

Macedonia

In 2009, the Government of Macedonia published a National Action Plan to Combat Trafficking of Children (2009-2012). The Government has also assembled a variety of agencies and mechanisms devoted to ending the worst forms of child labor. However, social programs addressing the unique needs of street children and child victims of human trafficking are lacking. Forced begging and child trafficking continue to be problems.



Statistics on Working Children and School Attendance

| Children | Age | Percent |
|---------------------------|-----------|-------------|
| Working | 5-14 yrs. | 9.9% |
| Attending School | 5-14 yrs. | 84.7% |
| Combining Work and School | | Unavailable |

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Macedonia are found in some of the worst forms of child labor,²⁹⁴⁷ particularly in informal work on the street, many of them engage in forced, exploitative, and organized begging in open markets, in the streets, and to bar patrons at night. Children who work on the street may be exposed to a variety of dangers, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements. Street children are often members of the Roma ethnic group, and many are forced by adults to beg at busy intersections, street corners, and restaurants.²⁹⁴⁸

Other worst forms of child labor in Macedonia include the trafficking of children, both internally and to other countries, for the purposes of forced labor in commercial sexual exploitation.²⁹⁴⁹

Laws and Regulations on the Worst Forms of Child Labor

The Constitution of Macedonia and the Labor Relations Act set the minimum working age at 15.²⁹⁵⁰ Article 63 of the Labor Relations Act states that a person must be at least age 18 to engage in hazardous

work and also stipulates that employees under age 18 may not work underground or underwater, engage in strenuous physical labor, or perform other jobs which may be harmful or threatening to their life or health.²⁹⁵¹

Forced labor is prohibited by Article 11 of the Constitution.²⁹⁵² The minimum age for voluntary military service is age 18, and there is no compulsory military service. The Criminal Code bans prostitution and procuring for prostitution, in addition to slavery and transporting of people in slavery.²⁹⁵³

The Law on Foreigners allows foreign child victims of trafficking two months of temporary residence, known as a “contemplation period,” so that they may consider whether or not they want to cooperate with the authorities. This period can be extended several times for child victims of trafficking.²⁹⁵⁴ The issuance of residence permits is conditional upon the child victim’s willingness to cooperate with authorities in the investigation and prosecution of traffickers.²⁹⁵⁵

Macedonian Police have established a witness protection unit. However, child victims of human trafficking are not always informed about the risks that they face, which could include psychological trauma by way of public humiliation and the potential of re-victimization.²⁹⁵⁶

Cooperating with authorities may include a legal obligation for trafficked children to face their traffickers in a court of law.²⁹⁵⁷ It is concerning that children testify in order to obtain a temporary visa. This is coercive to the victim and could be damaging to their psychological health if forced to testify.

While begging itself is not illegal in Macedonia, the use of children for forced, organized, and exploitative begging is prohibited under Article 201 of the Criminal Code.²⁹⁵⁸ Article 201 states that it is illegal for parents or guardians to coerce children into forced prostitution for their own interest, and that the parent or guardian will be held accountable for neglecting and mistreating a juvenile.²⁹⁵⁹

| | | |
|---|--|-----|
|  | C138, Minimum Age | No |
| | C182, Worst Forms of Child Labor | ✓ |
|  | CRC | ✓ |
| | CRC Optional Protocol on Armed Conflict | ✓ |
| | CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography | ✓ |
|  | Palermo Protocol on Trafficking in Persons | ✓ |
|  | Minimum Age for Work | 15 |
| | Minimum Age for Hazardous Work | 18 |
|  | Compulsory Education Age | 18 |
| | Free Public Education | Yes |

Institutional Mechanisms for Coordination and Enforcement

The Government of Macedonia has created the National Commission for Children's Rights (NCCR). Among other activities, the NCCR is expected to coordinate the involvement of all institutions who work to combat trafficking in human beings.²⁹⁶⁰ Research does not indicate whether the NCCR coordinates actions to address child begging or other worst forms of child labor in Macedonia. The National Commission meets six times a year to draft policies and strategies, in addition to monitoring

their implementation. The Commission has created a subgroup specifically for addressing the needs of child victims of trafficking.²⁹⁶¹ An action plan for the subgroup has been drafted, and the status of its current implementation is pending the biannual submission of reports to the National Commission.²⁹⁶²

