


The Effectiveness of North Macedonia's Legal and Institutional Framework for Combating Human Trafficking

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Abstract: Human trafficking is a global problem that fundamentally violates human freedoms and rights because a person is treated as an object exposed to various forms of exploitation, primarily sexual, forced labor, slavery, violation of bodily integrity, and other unlawful acts. The paper focuses on the normative and institutional framework of North Macedonia for combating human trafficking with an emphasis on effectiveness, i.e. the extent to which the established framework achieves its goal. The hypothesis of the research is that the creation of a national normative and institutional framework for combating human trafficking is not in itself a guarantee that it will be effective, i.e. that a substantive approach by the state is needed in the implementation of policies and the provision of the necessary resources for effectiveness. The research resulted in conclusions that point to several weaknesses in the framework for combating human trafficking in North Macedonia, including the lack of resources among competent institutions, inadequate sanctioning practices, weaknesses in coordination, and inadequate assistance and protection of victims. The paper contains several proposals for improving the effects of the fight against human trafficking, which are aimed at all segments of the social response through awareness-raising, education, prevention and repression. Several methods have been applied, namely, content analysis, historical and comparative methods. The paper also presents statistical data from several national and international institutions and organizations.

1. Introduction

In today's circumstances, organized crime uses the benefits of technological development, as well as globalization, to commit crimes and obtain material benefits.¹ The most profitable illegal activities of organized crime groups are drug trafficking, arms trafficking, and human trafficking.

Human trafficking has existed since the time of ancient states such as Greece and Rome and was an integral part of their economic and legal systems. The state established rules regulating the slave trade, including markets for the sale of slaves and methods of taxation. Namely, after wars, members of the defeated side often became slaves of the victors. They were sold and exploited for sexual purposes, forced labor, conscription into the victor's army, or other forms of exploitation. Even after the past millennia, filled with the development of human society, great discoveries, and new technologies to make life easier, human trafficking as a modern form of slavery is still significantly present in today's society.²

Through human trafficking, criminals gain enormous profits, especially due to the fact that they add to this crime a series of other criminal activities, such as money laundering, drug trafficking, which bring them great financial power. Its execution involves a complex network of numerous actors, significant profits, corruption among officials, as well as difficulties in securing cooperation from the victim due to fear of retaliation by the traffickers, feelings of shame or guilt, distrust in institutions, and psychological trauma. All of this makes human trafficking difficult to detect, prove, prevent, and suppress.³

The Republic of North Macedonia (RNM) has formally and legally built a normative and institutional framework for combating human trafficking, but the question is about the essence, i.e., the effects in practice,

¹ Thanh-Dam Truong, "Human Trafficking and Organised Crime" (ISS Working Paper Series/General Series, Institute of Social Studies, The Hague, 2001), 5, accessed March 20, 2025, https://www.researchgate.net/publication/5130620_Human_trafficking_and_organised_crime.

² Mihai Ștefănoaia, "Modern-Day Slavery – Human Trafficking in the 21st century," *International Conference Knowledge-Based Organization* 21, no. 2 (2015): 507, <https://doi.org/10.1515/kbo-2015-0086>.

³ Emilija Aleksovska, "Poverty in Modern Society – A Challenge for Modern Slavery and a Profitable 'Industry' of Human Trafficking in the Balkans," *Iustinianus Primus Law Review* 15, no. 2 (2024): 2, <https://journals.ukim.mk/index.php/iplr/article/view/2691/2312>.

i.e. the results. All relevant international evaluations and reports indicate that work should be done on better implementation of the regulation in practice. Namely, RNM, as a developing country, has gone through a long period of transition and is feeling all the negative effects of the process that resulted in increased corruption and challenges in application of the rule of law. In such a situation, opportunities have been created for the strengthening of organized crime and its activities, including human trafficking.

North Macedonia has an institutional framework for combating human trafficking involving several institutions led by the National Commission for the Prevention of Human Trafficking and Illegal Migration, the Basic Public Prosecutor's Office for the Prosecution of Organised Crime and Corruption, and the Department for Organised and Serious Crime within the Ministry of Interior. They are joined by other independent institutions whose aim is the prevention, detection, investigation, and prosecution of the crime of human trafficking, as well as the protection and assistance of victims.

