking in the Republic of Macedonia; 'Cut the chain'; 'Stop the trafficking in human beings'; 'I am aware. I am not for sale – Street drama'.

<sup>45</sup> The Association 'For Happy Childhood' is also a member, having the longest experience in assisting and counseling victims of trafficking.

The Public Relations sector of the American Embassy supported a large *preventive NGO campaign*, which also included various activities, such as, the distribution of prevention leaflets and brochure and the provision of legal support and assistance to victims of trafficking. Parts of these activities have been supported by *other embassies* as well. Most preventive activities have been implemented by the *Association 'For Happy Childhood'* and *Open Gate-La Strada*, Macedonia, in cooperation with their NGO partners.

Throughout 2005, the government has conducted or supported *specialised training programmes* for judges, prosecutors, police, and social workers, many of which focused on the prevention of trafficking and the identification of actual or potential victims.

The Ministry of Labour and Social Policy organised a series of *training sessions for social workers* from all 27 social centres in the country. It also created a *National Referral Mechanism for victims of human trafficking*, as a means for identification of potential victims, as well as for raising awareness among the public and governmental institution on the problem.<sup>46</sup>

#### Comment

Although the National Programme envisages a number of preventive activities, the majority of prevention and awareness projects were implemented by NGOs, while the government has been only providing non-pecuniary support.

#### B. Protection and assistance

The Republic of Macedonia, respecting and implementing the basic international principles for the protection of victims, provides them with appropriate protection in the *Transit Centre* for foreign victims of trafficking, as well as in the *Shelter* for victims (Macedonian citizens) trafficked outside or inside the country. Victims are entitled to protection from the moment they are identified as such and are liberated from the trafficker. Victims' protection lasts until their repatriation in their country of origin, in case they are foreign citizens. The *right to protection* exists for all victims of violence, *regardless of their de-*

<sup>46</sup> The National Referral Mechanism centre prepared leaflets and made direct contacts with local communities. Available prevention services focus mainly on vulnerable groups.

*cision to collaborate* with the authorities of criminal prosecution and their decision to testify or report the crime.

The *Transit Centre* for foreign victims is managed by three organizations: the Ministry of Internal Affairs, IOM and the *Association 'For Happy Childhood'*. Each of these organizations has a specific function in the care, protection, and assistance of victims. These institutions provide secure *accommodation, medical, psychosocial and legal assistance, education, counselling, occupation and psychotherapy* to the victims. These principles are applied since 2000 when trafficking was identified as a serious problem, and it was recognised that the Republic of Macedonia is both a transit and a destination country for extremely high numbers of trafficked foreign citizens.<sup>47</sup>

The *IOM* conducted the interviews for the identification of the victims, provided the medical and legal support and organised their repatriation in their countries of origin. The *Association For Happy Childhood*, responsible for the day to day management, organises and provides psychosocial assistance, social activities, education, counselling and therapy to the victims.<sup>48</sup> The programme is implemented through individual group work by professional teams composed of psychologists and social workers.<sup>49</sup> The objective is to achieve the psychological stabilization of the victims, decrease the post traumatic reactions, help towards their rehabilitation and their initial re-socialisation and develop a personal project for their future by preparing their reintegration in the country of origin.<sup>50</sup> There is a special

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<sup>47</sup> The problem with the foreign victims of trafficking was emphasised by IOM and was presented before the governmental institutions as a very serious one. It was estimated that during this period there were 2000 to 3000 victims of trafficking in women in Macedonia, who were foreign citizens. At the same time, the request of a safe shelter was raised. Identifying the need, the Ministry of Internal Affairs of the Republic of Macedonia opened in April 2001 a Transit Centre for foreign victims of trafficking.

<sup>48</sup> The activities of the Association are supported and managed by the IOM.

<sup>49</sup> The aim of the project 'Psychosocial intervention, education and rehabilitation of women victims of trafficking settled in the Transit Centre' is strengthening women's abilities for successful reintegration in the society through psychosocial and legal assistance, as well as vocational training.

<sup>50</sup> This process is implemented in the following way: after the placement of a victim in the Centre, a member of the psycho-social team is appointed as the victim's mentor while she/he also undertakes the monitoring of the victim's condition from the moment it arrives till the moments it leaves the Centre. The victim is given a period for adaptation to the new environment. The length of this period is prescribed by the psychologist and it is according to the psychological condition of the victim, the level of stress and trauma. During this period, the victim receives all the necessary information on her/his native language: a

rehabilitation and reintegration programme for *minor victims* of trafficking in human beings.

