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Кoфинансиран и  
имплементиран од  
Советот на Европа

## PREVENTING CHILD TRAFFICKING FOR THE PURPOSE OF LABOUR EXPLOITATION, BEGGING AND FORCED CHILD MARRIAGES

This research has been carried out as part of the *Strengthening anti-trafficking action in North Macedonia* project that is being implemented within the framework of the joint program of the European Union and the Council of Europe “Horizontal Facility for the Western Balkans and Türkiye” running from January 2023 until December 2026.

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## List of acronyms

ESARNM	Employment Service Agency of the Republic of North Macedonia
AYS	Agency for Youth and Sports
BDE	Bureau for Development of Education
GNM	Government of North Macedonia
GRETA	Group of Experts on Action against Trafficking in Human Beings of the Council of Europe
SSO	State Statistical Office
EU	European Union
NCCTHBIM	National Committee for Combating Trafficking in Human Beings and Illegal Migration
NS and AP	National Strategy and Action Plan for Combating Trafficking in Human Beings and Illegal Migration
NGO	Non-governmental organization
UN	United Nations
SCCT	Subgroup for Combating Child Trafficking
Republic of North Macedonia	North Macedonia
SOP	Standard Operating Procedures for dealing with victims of trafficking in human beings
MLSP	Ministry of Labor and Social Policy
Moi	Ministry of Interior
MT	Mobile Teams
UNICEF	United Nations Agency for the Rights of Children
CSW	Center for Social Work
CTV	Center for Trafficking Victims
NUSTHBIM	National Unit for Suppression of Trafficking in Human Beings and Illegal Migration

## 1 Summary

The research stemmed from the need to determine the factual situation and current trends in the country regarding child trafficking for the purpose of labor exploitation, begging, and forced child marriages over the last five (5) years. The study assesses the responses of official representatives of state institutions and civil society organizations (CSOs) related to this phenomenon, within the framework of international and European standards.

The research was conducted based on the opinions, or responses of representatives from state institutions and civil society organizations active in the field of prevention and protection against trafficking in human beings, as well as on the existing and planned measures they undertake to initiate and develop policies with all relevant institutions responsible for addressing this issue. It also considers activities aimed at raising public awareness.

As part of the research activities, a brief review of the national and international frameworks on child trafficking for the purpose of labor exploitation, begging and forced child marriages was carried out, including an overview of the strategic documents adopted by the Government of the Republic of North Macedonia.

The research provides an overview of the above-mentioned trends, emphasizing the existing vulnerabilities and potential risks for children in the country. The findings highlight the inefficient implementation of national and international standards and identify areas for improvement and reform to ensure the practical implementation of all undertaken obligations, as well as the need to strengthen cooperation among all relevant stakeholders.

It is important to emphasize that professionals from state and local institutions are aware of the challenges they face, especially when these are highlighted by international organizations. The GRETA report is an example of this, though similar challenges are also outlined in reports produced by domestic civil society organizations. During focus group discussions, social workers from the Centers for Social Work and inspectors from the Unit for the Suppression of Trafficking in Human Beings and Illegal Migration (under the MoI) reported that children exploited for begging are a daily occurrence on the streets. A recent development they noted is that border crossings are increasingly becoming hot spots for child beggars, which increases the risk and likelihood of these children becoming victims of trafficking.

Professionals from various institutions further stressed that impunity of perpetrators, the public's indifference toward child beggars, lenient penalties, lack of coordination and insufficient financial and human resources are risks that may perpetuate the upward trend of

child labor exploitation through begging and trafficking for the purpose of forced child marriage.

To prevent the risk of begging, respondents agreed on the need to establish a Center for Psychosocial Support for child victims of trafficking, conduct joint and coordinated preventive inspections by social workers and inspectors of the MoI, organize public awareness campaigns, ensuring their content is appropriately designed, provide information and education in schools, organize informative sessions and distribute materials on this topic to both large and small companies, ensure consistent and professional institutional response and monitoring of realized activities, raise prosecutors' awareness on non-recognition of child labor exploitation, organize training for all professionals, create a centralized database on these issues and introduce necessary amendments to the existing legislation.

Concerning forced child marriages, the research indicates an increasing number of such cases, particularly within the Roma community, which often justifies the practice as tradition. When state institutions intervene, the community frequently claims discrimination and disrespect of their tradition. Therefore, it is essential to educate Roma parents about the nature of child trafficking for the purpose of forced marriage and the legal provisions establishing its criminal liability.

The research demonstrates the need for targeted initiatives, measures and activities aligned with the emerging trends and new methods of recruiting children into trafficking networks for the purpose of labor exploitation. In this context, it is recommended to increase the number of professionals within the institutions for child protection, enabling the implementation of proactive, multidisciplinary measures aimed at prevention, particularly among vulnerable groups of children.

## 2 Introduction

Trafficking in human beings for the purpose of labor exploitation has been on the rise throughout Europe, including in the Western Balkans. This phenomenon also encompasses children.<sup>1</sup>

The intensity of this phenomenon, both in Europe and in North Macedonia, is closely linked to economic conditions and poverty, but also to global migration movements, which have intensified in recent years.