However, the lack of resources, i.e. professional staff, material and technical resources is a real problem for achieving better results. Statistical data show a low number of documented cases of human trafficking on an annual basis, which raises concerns about the size of the dark figure and, consequently, the number of victims who remain without protection and assistance.

In RNM, most often, human trafficking occurs in the form of sexual exploitation,⁴ forced labor, begging, as well as forced marriages where the victims are underage girls. There are numerous consequences of this form of crime, including economic and demographic destabilization, an increase in economic crime; but the greatest consequences are felt by the victim themselves, i.e. violation of dignity, honor, reputation, inability to resocialize, traumatization, and health problems that can result in the death of the victim.⁵

⁴ Nada Doneva, "Forms of Internal Human Trafficking in the Republic of North Macedonia," *International Scientific Journal "Sui Generis"* 3, no. 2 (2024): 94, <https://doi.org/10.55843/SG243289d>.

⁵ Alexis A. Aronowitz, *Human trafficking, Human Misery: The Global Trade in Human Beings* (Westport: Praeger Publishers, 2009), 47.

Hypothesis: the effectiveness of the fight against human trafficking depends not only on the existence of a normative and institutional framework, but also on the degree of its substantial implementation and the provision of necessary resources by the state, which influences the success of the policies.

Method: several research methods have been applied within the framework of the paper, namely, the content analysis method, the historical method, as well as the comparative method. Statistical data from several national and international institutions and organizations have also been presented.

2. Normative Framework

In a global perspective, the normative framework for preventing human trafficking has gained importance since the beginning of the 20th century. Among the first legal acts are the International Convention for the Suppression of the Traffic in Women and Children adopted in Geneva,⁶ as well as the International Convention for the Suppression of the Traffic in Women of Full Age.⁷ In this developmental path, the role of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others,⁸ Convention on the Rights of the Child,⁹ Convention on Action against Trafficking in Human Beings¹⁰ are also significant.

However, the most important international legal act to combat human trafficking is the Protocol to Prevent, Suppress and Punish Trafficking

⁶ League of Nations, International Convention for the Suppression of the Traffic in Women and Children, 1921, accessed March 25, 2025, https://treaties.un.org/doc/Treaties/1921/09/19210930%2005-59%20AM/Ch_VII_3p.pdf.

⁷ League of Nations, International Convention for the Suppression of the Traffic in Women of Full Age, 1933, accessed March 25, 2025, https://treaties.un.org/doc/Treaties/1933/10/19331011%2006-00%20AM/Ch_VII_5p.pdf.

⁸ United Nations, Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949, accessed March 25, 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-suppression-traffic-persons-and-exploitation>.

⁹ United Nations, Convention on the Rights of the Child, 1989, accessed March 24, 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

¹⁰ Council of Europe, Convention on Action against Trafficking in Human Beings, 2005, accessed March 27, 2025, <https://www.coe.int/en/web/anti-human-trafficking/anti-trafficking-convention>.

in Persons, Especially Women and Children¹¹ to the Convention against Transnational Organised Crime. The Protocol emphasizes the danger of trafficking in persons as an extremely dangerous form of organized crime and contains its most comprehensive definition (mentioned above). In its essence, the following goals are set:

- (1) prevention and combating trafficking in persons, with particular attention to women and children;
- (2) protection and assistance to victims, with full respect for their fundamental rights;
- (3) promotion of cooperation between states in the fight against trafficking in persons.

In Macedonian criminal legislation, the definition of human trafficking is in line with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Convention).

Namely, the Criminal Code¹² contains three criminal offences that cover the matter of human trafficking, namely:

- (1) human trafficking (Article 418-a),
- (2) child trafficking (Article 418-d), and
- (3) organizing a group and inciting the commission of the acts of human trafficking, child trafficking, and smuggling of migrants (Article 418-c).

The crime of human trafficking was introduced into the Macedonian criminal legislation in 2002. According to Article 418-a, the perpetrator commits the crime of human trafficking when, by use of force, serious threat, abduction, fraud, abuse of position, exploitation of another's

¹¹ United Nations, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000, accessed March 24, 2025, <https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons>.