In a four-year period, 765 victims of human trafficking were assisted in the Transit Centre. Psychosocial assistance, counselling, education and therapy were provided to 322 women and children (12% of the total number were children under 18).<sup>51</sup> Professional training was offered to approximately 80% of women and younger women (depending on the length of their stay).<sup>52</sup> All women received health education for protection from sexually transmitted diseases and drug addiction.

All protected women were repatriated and transferred to their countries of origin. The *repatriation* of victims is organised by the Macedonian Information Agency (MIA) and IOM. Prior to repatriation, the services for combating organised crime and trafficking in human beings conduct an evaluation of the risks connected to the victim's condition and the victim's immediate family/social environment. For that purpose, they collaborate with the respective Ministry in the victim's country of origin.

In June 2005, after the first cases of Macedonian citizens as victims of human trafficking were reported, a *Shelter Centre* for domestic victims was opened by the NGO 'Open Gate'.<sup>53</sup> The Shelter Centre for victims of internal human trafficking was founded one year ago and provides *housing, private security* and *food* to victims, while it is also responsible for the daily management of the Centre. Until now, 13 victims of domestic

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psychological assessment of the condition, needs and abilities of the victim is also conducted. Before the departure of each victim a personal record that contains all the information on the condition of the victim, the achieved results, and needs for assistance in the victim's rehabilitation and re-socialisation is prepared.

<sup>51</sup> In the process of admission the psychological condition of the victims was measured with MMPI stress tests and in-depth clinical interviews. Before their repatriation, their psychological condition was re-measured and the team responsible for them prepared a recommendation for the IOM teams in the receiving countries. The results show that in the case of 75% of the assisted victims the manifested level of stress was low. Psychological problems such as insomnia, anxiety, depression and psychosomatic disturbances were decreased for 63% of the cases of women who spent sufficient amount of time in the transit centre. The results were not so encouraging in the cases of women staying for a shorter period of time in the Centre (from one week up to 22 days).

<sup>52</sup> Approximately 60% of the victims that attended the trainings (sewing, hair-dressing, art, English, cosmetics and yoga) for a minimum of two months received diplomas.

<sup>53</sup> The Shelter Centre for victims of internal human trafficking is financially supported by USAID and OSCE.

human trafficking have been assisted in this Centre, and three victims are currently being supported.

#### Comment

The Republic of Macedonia has not yet adopted any laws, neither for the temporary stay of victims of trafficking in the country, nor for the protection of the human rights of the victims.

### C. Prosecution

Since 2003 the Ministry of Justice and the Ministry of Interior, stopped publishing data on registered cases.<sup>54</sup> From the Public Prosecutor's Office, there is *no available data* on the prosecution of perpetrators in 2005. According to the 2006 Report of the US Department of State Report, '...the government and NGOs reported a downward trend in trafficking in 2005', while, at the same time, 'the government significantly increased the number of cases prosecuted'.<sup>55</sup>

As regards the victim's rights in the *court procedure*, the analysis of the domestic courts practice confirms that there are serious deficiencies: the exercise of the right to compensation is problematic; the right of the injured party to suggest new evidence was limited in several cases; and finally regarding the rights of the victims to protection, special measures for the examination of witnesses have not been applied by the court.<sup>56</sup>

In cases of *victims-witnesses*, most victims have not been advised of their right to refuse to answer certain questions and there are indications that witnesses have not been informed of

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<sup>54</sup> According to unpublished data for 2004 (source: National Commission), the Ministry of Interior submitted 64 criminal charges and special reports against 92 offenders. There were 33 registered criminal acts of trafficking in human beings conducted by 56 offenders, leading to the prosecution of 25 offenders for 23 criminal acts of mediation and seduction to prostitution.

<sup>55</sup> U.S. Department of State, *2006 Trafficking in Persons Report on the Republic of Macedonia*: 'In 2005, the courts prosecuted 35 cases involving 80 defendants, compared to 22 cases in 2004. The government secured the convictions of 22 traffickers, with sentences ranging from three to nine years; eight prosecutions ended in acquittals, although the government appealed the acquittals in several of these cases'.