To prevent or eradicate this phenomenon, joint action by all responsible and interested stakeholders is required: state institutions, civil society organizations, local self-government units and international organizations. Tangible results can be achieved through communication and

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<sup>1</sup> Council of Europe, Report on Trafficking in Human Beings for the Purpose of Labor Exploitation in North Macedonia: Risk Factors, Trends and Challenges, 2022, p. 13.

exchange of information about the issues and situations related to this phenomenon on all levels, research, analyses, public debates, and implementation of small-scale, but long-term awareness-raising activities, as well as greater engagement of CSOs and the general public in decision- and policy-making processes.

North Macedonia has been recognized as one of the first countries in the region to initiate legislative reforms aimed at efficiently combating trafficking in human beings, as well as to establish a responsible, operational and coordinated system in line with relevant international conventions and protocols. These coordinated efforts are further strengthened through the National Committee for Combating Trafficking in Human Beings and Illegal Migration and the National Referral Mechanism for Victims of Trafficking in Human Beings and Child Trafficking.

North Macedonia remains fully committed to the ongoing reforms in the field of combating trafficking in human beings, largely meeting legal requirements and practices concerning criminalization of trafficking in human beings, victim protection and assistance under ratified international conventions and protocols.

However, in recent years, child trafficking for the purpose of labor exploitation, begging and forced child marriages has emerged as one of the key issues requiring increased attention.

In many cases, reports confirm that economic hardship remains one of the most significant factors contributing to trafficking within the country, where victims are predominantly children — especially girls — who end up in internal trafficking networks. Moreover, gender-based disparities persist, with women and girls being disproportionately represented among victims, reflecting national poverty rates as a structural factor. Other risks include violence against women and girls, domestic violence, particularly prevalent in rural areas, underdeveloped regions and among ethnic minorities (the Roma community), socially excluded persons and the unemployed.

## 2.1 Objectives and Rationale for Conducting the Research

**General objective of the research:** To assess the situation with child trafficking for the purpose of labor exploitation, begging and forced child marriages in the Republic of North Macedonia during the past five (5) years (2019–2023), with the aim of identifying specific and effective measures for preventing this form of criminal activity.

***Specific objectives of the research:***

- To **identify the risks** associated with the emergence of these three types of child trafficking;

- To propose adequate **measures for the prevention of the risks** of child trafficking for labor exploitation, forced child marriages and begging, through recommendations for amending national legislation and implementing good practices.

#### **Rationale for conducting the research:**

1. The lack of comprehensive official data on the number of child victims, particularly victims of exploitation, as well as the incomplete picture of the reasons and risks contributing to the emergence of this type of crime;
2. The increasing number of victims of these 3 types of child trafficking;
3. The large number of unidentified victims of each of these 3 types of child trafficking;
4. The insufficient knowledge and application of the indicators of child trafficking for the purpose of labor exploitation among the competent authorities responsible for preventing this type of crime;
5. The ambiguity and indecisiveness about whether begging within Roma families constitutes a traditional practice, a type of neglect by parents or child trafficking;
6. The rising incidence of forced child marriages largely remains a mystery, as they occur within family circles, are usually not officially registered, due to which it is difficult to determine whether they are forced or not;
7. The lack of public awareness about the existence of these types of child trafficking;
8. The need to enhance efforts for the prevention of child trafficking for the purpose of labor exploitation, begging and forced child marriages.

## **2.2 Methodology**

The research is based on a qualitative analysis of data obtained through the following techniques: desktop analysis of relevant international and national documents related to trafficking in human beings/child trafficking, a questionnaire, a semi-structured interview and focus group discussions. The sample consisted of professionals working in the field of trafficking in human beings and child trafficking from relevant institutions, including the Ministry of the Interior (Moi), Centers for Social Work (CSW), Ministry of Labor and Social Policy (MLSP), State Labor Inspectorate, as well as civil society and international organizations. Data collection was carried out during the period December 2023–January 2024.

#### **Applied Methods and Techniques**

Within the framework of this research, the following activities were carried out: **Analysis** of international documents ratified by the Republic of North Macedonia and national legislation

regulating the protection of victims of this type of organized crime, as well as strategic documents and action plans adopted by the country;

**A questionnaire** consisting of 27 questions. The questionnaire includes an introductory section outlining the objectives and purpose of the research and provides instructions on how to answer the questions. The questionnaire was distributed to 30 CSWs, 3 employees of the MoI and 4 CSOs. The questionnaire was completed by: 20 respondents from Centers for Social Work (16 social workers, 2 lawyers and 1 psychologist), 1 inspector from the MoI, 2 inspectors from the Basic Public Prosecution in Skopje/NCCTHBIM and 5 respondents who did not indicate the institution or organization they were affiliated with. A total of 29 questionnaires were completed and returned.

A semi-structured **interview** consisting of seven targeted questions relevant to the research objectives was also applied. The interviewees shared their perceptions and insights on the trends in terms of the number of child victims of trafficking for the purpose of labor exploitation, begging and forced child marriages, as well as on the risks and preventive measures aimed at combating child trafficking. A total of 19 respondents were interviewed.