¹² Кривичен законик, Службен весник на Република Македонија [Criminal Code, Official Gazette of the Republic of Macedonia] no. 37/96, 80/99, 4/02, 43/03, 19/04, 81/05, 60/06, 73/06, 7/08, 139/08, 114/09, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13, 82/13, 14/14, 27/14, 28/14, 41/14, 115/14, 132/14, 160/14, 199/14, 196/15, 226/15, 97/17, 248/18, and Службен весник на Република Северна Македонија [Official Gazette of the Republic of North Macedonia] no. 36/23, accessed March 27, 2025, <https://www.slvesnik.com.mk/Issues/75a2a79bf50f4420a995d414a3bb73f1.pdf>.

powerlessness to resist, or by purchase from a person who has control over the victim, he/she carries out any of the following actions: recruits, transports, transfers, buys, sells, harbors or receives persons. For the basic offence, a minimum prison sentence of four years is prescribed.

The purpose of the above is for the victim to be exploited through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriage, forced fertilization, illegal adoption, or unauthorized transplantation of human body parts. It is especially sanctioned if the perpetrator of the crime takes away or destroys the victim's ID card, passport or other identification document for the purpose of committing the crime of human trafficking. A prison sentence of at least four years is prescribed for such an act.

In the Criminal Code, in accordance with the provisions of the Protocol, the consent of the victim to the occurrence of harmful consequences is irrelevant to the existence of the crime and will not be taken into account when making the deciding in the potential proceeding.

When it comes to the crime of child trafficking (introduced into the criminal legislation in 2008), provided for and punishable under Article 418-d of the Criminal Code, the object of protection is any minor, i.e. person under the age of 18. The existence of a separate criminal offence for the protection of children, alongside the principal offence of human trafficking, indicates the significance of the protected legal interest.

The act of committing a crime can take various forms, including: recruiting, transporting, transferring, buying, selling, procuring, harboring or receiving a child for the purpose of exploitation. This is a broad range of acts that encompass all significant segments in the commission of crime, from a criminal perspective. For the basic offence, a prison sentence of at least eight years is prescribed. The penal is higher if the crime is committed by use of force, threat, fraud, kidnapping, abuse of public authority or by taking advantage of the physical or mental incapacity of another, and especially if the child is under 14 years of age. For this offence, a prison sentence of at least 10 years is prescribed.

According to the law, the child is protected from various forms of exploitation, namely, sexual exploitation, forced labor, begging, slavery, forced marriages, forced fertilization, illegal adoption, as well as trafficking in human organs. The seizure or destruction of a child's identification

document, as well as its execution by an official in the performance of work duties, is additionally penalized.

Based on the fact that the most common forms of organized crime are illicit drug trafficking, illicit arms trafficking, human trafficking and migrant smuggling, the Macedonian Criminal Code contains a criminal offence of organizing a group and inciting the commission of the acts of human trafficking, child trafficking and migrant smuggling, provided for and punishable under Article 418-c (introduced into the criminal legislation in 2004).

The essence of the crime of human trafficking is the participation of multiple persons in its implementation, i.e. they act as a group of at least three persons who jointly contribute to the achievement of the criminal goal. The law penalizes the creation of a group to commit the above-mentioned acts, i.e. penalizes preparatory actions which create conditions for the activity that has not yet begun. The high level of danger to the protected goods as well as their importance imposes the need for such an approach and placing the penalization at the earliest stage of danger or endangerment of the protected goods. For this criminal offence, a prison sentence of at least eight years is prescribed.

Starting from the difficulties and complexity of detecting organized groups or gangs, the legislator provided for mandatory exemption from punishment for its member if they disclose the group or gang before committing a crime within its composition or for the group.

In addition to the Criminal Code, other legal acts also have their place in the fight against human trafficking. Thus, the Law on Child Protection¹³ protects children from all types of exploitation, commercial exploitation, and abuse. The Law on Family¹⁴ is extremely important from the aspect of

¹³ Закон за заштита на децата, Службен весник на Република Македонија [Law on Child Protection, Official Gazette of the Republic of Macedonia] no. 23/2013, 12/2014, 44/2014, 144/2014, 10/2015, 25/2015, 150/2015, 192/2015, 27/2016, 163/2017, 21/2018, 198/2018, Службен весник на Република Северна Македонија [Official Gazette of the Republic of North Macedonia] no. 104/2019, 146/2019, 275/2019, 311/2020, 294/2021, 150/2022, 236/2022, accessed March 25, 2025, <https://natlex.ilo.org/dyn/natlex2/natlex2/files/download/97562/MKD-97562.pdf>.