The State Labor Inspectorate, a department within the Ministry of Labour and Social Policy, is responsible for workplace inspections, to monitor for labor law violations, including those regarding child labor.²⁹⁶³ There are approximately 110 to 120 labor inspectors.²⁹⁶⁴ Inspections are divided into two categories: occupational safety and health inspectors (OSH) and labor relations. In regional offices where there is only one inspector, he or she may cover the roles of both inspectors without training on appropriate occupational safety and health for children.²⁹⁶⁵ OSH and labor relations inspectors are mandated to carry out at least 60 inspections per month.²⁹⁶⁶ Inspectors are required to carry out inspections at least once a year within the following sectors: industrial, agriculture, trade, construction, forestry, transport, communal services, craft trade, hotel and restaurants, schools and universities, workshops, and laboratories used for professional practice. Inspections for all other premises are required once every 3 years.²⁹⁶⁷

During the reporting period, the Ministry of Labor and OSCE trained 110 to 120 labor inspectors on identifying labor trafficking and procedures for investigating these crimes by coordinating their activities with the National Referral Mechanism Office (NRM).²⁹⁶⁸

There is no nationally accessible registry of inspections that have been carried out by MLSP inspectors because the results of inspections are recorded on paper. These results are kept in regional offices, which are not shared with other regional offices.²⁹⁶⁹

The Government of Macedonia has established the Social Care Center and the Office of the Ombudsman, which are available to receive complaints of hazardous and forced child labor, although no official complaints were received during the year.²⁹⁷⁰

Within the Public Prosecutor's Office, the Organized Crime and Corruption Unit is responsible for prosecuting a variety of issues, including trafficking in children, child commercial sexual exploitation,

and the use of children in illicit activities. The office has a mandate for 13 prosecutors, although as of this reporting period only seven had been hired.²⁹⁷¹

The Ministry of the Interior (MOI) is the agency responsible for enforcement of criminal laws on the worst forms of child labor, including human trafficking and forced begging. The MOI has a Border Affairs section, a monitoring and enforcement division that plays a critical role in the identification of victims at border points and is empowered to accept and process the temporary residence permits that can be issued to victims of human trafficking.²⁹⁷² Within the Organized Crime department, there are two informal sub-units of the Trafficking in Human Beings section (THB), one of which is dedicated exclusively to trafficking.²⁹⁷³ The THB section includes 14 specialized police officers located in the Macedonian capital.²⁹⁷⁴ These officers receive training on Standard Operating Procedures (SOPs) for treating victims of trafficking.²⁹⁷⁵ However, since the THB section is located only in Skopje, local police outside of the capital may be unaware of the Standard Operating Procedures for treatment of victims of trafficking.

The Ministry of Foreign Affairs provides protection and assistance to foreign child victims of human trafficking by contacting their respective consular officials, except in cases where those children are covered by the Transnational Referral Mechanism (TRM) project of the International Centre for Migration Policy Development.²⁹⁷⁶ The TRM works to provide comprehensive assistance to all foreign victims of trafficking in the region through the development and implementation of Standard Operating Procedures for referral and assistance at the transnational level.²⁹⁷⁷

Within the MOI, the police force is the primary mechanism for enforcing criminal laws on forced begging. The police force has begun a new policy of having plain clothes police officers reach out to street children and engage their families in order to find viable alternatives to forced begging.²⁹⁷⁸

During the reporting period, the Ministry of the Interior, with the assistance of the International Organization for Migration, began training 250 local and border police officers in an effort to increase awareness and police abilities to identify victims based

on a new, more discreet victim profile and adapting police techniques to the current methods used by human traffickers.²⁹⁷⁹ The Government also initiated trainings for police and special investigators on the implementation of standard operating procedures for victim identification.²⁹⁸⁰

Twelve investigations were opened on child trafficking during the reporting period.²⁹⁸¹ Of these 12 investigations, four cases of trafficking involving seven children were brought to the court. Two of these cases involved labor exploitation and two were a combination of labor and sexual exploitation.²⁹⁸² However, the courts did not rule on any of the trafficking cases brought forward by prosecutors in 2009.²⁹⁸³