For the purposes of this research, **two focus group discussions** were conducted with 20 representatives from various institutions, including: the MoI, CSW, State Labor Inspectorate, National Rapporteur on Trafficking in Human Beings. A protocol was prepared to guide the focus group sessions, ensuring targeted discussions.

Based on the empirical analysis of the data collected, the report concludes with a set of findings and recommendations for risk prevention and proposed measures for successfully combating child trafficking, with a particular focus on child victims of labor exploitation, begging and forced marriages.

### 3 Legal Framework

Today, the priority of upholding human rights and the rights of the child is widely recognized as a fundamental principle in responding to the phenomenon of trafficking in human beings. Since the rights of the child represent an indivisible and interrelated corpus of economic, cultural, civil, political and social rights, any organized response to child trafficking must be centered on the well-being of the child, in accordance with the principles of non-discrimination, respect for the best interests of the child and the right to life, survival, development and participation. Measures adopted by countries for combating trafficking in human beings should not infringe upon the rights and dignity of the child victim; rather, they must ensure the child's protection from further exploitation and harm through the provision of appropriate health, social and psychological care and assistance. The children's rights perspective requires special measures for the protection of child victims of trafficking, focusing on preventing circumstances that may lead to the child being

transferred from one situation of abuse to another. This entails the development and implementation of adequate policies and measures for the successful reintegration of the child into their community of origin or a new community.

### 3.1 International Legal Instruments and Standards for the Protection of Child Victims of Trafficking for the Purpose of Labor Exploitation, Begging and Forced Child Marriages

Regarding the protection of child victims of trafficking, it should be noted that it was not until relatively recently that children were recognized in international law as a particularly vulnerable and specific category requiring protection mechanisms beyond the conventional tools used in combating trafficking in human beings. The children's rights perspective requires special measures for the protection of child victims of trafficking in human beings.

**The United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children thereto<sup>2</sup>** are UN documents of particular importance in the global fight against child trafficking.

When it comes to documents of the United Nations (UN) and its specialized agencies on the rights of the child, the following are among the most significant: the Convention on the Rights of the Child; the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; and the ILO Convention No. 182 on the Worst Forms of Child Labour.

All international treaties share common objectives:

- to prevent and combat trafficking in human beings, with particular focus on women and children;
- to provide protection and assistance to victims of trafficking, fully respecting their human rights;
- to enhance cooperation among State Parties in order to achieve these goals, recognizing that trafficking falls within the domain of organized crime.

In addition to binding international instruments, there are also non-binding instruments aimed at strengthening the protection of the rights of the child. These are generally classified as “soft laws”, as States voluntarily observe non-binding rules that reflect specific legal perceptions based on which activities are carried out to strengthen the protection of the rights of the child. **An example of such a document, developed by UNICEF, is the Handbook on the Procedures for Dealing with Child Victims of Violence.**<sup>3</sup> The Handbook outlines the procedures for dealing with

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<sup>2</sup> United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children thereto, 2000 [www.justice.gov.mk](http://www.justice.gov.mk).

<sup>3</sup> Guidelines on Dealing with Child Victims of Trafficking, 2014 [Procedures for Dealing with Child Victims of Violence | UNICEF North Macedonia](#)

child victims of violence that are adapted to the best interest of the child, and serves to protect them from exacerbation of their vulnerable state.

Since child trafficking constitutes a grave violation of the rights of the child, the **UN Convention on the Rights of the Child**<sup>4</sup> serves as the fundamental document providing guidance in this area. It is the most authoritative international treaty on children's rights. The Convention on the Rights of the Child is ratified by North Macedonia and contains a comprehensive list of children's rights. This document emphasizes the unique status of the child. The Convention is universally recognized and reflects people's maturity and awareness about the existence of the rights of the child and their promotion and protection. While all rights set forth in the Convention are equally important and indivisible, four of them have become fundamental guiding principles:

- Right to life, survival and development (A. 6)
- Best interests of the child (A. 3)
- Right to protection against discrimination (A. 2)
- Right to participation (A. 12)

Beyond these, the Convention also includes rights that are of a particularly protective character – “rights of children in special situations”, as defined by the Committee on the Rights of the Child. These encompass the rights of the child to protection against maltreatment and neglect, drug abuse, sexual, economic and other forms of exploitation, as well as the right to protection in armed conflicts.

The right of the child to protection against abduction and trafficking in human beings is also included in this group. It is regulated under Article 35 of the Convention, which states: "*States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.*" Broadly formulated, this provision recognizes the existence of the issue with child trafficking, but it does not clearly define the specific obligations of States to prevent and combat child trafficking.

As a result, the UN adopted two additional protocols in May 2000:

### **1) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.**

Efforts in the area of international law to define trafficking in human beings as widely as possible and comprehensively, and to provide real answers to the enhanced role of organized crime in this area led to the adoption of the

### **2) UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**<sup>5</sup>. This Protocol supplements the UN Convention against Transnational Organized Crime,

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<sup>4</sup> Convention on the Rights of the Child, 1989 [Convention on the Rights of the Child | UNICEF North Macedonia](#)

<sup>5</sup> UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, 2000

and places a particular emphasis on the importance of establishing an effective legal framework, appropriate services and procedures.