¹⁴ Закон за семејство, Службен весник на Република Македонија [Law on Family, Official Gazette of the Republic of Macedonia] no. 80/92, 9/96, 38/2004, 33/2006, 84/2008, 67/10, 156/10, 39/12, 44/12, 38/14, 115/14, 104/15, 150/15, 120/18, Службен весник на

protecting child victims of trafficking, with a special chapter that refers to the guardianship for child victims of human trafficking. The Law on Social Protection¹⁵ improves protection by providing a service for temporary residence for victims of human trafficking and child victims, while licensing of this service is carried out by the Ministry of Labour and Social Policy (Commission for Licensing of Social Service Providers), which check the fulfilment of standards for functioning of the Centre for Victims of Human Trafficking. The legal regulation has been improved with the adoption of the Law on Prevention and Protection from Violence against Women and Domestic Violence,¹⁶ which recognizes human trafficking as gender-based violence and requires due diligence from all relevant institutions involved. A more recent act is the Law on Payment of Financial Compensation to Victims of Violent Crimes,¹⁷ which includes the crimes related to human trafficking, as assistance from the state for their suffering, in accordance with the principle of social solidarity.

In the normative framework, the National Strategy for Combating Human Trafficking and Illegal Migration in the Republic of North Macedonia 2021–2025¹⁸ has an important place as a document that determines the

Република Северна Македонија [Official Gazette of the Republic of North Macedonia] no. 53/21, 199/23, accessed March 25, 2025, https://www.mtsp.gov.mk/wbstorage/files/zakon_semejstvo_osnoven.pdf.

¹⁵ Закон за социјална заштита, Службен весник на Република Северна Македонија [Law on Social Protection, Official Gazette of the Republic of North Macedonia] no. 104/19, accessed March 26, 2025, <https://www.slvesnik.com.mk/Issues/e19ef6763a-344beeaddf059157344512.pdf>.

¹⁶ Законот за спречување и заштита од насилство врз жените и семејното насилство, Службен весник на Република Северна Македонија [Law on Prevention and Protection from Violence against Women and Domestic Violence, Official Gazette of the Republic of North Macedonia] no. 24/21, accessed March 26, 2025, <https://www.slvesnik.com.mk/Issues/e47c4174574c4dcda6d7e05e713038d6.pdf>.

¹⁷ Законот за исплата на паричен надоместок на жртви од кривични дела со насилство, Службен весник на Република Северна Македонија [Law on Payment of Financial Compensation to Victims of Violent Crimes, Official Gazette of the Republic of North Macedonia] no. 247/22, accessed March 26, 2025, <https://www.slvesnik.com.mk/Issues/d0f88bf42e134b978d599eadcfafac20.pdf>.

¹⁸ Влада на Република Северна Македонија, Националната Стратегија за борба против трговија со луѓе и илегална миграција во Република Северна Македонија 2021–2025 (2021), accessed March 28, 2025, https://mvr.gov.mk/upload/editor_upload/nacionalna-strategija-mkd-alb-ang-25_10_2021.pdf.

strategic priorities for combating human trafficking and child trafficking, the specific tasks of the competent institutions. The Strategy has a comprehensive, multi-disciplinary and coordinated approach that seeks to assist and protect victims of human trafficking. Namely, the National Strategy sets the postulates of policies for dealing with human trafficking and child trafficking.

3. Institutional Framework

The institutional framework of RNM for combating human trafficking, in accordance with international standards, began to be built after 2000 with the signing of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. This protocol was signed on December 12, 2000, followed by its ratification, while it entered into force in Macedonian legislation on January 12, 2005.¹⁹

A key institution is the National Commission for Combating Human Trafficking and Illegal Migration (Commission), established in 2001 with the aim of achieving a higher level of efficiency and joint action of all institutions involved in the fight against human trafficking. Its tasks are to monitor and analyze the situation with human trafficking and illegal migration, to coordinate the activities of the competent institutions and to cooperate with international organizations and citizen associations involved in supporting victims.