The Ministry of Labour and Social Policy is responsible for rendering psychological, medical, and educational services, operating day centers, and protecting children and adults who have been victimized by human traffickers.²⁹⁸⁴ Within the MLSP, the Office of the National Referral Mechanism exists to deal with the initial identification and assistance of victims of trafficking, including children. The NRM is officially charged with the task of coordinating all protection services only for domestic adult and child victims of trafficking, however, exceptions are made for foreign children who are victims of trafficking within Macedonia's borders.²⁹⁸⁵

Government Policies on the Worst Forms of Child Labor

In 2005, the Government of Macedonia adopted a 10-year National Action Plan for the Rights of Children in Macedonia, which outlines activities for prevention and elimination of the worst forms of child labor. This National Action Plan includes direct assistance, poverty reduction, and intervention activities, as well as provisions for the rehabilitation of children and a stipulation for better access to primary education.²⁹⁸⁶ Nevertheless, it does not appear that the Government of Macedonia has implemented specific national policies regarding children working on the streets.

The Ministry of Labor and Social Policy, in conjunction with UNICEF, has published a National Action Plan to Combat Trafficking of Children

(NAP) in the Republic of Macedonia (2009-2012). The National Action Plan focuses on preventative measures to protect children from trafficking as well as suggesting policy and legislative solutions to the problem.²⁹⁸⁷ However, the NAP fails to recommend structural or operational solutions that would assist in combating human trafficking and does not lay out concrete actions.²⁹⁸⁸

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Currently, the Government funds two centers in Skopje that provide services to street children.²⁹⁸⁹ In consultations with UNICEF and NGOs, the MOI has sought more holistic solutions to solving the forced, organized, and exploitative begging problems within the Roma minority; however there are limited programs to address the education or economic roots of the forced begging problem.²⁹⁹⁰

Macedonia runs a Reception Center for foreign child trafficking victims, with additional services provided by an NGO. The Government funds the Reception Center but does not fund the NGO services, which rely upon external donations.²⁹⁹¹ Also, because there are no centers dedicated exclusively to children, adults and children are routinely mixed together.²⁹⁹² Children, however, have different needs than adults, requiring more specialized assistance, attention, and protection.

There are 27 Centers for Social Welfare (CSW) providing reintegration services for victims of trafficking. The centers cannot accommodate all victims in a 24-hour period, leaving some victims to find their own accommodations until the Centers for Social Welfare reopen the following day.

With government financing, NGOs run two hotlines for reporting trafficking cases.²⁹⁹³

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Macedonia:

IN THE AREA OF LAWS AND REGULATIONS:

- Amend the Law on Foreigners to protect child victims regardless of their collaboration with government authorities during the prosecution of the human traffickers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Broaden the scope of the Trafficking in Human Beings section's area of monitoring and enforcement to include regions outside of the capital.
- Establish training programs for local police located outside of Skopje that instruct them in the proper treatment of and conduct towards victims of human trafficking.
- Provide the inspectors of the Ministry of Labor and Social Policy with a nationally accessible computerized system and technical assistance to record inspections and utilize electronic systems while at the office and in the field.

IN THE AREA OF POLICIES:

- Develop the National Action Plan to include concrete structural or operational solutions to combat and prevent the worst forms of child labor in Macedonia.

IN THE AREA OF PROGRAMS:

- Expand programs to address the economic and educational factors behind forced, organized, and exploitative begging, particularly within the Roma community.
- Increase the capacity of the Centers for Social Welfare to reach more trafficking victims in need, and adapt services to the unique needs of child victims.

²⁹⁴⁷ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2005-2006. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

²⁹⁴⁸ U.S. Department of State, "Macedonia," in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/eur/136044.htm>.

²⁹⁴⁹ Ibid.

²⁹⁵⁰ Government of Macedonia, *Constitution of the Republic of Macedonia of 1991*, (September 8, 1991); available from <http://www.sobranie.mk/en/default.asp?ItemID=9F7452BF44EE814B8DB897C1858B71FF>.

²⁹⁵¹ Government of Macedonia, *Labor Relations Act*, (December 27, 1993); available from <http://www.ilo.org/dyn/natlex/docs/WBTEXT/47727/65084/E93MKD02.htm>.