North Macedonia signed the UN Convention against Transnational Organized Crime and the Protocols thereto in Palermo on 12 December 2000, “reaffirming the State’s commitment to prevent and eradicate evolving forms of transnational organized crime through enhanced international cooperation and the rule of law.”

The International Labor Organization (ILO) adopted **Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour in 1999**, along with the additional recommendation, affirming that child trafficking constitutes an unacceptable practice in all countries, regardless of the level of their development. Child trafficking is classified as a practice similar to slavery, falling within the category of forced labor. It covers situations traditionally defined as child labor exploitation (domestic labor, labor in agriculture, industry, trade and hospitality), as well as illegal or criminal activities, such as drug smuggling, prostitution and child pornography. The term “worst forms of child labour” comprises: “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and forced or compulsory labour.”

**In 2011, the European Union and the Council of the European Union adopted the Directive on Preventing and Combating Trafficking in Human Beings and Protecting Victims, amending the previous Framework Decision of the Council.** This comprehensive document obliges EU Member States and candidate countries to criminalize all forms of trafficking in human beings and to impose harsh penalties on perpetrators. Moreover, investigations and processing of cases should not be dependent on the victim’s testimony. Victim assistance and support should not be conditional upon their cooperation with law enforcement authorities, and States must ensure that victims are not prosecuted for offenses they were forced to commit. Furthermore, States are required to take measures to prevent secondary victimization during court proceedings and to establish a National Rapporteur or an equivalent mechanism to monitor anti-trafficking measures, assess results and collect data.

**Council Directive relating to compensation to crime victims obliges Member States to provide compensation to victims of violent intentional crimes committed on their territory, regardless of the victim’s nationality.**<sup>6</sup> Despite not being directly applicable, it requires States to establish a legal basis and administrative mechanisms that are necessary for the operationalization of compensation schemes and provisions. In order for the compensation to be paid by public funds,

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www.justice.gov.mk

<sup>6</sup> Council Directive 2004/80/EC relating to compensation to crime victims obliges Member States to compensate victims of intentional and violent offenses committed in the Member State, regardless of the nationality of the victim [Directive - 2004/80 - EN - EUR-Lex \(europa.eu\)](#)

the Directive requires that the offenses are: violent intentional crimes committed on the territory of a Member State, regardless of the victim's nationality.

**The 2005 Council of Europe Convention on Action against Trafficking in Human Beings**, in force since 1 February 2008, aims to: prevent human trafficking, protect victims of trafficking, punish perpetrators and enhance coordination of national and international activities in this area.

Article 47 of the **2004 Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence** (Istanbul Convention) requires Parties to criminalize the following two types of conduct: 1) forcing a person to enter into a marriage, and 2) luring a person into a third country for that purpose, even if the marriage is not concluded ultimately. The constituent element of forced marriage is lack of consent by the victim due to use of physical force or psychological pressure and coercion.

In North Macedonia, forced marriage is not a distinct criminal offense under the Criminal Code. It is partially addressed under Article 418-a (Trafficking in Human Beings) and Article 418-d (Child Trafficking). The facilitation of unlawful marriages is criminalized under Article 196, while Article 197 penalizes cohabitation between an adult and a minor, as well as parents or guardians who allow for such conduct.

The 2022–2023 GREVIO Report observed that the general offense of trafficking in human beings does not cover all forms and aspects of forced marriage. Therefore, GREVIO recommended to implement legislative measures to ensure criminalization of all forms of forced marriage.<sup>7</sup>

Sexual exploitation and sexual abuse of children can occur in the home, at school, during extracurricular activities, on the street, via phone, web cams or online. In most cases (70–85%), the perpetrator is someone known to the child and a person of trust, who causes lifelong harm to the child's physical and mental health. Around 90% of such offenses go unreported.

To prevent these crimes, prosecute perpetrators and protect victims, the Council of Europe adopted the **Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse**, or the Lanzarote Convention. North Macedonia ratified the Convention in October 2010. The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse requires that Parties criminalize all forms of sexual offenses against children and obliges Parties in Europe and beyond to adopt special laws and implement measures for the prevention of sexual violence, protection of child victims and criminal prosecution of offenders. The effective implementation of the Convention is monitored by the Lanzarote Committee (Committee of the Parties). The Committee also identifies good practices, especially during capacity-building activities (study visits, conferences, etc.).

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<sup>7</sup> The Report was prepared in relation to the First Baseline Evaluation of North Macedonia GREVIO/Inf (2023)5 and refers to the implementation of the Istanbul Convention. [Report on North Macedonia](#)

In 2025, the Committee of Ministers of the Council of Europe established the European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse (18 November), as a continuation of the “ONE in FIVE” campaign for ending sexual violence against children.

Each year, the Council of Europe invites its partners to focus on a specific topic related to this day. The 2023 European Day on the Protection of Children against Sexual Exploitation and Sexual Abuse focused on “Learning from victims and survivors of childhood sexual violence to inspire policy change.”