The Commission has an inter-institutional composition, i.e. its work includes members from the following institutions: Ministry of Internal Affairs, Ministry of Social Policy, Demography and Youth, Ministry of Education and Science, Ministry of Health, Ministry of Foreign Affairs and Trade, Ministry of Justice, State Labour Inspectorate, Employment Agency, Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption and Basic Criminal Court Skopje. The National Commission is headed by a national coordinator appointed by the Government.

The Commission undertakes measures aimed at improving the identification of victims of human trafficking, providing them with assistance

¹⁹ Министерство за правда, Ратификувани меѓународни правни инструменти за борба против корупцијата и организираниот криминал, 2010.

and protection, as well as more effectively detecting perpetrators of human trafficking and bringing them to justice.

Since 2003, the Commission has also established a Subgroup for Combating Child Trafficking. The activities of this body are aimed at preventing child trafficking and improving the protection of child victims and the exercise of their rights, as well as strengthening cooperation.

In order to fulfil the recommendations of the Council of Europe's Group of Experts on Action against Trafficking in Human Beings – GRETA, at the initiative of the Commission, in 2019 the National Rapporteur on Human Trafficking and Illegal Migration was appointed within the Office of the Ombudsman, with the aim of independently monitoring and assessing the situation with human trafficking in the RNM.

The National Referral Mechanism (NRM) for victims of trafficking was first established in 2005 and institutionalized in 2009 through the establishment of the NRM Office within the Sector for equal opportunities of the Ministry of Labour and Social Policy (Ministry of Social Policy, Demography and Youth from 2024). The Office coordinates the referral of identified victims to assistance, accommodation, protection, reintegration and social inclusion.

In order to strengthen national capacities and improve coordination and cooperation between the police and the public prosecution in combating organized forms of migrant smuggling and human trafficking, a National Unit for Combating Migrant Smuggling and Human Trafficking was established in 2018. The National Unit is headed by a public prosecutor from the Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption, who is responsible for managing and directing the activities of the National Unit for detecting organized forms of migrant smuggling and human trafficking.

In order to improve the capacities for identifying victims and potential victims of human trafficking, mobile teams for the identification of vulnerable categories, including victims of human trafficking, were established in 2018. This is a tripartite cooperation between the Ministry of Internal Affairs, the Ministry of Labour and Social Policy, and the civil sector (namely, the mobile teams include a representative of the Centre for Social Affairs, a police officer (from the National Unit) and a representative of a citizens' association). The aim of the mobile teams is to improve

identification through proactive action in the detection and prevention of human trafficking. The mobile teams work with vulnerable categories of citizens, including victims of human trafficking. They assess potential victims, determine their identity, conduct an early risk assessment, provide information on the possibility of including the victim in an assistance and support program, etc.

The Centre for Victims of Human Trafficking and Sexual Violence was established in 2005 and institutionalized within the Ministry of Labour and Social Policy in 2011. It accommodates victims of human trafficking, as well as victims of sexual violence, citizens, as well as foreigners who have been granted temporary residence in RNM.

The contribution of the Basic Public Prosecutor's Office for Prosecution of Organised Crime and Corruption, as well as the Department for Suppression of Organised and Serious Crime within the Ministry of Interior, is essential in the institutional framework for combating human trafficking. These are operational and specialized structures that are the leaders in the fight against organized crime, including human trafficking, in the Republic of North Macedonia.

The Commission for Monetary Compensation of Victims of a Violent Crime was established in 2024 with the aim of ensuring better protection of human rights for victims of violent crimes, including human trafficking. The legal basis for its establishment is the Law on payment of monetary compensation to victims of violent crimes, which harmonizes Macedonian legislation with Directive 2004/80/EC of the Council of the European Union.

Civil society organizations involved in prevention, assistance, support and integration of victims, i.e. organizations that have partnership relations with the above-mentioned institutions, also appear as active entities in the fight against human trafficking.

4. Characteristics of Human Trafficking in North Macedonia

Based on its location, the level of rule of law, the functioning of institutions, and the level of corruption, RNM is involved in the three segments of human trafficking – country of origin, transit, and destination.

