

National Legal Framework – Former Yugoslav Republic of Macedonia

Trafficking in human beings (including children) is a **criminal offence**, punishable under the Criminal Code. Relevant Articles include:

- Article 188: Sexual attack upon a child
- Article 191: Mediation in conducting prostitution
- Article 192: Procuring and enabling sexual acts
- Article 418: Establishing slavery relation and transfer of people under slavery
- Article 418 (a): Trafficking in human beings
- Article 418 (b): Smuggling of migrants
- Article 418 (c): Organizing a group or encouraging the commitment of the offence of human trafficking and smuggling of migrants
- Article 418 (g): Trafficking of juveniles

Trafficking in human beings was established as a separate **criminal offence** with the adoption of the *Law on changes and amendments to the Criminal Code*.¹ The scope of the crime of trafficking in human beings (418(a)) has been redefined in 2004², 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 punishments for the perpetrators of this 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))³ and *Organizing a group or encouraging the commitment of the offence of human trafficking and smuggling of migrants* (Article 418 (c)).⁴ A new Law for **witness protection** was also

¹ “Official Gazette”, No. 04/02.

² “The Law for changes and amendments to the Criminal Code in the Official Gazette”, No. 04/02.

³ 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.

⁴ 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 incorporates a pardoning, if a member of the group will disclose the group before he/she commits a crime as its member or on its behalf.

adopted in 2005.

Illegal migration is regulated in domestic legislation by the *Law on Trespassing the State Border and Moving near the State Border*,⁵ as well as, by the *Law on Movement and Residence of Foreigners*.⁶

Prostitution is not a criminal offence, but an **administrative offence**. *Mediation in conducting prostitution* (Article 191) provides sanctions against a person who recruits, instigates, stimulates or entices another to prostitution, or a person who, in any kind of way, participates in turning over a person to another, for the purpose of prostitution.

In 2008 the Law was amended to include one new article: Article 418 (g): Trafficking of juveniles, which provides sanctions against a person who recruits, instigates, stimulates or entices minors to prostitution, or a person who, in any kind of way, participates in turning over a minor to another person, for the purposes of prostitution.

⁵“Official Gazette”, No. 36/92, 66/92, 26/93, and 45/02.

⁶“Official Gazette”, No. 36/92, 66/92, 26/93 and 45/02.