Article 4 of the **European Convention on Human Rights** prohibits slavery and forced labor, without exceptions.<sup>8</sup> It also imposes a positive obligation on State Parties to protect all persons on their territory from human traffickers, as interpreted by the case law of the European Court of Human Rights. In *Siliadin v. France*, the Court found that a 15-year-old girl from Togo had been subjected to labor exploitation and servitude, deprived of freedom of movement and forced to work without adequate remuneration.<sup>9</sup>

In *V.C.L. and A.N. v. the United Kingdom*,<sup>10</sup> the Court determined that the State had failed to fulfill its positive obligation to protect minors, despite credible suspicion they were trafficking victims.

### 3.2 National Legislation

North Macedonia has adopted numerous legal solutions and implement various measures for child protection. Several laws contain provisions related to children and child protection. The positive legal solutions that protect the rights of children and provide protection from any type of exploitation are provided below.

To protect children in the street, Article 83 of the **Law on Social Protection**<sup>11</sup> provides for the protection and provision of professional assistance to persons/children in a crisis situation as part of the services for temporary stay, enabling them to overcome their situation and integrate into society. The following persons are beneficiaries of the services: a child without parental care or a child found wandering around, a child victim of abuse, a victim of domestic and gender-based violence, trafficking victims, homeless persons. The service is provided for three months, with the possibility to extend it to an additional period of three months, and in exceptional cases,

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<sup>8</sup> Article 4 of the Convention – Prohibition of slavery and forced labor “1. No one shall be held in slavery or servitude. 2. No one shall be required to perform forced or compulsory labour. 3. For the purpose of this Article the term “forced or compulsory labour” shall not include: (a) any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention; (b) any service of a military character or, in case of conscientious objectors in countries where they are recognized, service exacted instead of compulsory military service; (c) any service exacted in case of an emergency or calamity threatening the life or well-being of the community; (d) any work or service which forms part of normal civic obligations.”

<sup>9</sup> K. Skrivankova et al. 2017 Report on Trafficking in Human Beings for the Purpose of Labor Exploitation, p. 20.

<sup>10</sup> Applications nos. 77587/12 and 74603/12.

<sup>11</sup> Law on Social Protection, 2019.

when the situation has not been overcome in a year. Beneficiaries are provided personal hygiene products, food, educational services, counseling and cultural, entertainment and recreational activities. In addition, pursuant to the Law on Social Protection, 2019, the service for temporary stay provides accommodation for trafficking victims in the Center for Trafficking Victims for a period from 3 months to 1 year (Article 83), emergency housing for child victims of trafficking of up to 30 days (Article 92) and the right to health care (Article 66).

Article 9 of the Law on Child Protection, 2010, prohibits all types of sexual exploitation and sexual abuse of children (child pornography, child prostitution), inciting, sale or trafficking of children by use of force, mental or physical violence and harassment, punishment or other inhumane treatment, all forms of exploitation and abuse of children that violate their human rights.

Article 418-d of the Criminal Code prohibits child trafficking, where the offense is defined as: persuading, transporting, transferring, harboring or accepting a child for the purpose of **exploitation**. **Article 418-d** –Trafficking of children provides for a penalty of imprisonment of at least eight years for whosoever persuades, transports, transfers, buys, sells, harbors or accepts a child for the purpose of pornography or other forms of sexual exploitation, forced labor or servitude, slavery, forced marriages, forced fertilization, illegal adoption or a similar activity, or illegally transplants human organs. In 2014, the criminal offense under Article 418-a (Trafficking in human beings) was amended to include new forms of human trafficking, which the legislators recognized as issues requiring institutions to take specific measures for the identification and prevention of “begging or exploitation for the purpose of activities prohibited by law.” The existing provision, in addition to the purposes for trafficking in human beings as defined by the UN Protocol, also includes other purposes, such as involving persons in the production of pornography, forced marriage and forced pregnancy. At the same time, one of the key advancements in the **Criminal Code** of the Republic of North Macedonia was the introduction of the principle of impunity of victims of trafficking in human beings or child trafficking. Specifically, the amendments to the Code introduced an explicit provision on the impunity of victims of trafficking in human beings (Article 418-a paragraph 7) and of child trafficking (Article 418-d paragraph 8). The essence of this principle is to ensure impunity, protection from criminal prosecution and protection from detention of victims. The new provisions aim to ensure a more effective identification, assistance and support for victims, who, in many cases, due to their circumstances, are forced by traffickers to commit other criminal offenses. The implementation of this principle is expected to encourage victims to cooperate with law enforcement authorities in identifying and prosecuting perpetrators.

**The 2014 Law on Family** of the Republic of North Macedonia<sup>12</sup> sets out several measures for child protection. Article 90 of this Law stipulates that a parent who abuses parental rights or grossly neglects parental duties shall be deprived of parental rights by a court decision in non-contentious proceedings, following an opinion obtained from the Center for Social Work (CSW). The legislators define the types of abuse or gross neglect of parental duties in this Article. According to paragraph 1 of this Article, abuse or gross neglect of parental duties shall be deemed to exist if a parent: subjects the child to physical or emotional violence; sexually exploits the child; forces the child to perform work inappropriate to their age; allows the use of alcohol, drugs, or other psychotropic substances; incites or exploits the child for begging; encourages socially unacceptable behavior; abandons the child and fails to care for them for more than three months; or otherwise seriously violates the child's rights.