As a country of origin, it occurs in cases of recruitment of domestic victims for internal trafficking or in other countries, most often in the European Union. It is a country of transit due to its specific location – a central

position in the Balkans, i.e., part of the Balkan route for the transfer of victims of human trafficking. It is a destination in cases of foreign nationals – victims of human trafficking, who are exploited in RNM, most often from Albania, Kosovo, Bulgaria, Serbia, Moldova, and Ukraine.

According to official data,²⁰ in the period 2001–2011 the victims were mostly foreign nationals, women and girls (aged 16–35), victims of sexual and labor exploitation in catering facilities in the northern and northwestern parts of the country. Starting from 2012, the majority of the victims are children (around 70%) aged 9 to 17, domestic citizens, mostly female, victims of sexual and labor exploitation, but also an increased incidence of forced marriages. The average age of victims of trafficking is around 24 years, while for children it is around 15 years.

The perpetrators of this crime most often take advantage of the difficult financial situation of the victims and, through fraud, false promises for work or arranging marriage with a person living in the EU, succeed in their intention. In recruitment, the perpetrators use mediation by close people of the victim or third parties who know the victim, and who receive material compensation for the service. The transport of foreign victims to the destination of exploitation is most often legal, with forged travel documents, or illegal through illegal crossings of the state border, most often near border crossings.

In terms of the types of exploitation of victims, most of them are sexual exploitation, which is most often carried out in catering facilities and nightclubs. Labor exploitation is carried out through forced labor in catering facilities, combined with sexual exploitation, labor exploitation for agricultural needs, as well as through forced begging. Forced marriages as a form of human trafficking are combined with sexual and labor exploitation. In the period 2017–2023, according to data from the Ministry of Interior, 31 criminal charges were filed for the crime of child trafficking, against 67 perpetrators of the crime, with 18 child victims of sexual and labor exploitation, as well as forced marriages.²¹ But these are data on detected cases; if

²⁰ Националната Комисија за борба против трговија со луѓе и илегална миграција, 20 години – Факти и бројки за трговијата со луѓе во Р.С. Македонија, 2024, accessed March 28, 2025, <https://nacionalnakomisija.gov.mk/mk/za-nac/>.

²¹ Министерство за внатрешни работи, Годишен Извештај 2023 година, 2024, 54, accessed March 28, 2025, https://mvr.gov.mk/Upload/Editor_Upload/Godisen_izvestaj/Godisen_izvestaj_2023.pdf.

we take into account the fact that the dark figure (unreported or undetected crime) is several times larger, then the conclusion will be that the situation is complex with the presence of human trafficking in all its manifestations.

The above data also create the profile of the victim of the crime of human trafficking, i.e. they are most often female children, people from vulnerable categories, who, due to a series of economic and social factors, such as: poverty, gender discrimination, domestic violence and similar circumstances, fall into the hands of the perpetrators of the crime of human trafficking. In the case of forced marriages and forced begging, the contribution of the parents or close people of the victim to her victimization is significant.

In sexual exploitation, the perpetrator of a crime is most often a male person, the owner of a catering facility, or members of the close family involved in the operation of the catering facility. In labor exploitation, the perpetrator is most often a male person who owns agricultural land or a construction company. In forced begging of children, the perpetrators are most often male persons who are close to the victim's family, as well as the parents themselves. In cases of forced marriages, the recruiter is most often located in the country of destination (EU) and through his intermediaries in RNM, mainly of Roma origin, identifies a potential bride, most often aged 14 to 16, contacts the family and makes an offer of marriage to a person living in an EU member state.

5. Between Reality and Laws, How to Overcome Challenges and Weak Points

The above shows that RNM has built a good normative framework for combating human trafficking, with the ratification of the most important international instruments. In addition, over a period of two decades, a solid institutional framework has been created with the involvement of multiple authorities, cooperation with the civil society sector, as well as networking in international initiatives to combat human trafficking.

However, each created instrument needs to be periodically evaluated in order to determine the extent to which it achieves its goal. In this regard, the evaluation of the normative and institutional framework is carried out through practical implementation, through the results in practice, thus assessing the effectiveness of the complete framework.