<sup>56</sup> There has been one case in which video-conferencing has been used to hear a witness. However, in none of the cases did the judicial council decide to order the indicted out of the court room. In one of the cases security officers of the victim have been even asked to leave the courtroom upon the request of the defence lawyer, although the hearing was public.

their right to conceal personal data.<sup>57</sup> Other *indicators* of the *inefficiency* of the *prosecution policy* of the Republic of Macedonia regarding human trafficking are: extended duration of criminal proceedings; excessive leniency of the courts on the punishment of traffickers; rare use of the provisions on the confiscation of property in criminal proceedings and non-publication of verdicts.

#### Comment

Despite the fact that in 2005, in 73% of the court cases (out of which 15 completed cases were cases of mediation in prostitution and trafficking), the victim was not only a witness, but also a damaged party that had applied for legal claim; none of the claims for non-material damage was successful.

## V. BEST PRACTICES

- The establishment of the *Secretariat for combating trafficking in human beings* as well as the *Sub-commission for combating children trafficking* within National Commission.
- The adoption of a comprehensive *National Strategy* and the *National Action Plan* for combating trafficking in human beings.
- The multi-institutional way of protection of foreign victims in the *Transit Centre*, which is managed by three different organizations (Ministry of Internal Affairs, IOM and the *Association 'For Happy Childhood'*), with different missions and activities.
- Significant efforts in *capacity building* and *mobilization of resources*.
- The use of *video-conferencing*, in order to hear a witness during the trial.

## VI. DEFICIENCIES

- *Lack of transparency* in the work of the National Commission and the work of its member-Ministries.

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<sup>57</sup> Observed by the Fair Trial Coalition, see 'Suppression of Trafficking in Human Beings through the practice of domestic courts', Skopje, November 2005.

- *Lack of an official national data-base* for victims of human trafficking.
- *Lack of a human rights based approach* in the overall counter-trafficking policy of the Republic of Macedonia. In particular, lack of effective mechanisms for the protection of the human rights of the victims.
- *Lack of gender sensitivity* in the overall counter-trafficking policy of the Republic of Macedonia, taking into account that human trafficking is a gender-sensitive phenomenon.
- The *anti-trafficking policy* is not sufficiently differentiated from the *policy to combat mediation in conducting prostitution* and the *policy against illegal migration*. In this context, the state often undertakes activities against prostitution, rather than against the *exploitation* of prostitution.
- *Lack of state-supported research* and analysis of the various aspects of the phenomenon.
- *Lack of provisions* regulating the *temporary stay* of victims of trafficking.
- There are evident difficulties in the exercise of the victim's right to *compensation*.

## VII. NEEDS ASSESSMENT

Taking into account the deficiencies and comments contained in this report and the need for improvement of the situation, a list of recommendations is provided below.

### RECOMMENDATIONS

1. An *all-inclusive data-base of existing activities* should be established within the National Commission and a person should be assigned for public relations.
2. An *all-inclusive data-base for victims* of human trafficking (domestic and foreign) should be established.
3. The phenomenon of trafficking in human beings should be *approached* as a flagrant violation of human rights and as a gender discrimination issue rather than solely a national security issue.
4. *Legal regulations* should be adopted on: (a) the status of victims of trafficking; (b) the guarantee of effective protec-

tion of victims' human rights, including the right of the victim to be compensated and (c) the temporary stay of victims, introducing a minimum of 30 day reflection period.

5. Clear *protocols for identifying victims* of human trafficking and *distinguishing* them from victims of exploitation of prostitution and sex workers, should be drafted.
6. A *centre for research, analysis and documentation* should be established as a state-sponsored body.

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### LIST OF ABBREVIATIONS

CARDS	EU funded Programme: Community Assistance for Reconstruction, Development and Stabilization
CEDAW	United Nations Convention for the Elimination of Discrimination against Women
EAR	European Agency for Reconstruction
ICMPD	International Centre for Migration Policy Development/United Nations Development Programme
INTERPOL	International Police
IOM	International Organization for Migration
MOI	Ministry of Interior
OSCE	Organization for Security and Cooperation in Europe
ODIHR	OSCE's Office for Democratic Institutions and Human Rights
UMCEF	United Nations International Children's Emergency Fund
UNHCR	United Nations High Commissioner for Refugees
SIDA	Swedish International Development Cooperation Agency