This law also regulates the manner of entering into marriage, including the possibility of entering into marriage with a minor under 18 years of age, only with if permission is granted by a parent/guardian and the competent court. According to this law, a person under 18 cannot enter into marriage. The competent court may, in non-contentious proceedings, permit a 16-year-old person to enter into marriage if it determines that the person has attained the physical and mental maturity required for exercising the rights and obligations arising from marriage, based on an opinion from a health institution and expert assistance from the CSW.

The amendments to this law from 2014 are particularly significant for children in the street, as begging was included among the forms of child abuse and stricter sanctions for parents were introduced. According to Article 91, CSW is obliged to initiate proceedings for deprivation of parental rights whenever it learns, by any means, that grounds for such deprivation exist under this law.

Concerning the right to education, **the Law on Primary Education, 2008**,<sup>13</sup> and the Law on Secondary Education, 1995,<sup>14</sup> guarantee the right to primary and secondary education of every child. Pursuant to this law, primary and secondary education is free and compulsory. This right is often denied to children in the street, due to which CSWs take measures to facilitate their inclusion by providing free textbooks and transportation, encouraging their participation in the education process in 3 day centers for children at risk (children in the street). One of these centers operates under an organizational unit of CSW Skopje, while the other two are managed under agreements with licensed service providers – NGOs located in Skopje, and supported by the MLSP.

To ensure a coordinated approach when dealing with such children, the Government of the Republic of North Macedonia prepared and adopted the "Protocol for Inter-sectoral Cooperation in Dealing with Children in the Street"<sup>15</sup> in 2022.

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<sup>12</sup> Law on Family, 2014.

<sup>13</sup> The Law on Primary Education from 2008 is available at [www.mon.gov.mk](http://www.mon.gov.mk)

<sup>14</sup> The Law on Secondary Education from 1995 is available at [www.mtsp.gov.mk](http://www.mtsp.gov.mk)

<sup>15</sup> Protocol for Inter-sectoral Cooperation in Dealing with Children in the Street [www.mtsp.gov.mk](http://www.mtsp.gov.mk)

**The 2013 Law on Justice for Children**<sup>16</sup> aims to prioritize the best interests of the child and protect children against crime, violence and any threat to their rights, freedoms and proper development. It also provides protection for juvenile offenders, supports their rehabilitation, socialization, education and reintegration, and guarantees their rights and freedoms in proceedings in court and of other authorities in accordance with the Constitution, the Convention on the Rights of the Child and other ratified international instruments (Article 2).

This law is of particular importance for children in the street, as it regulates the treatment of children at risk and juvenile offenders, sets out the circumstances for implementing measures for the provision of assistance, care and protection, educational and alternative measures and punitive measures for children and young adults, and defines the position, role and competencies of authorities that deal with children and enforce educational, alternative and punitive measures (Article 1).

**The new Law on Justice for Children, adopted on 13 March 2024** and published in the Official Gazette, introduces the practice of carrying out an assessment of the best interests of the child at all stages of the proceedings. This Law provides for a higher level of protection for child victims and witnesses in proceedings and access to certain rights, including the provision of support and access to legal aid and healthcare, when required for criminal proceedings.

Forced labor is prohibited under the **Constitution of the Republic of North Macedonia** (Article 11).<sup>17</sup> The legal provisions clearly set out the framework for determining the age and circumstances for the employment of children. The 2005 **Law on Labor Relations** establishes<sup>18</sup> the minimum age limit for the employment of children at 15 years of age. Children aged 14 may work as apprentices in training programs or official education programs. An employment contract may be concluded by a person aged 15–18 and with legal capacity (Article 18). The employment of a child under the age of 15 or a child who has not completed compulsory education is prohibited, except for activities which the child may perform in accordance with the law, but no longer than four hours per day. Moreover, the country ensured that children are protected by obliging *“the employer to ensure the protection of young persons against economic exploitation or any form of work that may be harmful to their safety, health, physical, mental, moral or social development or work that may interfere with their schooling.”* Children under 15 may, by exception, participate in cultural and artistic performances, sports or advertising activities, provided these activities are not harmful to their health, development or education and they receive appropriate remuneration. The law also regulates the age limit, i.e., *“a minor is any person with a legal capacity to enter into an employment contract, who is at least 15 and*

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<sup>16</sup> Law on Justice for Children, 2013.

<sup>17</sup> Constitution of the Republic of North Macedonia, 1991.

<sup>18</sup> The Law on Labor Relations, 2005, is available at [www.mtsp.gov.mk](http://www.mtsp.gov.mk)

*under 18 years of age, and is not attending compulsory education, for the purpose of performing activities that are not harmful to their health and safety.”*

In terms of working hours, minors under 16 are allowed to work for a maximum of 30 hours per week, even when employed by multiple employers. In addition, a young person must not work for more than eight hours in a 24-hour period. To prevent exploitation of children, “the employer shall not be allowed to use the remuneration system for the purposes of increasing the volume of work that would jeopardize the safety and health of the minor.”