In the Report of the third round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, the Group of Experts on Action against Trafficking in Human Beings (GRETA) emphasizes that the number of detected victims of the crime of human trafficking in RNM is relatively small, taking into account the geographical location and the level of rule of law (the problem of corruption). It is emphasized that despite the existence of legal provisions on legal assistance to victims of human trafficking, they are still not clear enough and that there are gaps in their application in practice (lack of clear procedures and criteria, limited access to legal assistance, and lack of a clear basis for providing legal assistance). Then, it is emphasized that despite the existence of special state programs for the reintegration of victims of human trafficking, they do not function effectively due to the lack of financial resources and insufficient involvement of municipalities in their implementation. With regard to penalization, it is stated that in reality the sentences imposed on perpetrators of crimes related to human trafficking are below the legal minimum. From a procedural perspective, it is emphasized that special measures for procedural protection of victims, such as testimony via video-conferencing and the exclusion of the public from the courtroom, are rarely applied to adult victims of trafficking and are inconsistently applied to child victims. GRETA points out that the labor inspectorate needs to have a clear mandate and adequate human and financial resources to conduct inspections in order to prevent and detect cases of human trafficking for labor exploitation. The problem of the continued absence of safe accommodation for male victims of human trafficking, as well as the lack of adequate accommodation for children who are victims or potential victims of human trafficking, is underlined.²²

The annual Trafficking in Persons Report²³ highlights that RNM does not fully meet the minimum standards for eliminating human trafficking

²² Совет на Европа (ГРЕТА), Извештај за трет круг евалуација на Северна Македонија, Пристап до правда и ефективни правни лекови за жртвите на трговија со луѓе, 2023, accessed March 29, 2025, <https://rm.coe.int/iii-greta-report-for-north-macedonia-mkd/1680ac0368>.

²³ United States Department of State, "Trafficking in Persons Report: North Macedonia," 2024, accessed March 29, 2025, <https://www.state.gov/reports/2024-trafficking-in-persons-report/north-macedonia/>.

and classifies it as Tier 2. It points out that in certain cases there is a lack of coordination between institutions, insufficient resources for the Basic Public Prosecutor's Office for prosecuting organized crime and corruption, as well as the problem of corruption. The report highlights that mobile teams have good results in their work, but lack adequate financial support. Also, in certain cases victims are exposed to intimidation by perpetrators, i.e., adequate protection measures are not taken, and journalists publish data about victims in favor of sensationalism, which in itself represents revictimization, but also exposes the victim to new risks and dangers.

The need to strengthen the capacities of law enforcement agencies in the area of human trafficking, with the aim of more proactive investigations is emphasized by the EU, but it also has remarks to the normative part, i.e. the need to harmonize Macedonian criminal legislation with EU law in the area of penalties for crimes related to human trafficking.²⁴

The above evaluations/reports detect weak points in the normative and institutional framework for combating human trafficking in RNM.

The adoption of laws, strategies or similar acts is the easier part of the process, taking into account comparative experiences, as well as international instruments. On the other hand, normative harmonization is also an obligation for RNM in the process of full membership in the EU. The real challenge is building the effective institutional framework. Creating an institution means providing professional staff and material resources for the smooth and full implementation of competencies.

Right here we have one of the weak points of RNM in the fight against human trafficking, i.e. lack of resources. Namely, it is necessary to strengthen the human, financial and technical capacities of law enforcement agencies so that they can proactively investigate human trafficking crimes, using all possible evidence, including evidence collected through special investigative measures, financial and digital evidence.

As already mentioned, the sentences for perpetrators of crimes related to human trafficking are low. According to the law, the basic offence of

²⁴ European Commission, North Macedonia 2024 Report, 2024, 41, accessed March 29, 2025, https://enlargement.ec.europa.eu/document/download/5f0c9185-ce46-46fc-bf44-82318ab47e88_en?filename=North%20Macedonia%20Report%202024.pdf.

human trafficking is prescribed with a prison sentence of four years, but if the victim is a child, the sentence is a minimum of eight years. According to the data from the State Statistical Office,²⁵ in the period 2020–2023, nine perpetrators of human trafficking were convicted, with most receiving sentences ranging from three to five years in prison, while the legal minimum is four years. The need for change is necessary, because the sentence, among other characteristics, should create intimidation for the perpetrator, to deter him from committing crimes. Therefore, courts, guided by the objectives of criminal policy, should not impose minimal sentences for such criminal offences, especially when public officials are involved in the commission of the crime in a corrupt manner.