²⁹⁵² Government of Macedonia, *Constitution of Macedonia*, Government of Macedonia, *Labor Relations Act*, article 11.

²⁹⁵³ Central Intelligence Agency, "Macedonia," in *The CIA World Factbook*, 2010; available from <https://www.cia.gov/library/publications/the-world-factbook/geos/mk.html>.

²⁹⁵⁴ Terre des Hommes, *Report on the Implementation of UNICEF Guidelines for the Protection of the Rights of Child Victims of Trafficking*, Regional Report, Lausanne, February 22, 2010; available from http://crin.org/docs/tdh_south_eastern_europe.pdf.

²⁹⁵⁵ Ibid.

²⁹⁵⁶ Ibid.

²⁹⁵⁷ Ibid.

²⁹⁵⁸ Government of Macedonia, *1996 Criminal Code*, (July 23, 1996); available from <http://www.mlrc.org.mk/law/CriminalCode.htm>.

²⁹⁵⁹ Ibid.

²⁹⁶⁰ Terre des Hommes, *UNICEF Guidelines-Macedonia*.

²⁹⁶¹ Ibid.

²⁹⁶² Ibid.

²⁹⁶³ ILO Labour Administration and Inspection Programme, *Information Resources: Macedonia*, [online] July 2009 [cited January 27, 2010]; available from http://www.ilo.org/labadmin/info/lang--en/WCMS_114938/index.htm.

²⁹⁶⁴ U.S. Embassy- Skopje, *reporting*, March 1, 2010.

²⁹⁶⁵ Ibid.

²⁹⁶⁶ ILO Labour Administration and Inspection Programme, *Information Resources: Macedonia*.

²⁹⁶⁷ Ibid.

²⁹⁶⁸ U.S. Embassy- Skopje, *reporting*, March 1, 2010.

²⁹⁶⁹ Ibid.

²⁹⁷⁰ Ibid.

²⁹⁷¹ Ibid.

²⁹⁷² Ibid.

²⁹⁷³ Terre des Hommes, *UNICEF Guidelines-Macedonia*.

²⁹⁷⁴ Ibid.

²⁹⁷⁵ Ibid.

²⁹⁷⁶ National Alliance for Children's Rights, *Alternative report of the non-governmental organizations to the state reports about the situation with the rights of the child in the Republic of Macedonia*, First Children's Embassy in the World- Megjashi, Skopje, 2009; available from <http://www.childrensembassy.org.mk/default-en.asp?ItemID=652DDFC050F97641A28A40D7B61E01C8>.

²⁹⁷⁷ International Centre for Migration Policy and Development, *Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Person in Europe: TRM-EU*, 2010; available from http://www.anti-trafficking.net/fileadmin/IIMS-documents/ICMPD/TRM/TRM_guidelines_2010-02-15_for_web.pdf.

²⁹⁷⁸ U.S. Embassy- Skopje, *reporting*, March 1, 2010.

²⁹⁷⁹ Ibid.

²⁹⁸⁰ Ibid.

²⁹⁸¹ Ibid.

²⁹⁸² Ibid.

²⁹⁸³ Ibid.

²⁹⁸⁴ U.S. Department of State, "Country Reports- 2009: Macedonia."

²⁹⁸⁵ Terre des Hommes, *UNICEF Guidelines-Macedonia*.

²⁹⁸⁶ U.S. Embassy- Skopje, *reporting*, March 1, 2010.

²⁹⁸⁷ Government of Macedonia and UNICEF, *National Action Plan to Combat Trafficking in Children in Macedonia 2009-2012*, (April 2009); available from http://www.unicef.org/tfymacedonia/NAP_Children_April_09_-_ENG.pdf.

²⁹⁸⁸ Terre des Hommes, *UNICEF Guidelines-Macedonia*.

²⁹⁸⁹ U.S. Department of State, "Country Reports- 2009: Macedonia."

²⁹⁹⁰ U.S. Embassy- Skopje, *reporting*, March 1, 2010.

²⁹⁹¹ Terre des Hommes, *UNICEF Guidelines-Macedonia*.

²⁹⁹² Ibid.

²⁹⁹³ Ibid.