The **Law on Monetary Compensation for Victims of Violent Crimes** was adopted on 16 November 2022<sup>19</sup>. This law regulates the right to monetary compensation, the types of monetary compensation and the establishment, status and composition of the Commission for Compensation of Victims of Violent Crimes. The law ensures that adult and child victims of severe criminal offenses, such as trafficking in human beings, domestic violence, gender-based and sexual violence, are entitled to monetary compensation by the country, based on solidarity, provided that the crime is reported to the police or the public prosecution. The maximum compensation is EUR 5.000. Pursuant to this law, victims have the right to be informed about their rights and the compensation procedure, to receive the information in a language they understand, as well as the right to data protection and to file an appeal about the adopted decision. The above-mentioned law provides for the establishment of a first-instance Committee for Victim Compensation that will approve and determine the amount of the compensation.

### **3.3 Institutional Mechanisms and Strategic Documents**

The **National Committee for Combating Trafficking in Human Beings and Illegal Migration (NCCTHBIM)** is a body that coordinates competent institutions in the fight against trafficking in human beings and illegal migration. Since 2003, the **Subgroup for Combating Child Trafficking (Subgroup)** operates under NCCTHBIM, initiating and proposing policies, measures and activities aimed at protecting children from this type of organized crime.

NCCTHBIM and the Subgroup consist of professionals in charge of initiating and proposing policies related to the implementation of international standards and national legislation and policies that meet the needs of this target group.

The **National Unit for Suppression of Migrant Smuggling and Human Trafficking (NUSMSHT)**, established under the MoI, is in charge of identifying and prosecuting perpetrators of trafficking in human beings and migrant smuggling, including child trafficking. NUSMSHT police officers are members of the **Task Force**<sup>20</sup>, consisting of representatives of NUSMSHT and the public

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<sup>19</sup>The Law on Monetary Compensation for Victims of Violent Crimes, 2022, is available at [www.justice.gov.mk](http://www.justice.gov.mk)

<sup>20</sup>National Unit for Suppression of Migrant Smuggling and Human Trafficking (NUSMSHT).

**prosecution. Task Force members** exchange information and data with similar Mol units across the region.

**The National Referral Mechanism for Victims of Trafficking in Human Beings (NRM), including child trafficking, was established within the Sector for Equal Opportunities under the Ministry of Labor and Social Policy (MLSP).** NRM's is primarily responsible for coordinating initiatives and activities with the Centers for Social Work (CSWs), which are in charge of identification, referral, protection and re-socialization of victims/child victims of trafficking.

### **Center for Trafficking Victims**

A Center for Trafficking Victims was established under MLSP, in accordance with the Law on Social Protection. Open Gate, a licensed NGO that has concluded a Memorandum of Cooperation with MLSP, offers psychosocial support and preparatory activities for re-socialization and re-integration, as well as legal representation in court for victims. The Center provides accommodation for trafficking victims, citizens and foreigners with a temporary stay permit. The Center has the capacity to accommodate 6 female adults and children.

### **Reception Center for Foreigners**

The facility is owned by the Government of North Macedonia and managed by the Mol/Sector for Border Affairs, and accommodates foreign nationals, potential victims and victims of trafficking in human beings and illegal migrants. The professional team provides persons at the Reception Center the following: accommodation, medical assistance and protection, legal advice and representation and psychosocial support, as well as repatriation and reintegration services.

### **Operational Team for Coordination, Monitoring and Management of Cases of Trafficking in Human Beings, Formal Identification of Victims and Their Status**

The Operational Team was established with a Decision adopted by NCCTHBIM. This team coordinates and monitors cases of trafficking in human beings, defines the status of persons/children and performs formal identification of victims, based on the specifics of the case.

**The State Labor Inspectorate (SLI),** as per its competencies, plays a crucial role in identifying child victims of labor exploitation. According to the organizational structure, there are more than 110 labor inspectors who are in charge of the 38 types of misdemeanors under labor law, including child labor. As part of their responsibilities, labor inspectors are authorized to carry out at least 60 inspections monthly and annual inspections of businesses in the following sectors: industry, agriculture, trade, construction, forestry, transport, utility services, craftsmanship, hotels and restaurants, schools and universities, professional workshops and laboratories. ILO encouraged the government to expand the scope and strengthen the capacities of inspectorates to ensure enhanced monitoring of the adherence to legal norms by employers of children in the informal sector.

To improve the identification process through on-site visits on a local level, MLSP formed **Mobile Teams for Identification of Vulnerable Groups**, including trafficking victims. These teams consist of labor inspectors of the Mol, social workers from CSW, as well as representatives of CSOs. The Decision of MLSP on establishing mobile teams for identification of vulnerable categories, including trafficking victims dated 5 February 2018 regulates the provision of support and CSO participation in the mobile teams. The aforementioned mobile teams operate in accordance with the Program adopted by MLSP and Mol, with the support from the International Labor Organization (ILO).