Providing sufficient financial resources for victim protection should be a priority, first of all for shelters where victims are temporarily accommodated, then for mobile teams tasked with proactively identifying victims of human trafficking, especially among vulnerable categories. Providing financial resources is also essential for the efficiency of the police and prosecution, the bearers of the fight against human trafficking. This also raises the issue of the specialization of police and prosecution personnel for the fight against human trafficking. Namely, law enforcement agencies are faced with criminal groups that are well organized, have large financial resources and have easy access to new technologies, since human trafficking is one of the “most profitable” activities of organized crime groups. This imposes the need for law enforcement agencies to be constantly upgraded with sufficient resources and strong international cooperation, in order to succeed in opposing criminal groups.

Specialized training is also needed for courts, focusing on segments such as determining the consequences for the victim, compensation for damage, determining the responsibility of the perpetrator, and imposing a sanction in accordance with the law that will achieve justice and prevention. The state’s strategic approach to strengthening the effectiveness in

²⁵ Државен завод за статистика, Осудени полнолетни лица според видот на кривичното дело и изречените главни казни – затвор и парична казна, по години [State Statistical Office, Convicted adults by type of criminal offense and main sentences imposed – imprisonment and fine, by years], accessed March 29, 2025, https://makstat.stat.gov.mk/PXWeb/pxweb/mk/MakStat/MakStat__Sudstvo__ObvinetiOsudeniStoriteli/300_SK2_Mk_T14_ml.px/table/tableViewLayout2/.

the fight against human trafficking should include measures and activities according to the following roadmap: awareness raising – education – prevention – repression.

The awareness of citizens about the significance of human trafficking, the risks and dangers, the method of protection, as well as the consequences for the victim and the state should be strengthened through a series of campaigns implemented via the media, schools and other public institutions. Education should be implemented in parallel with the campaigns to raise public awareness and the focus should be placed on vulnerable population categories. The previous two activities have a preventive character, and prevention should be widely applied because the point of all policies is to prevent the harmful consequences, i.e. taking measures and activities to protect the victim. Repression should represent the state reaction against the perpetrators of crimes related to human trafficking, that is, the reaction of the police, the public prosecutor's office, the court and the penitentiary institutions. Repression should achieve the rehabilitation of the convict, his correction in accordance with the purpose of punishment, which includes justice and prevention (special and general).

The above goes towards confirming the hypothesis of this research, i.e. that the creation of a national normative and institutional framework to combat human trafficking is not in itself a guarantee that it will be effective, i.e. that a substantive approach by the state is needed in the implementation of policies and the provision of the necessary resources for effectiveness.

6. Conclusion

Human trafficking is a global problem faced by all countries and it causes numerous harmful consequences, primarily for the victim of the crime. Starting from the location (Western Balkan Route), problems with corruption and implementation of the rule of law, RNM has numerous challenges in the fight against human trafficking.

RNM has built a normative and institutional framework for combating human trafficking since 2001. It includes laws, strategies, action plans, as well as several institutions that have competences in this area. But the key question is the level of implementation of the regulation in practice, how the institutions function, to what extent they realize their competences, whether they have sufficient resources.

The lack of human, technical and material resources is a problem for RNM. This directly affects the fulfilment of the competencies of the institutions responsible for combating human trafficking – without sufficient resources they cannot realize their legal competencies. This raises the question of the normative structure – if the law is not applied it is the same as if it does not exist.

To realize their competencies, institutions working in this area should have a higher degree of coordination. Personnel should be specialized and have adequate resources to achieve their competencies. By strengthening the capacities of institutions and providing adequate resources, preconditions are created for better implementation of mechanisms for protection and support of victims, and thus for reducing human trafficking.

North Macedonia's fight against human trafficking should include measures and activities aimed at raising awareness among citizens, education, prevention and repression. The comprehensive approach would enable the achievement of the defined goals, if the institutions would effectively realize their competencies.

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