### **National Strategy and National Action Plan for Prevention and Protection against Trafficking in Human Beings and Illegal Migration for 2021–2025**

The National Strategy for Combating Trafficking in Human Beings and Illegal Migration (NS) and the National Action Plan for Combating Trafficking in Human Beings and Illegal Migration (NAP) for 2021–2025, and the **Action Plan for Combating Child Trafficking (AP)**, which is an integral part of the NS, were adopted in 2021 by the Government of the Republic of North Macedonia, upon NCCTHBIM's proposal. By defining their roles and responsibilities and applying a multi-institutional approach, these documents ensure all relevant institutions and stakeholders, international partners and citizen associations are engaged in overcoming the challenges of trafficking in human beings. The applied approach is victim-oriented, irrespective of the victim's sex and age, and aims to ensure timely recognition, identification and protection of trafficking victims, in line with international standards.

The NAP for 2021–2025 identifies sexual exploitation, which mainly occurs in hospitality venues and nightclubs, especially in western regions of the country, as the most prevalent form of exploitation, followed by labor exploitation through forced labor in hospitality venues, agriculture, farming and forced begging, as well as forced marriages, which are often linked to both sexual and labor exploitation. Most victims are identified as female children from vulnerable groups, affected by various societal, economic and social factors, such as: poverty, gender-based discrimination, domestic violence and other personal traits, such as age, health, disability, etc. The National Strategy and its Action Plan for Combating Trafficking in Human Beings and Illegal Migration for 2021–2025 applies an innovative approach to the identification of internal and external risks, including the situation during the COVID-19 pandemic.

To operationalize the NAP, NCCTHBIM prepared an **Annual Operational Plan** that facilitates the monitoring of realized activities.

### **Indicators for Identifying Victims/Child Victims of Trafficking**

The Indicators for Identifying Victims/Child Victims of Trafficking<sup>21</sup> serve as a practical tool for effective, efficient and timely identification of victims and child victims of trafficking.

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<sup>21</sup><http://nacionalnakomisija.gov.mk/mk/индикатори>

Child victims of trafficking for the purpose of labor exploitation work: on farms/mountain sheep pens, in agriculture, massage parlors, nightclubs, hospitality venues, factories, plants, mines, plantations, etc. Common indicators include restricted movement, working on tasks that are inappropriate for their age, working in inadequate conditions, long working hours without breaks and free time, in violation of legal regulations. They are subjected to physical and monetary punishment, limited food and movement. The equipment and tools are not adapted to be operated by children. Victims are fearful or anxious, subjugated and/or afraid, and threatened with being reported to the authorities.

Child victims of trafficking for the purpose of begging are children of different ages, children with developmental disabilities, unaccompanied or migrant children who often bear intentionally inflicted physical injuries and are subjected to begging in any weather and under constant supervision/control from a person standing nearby. They are punished and forced to steal if they do not collect enough money. They often live and travel with adults who are not their parents or in large groups of children with a single guardian/escort. Forced marriages are concluded by recruiting children through their parents, relatives or other persons for the purpose of “entering into marriage” in a foreign country, fake promises of a better and comfortable life abroad and “weddings” without the presence of the boy. Victims are subjected to multiple types of exploitation, especially sexual exploitation, begging, theft, servitude and physical and psychological violence by family members.

## 4 Theoretical Definition of the Issue

### 4.1 Types of Exploitation of Child Victims of Trafficking

Child trafficking is recognized as the most severe type of crime that jeopardizes the growth and development of children, during the most significant period of their life – childhood. By depriving a child of their childhood, it jeopardizes their overall development, physical and mental health, and poses a threat to their life.

The purpose of exploitation is to gain profit by exploiting a child for sexual exploitation, child labor (labor exploitation), forced begging, forced marriage of underage girls, illegal adoption of children (babies), forcing them to commit criminal offenses and abduction of children for the purpose of procuring their organs.

#### **Children at risk of trafficking**

Due to the lack of physical and psychological maturity, children are a vulnerable category and can easily become victims of this crime. They are incapable of assessing risky situations or ill intentions of adults, nor can they protect themselves. They are easily manipulated through coercion and threats. Hence, any child can become a victim of trafficking. However, there are

certain categories of children who are at a particularly high risk. These include children from poor families, children from dysfunctional families where violence or substance abuse is present, children from vulnerable families, especially from Roma families, unaccompanied migrant children, children without parents and/or parental care, children in institutions, undocumented children, or so-called “phantom children”, children who are not in school, children in the street and children with developmental disabilities. The lack of awareness about trafficking in human beings and child trafficking is also a risk factor.

Some families—most often Roma families—force their children to beg or sell them to other people who exploit them for begging or working in the street, while the parents receive a share of the child’s earnings. Some families sell their underage daughters for marriage to older men, either within the country or abroad, in exchange for money. These young brides are, then, subjected to labor and sexual exploitation by their “husband” and his family. Some children who are not included in any of these categories are deceived by promises of a better life, better work, better education or financial relief for their families. By trusting the traffickers, they end up becoming victims of various types of child trafficking. These are the factors that make children vulnerable to human trafficking.

#### 4.2 Scope and Trends in Child Trafficking in North Macedonia for 2019–2023.

Of the identified victims of trafficking in human beings/child trafficking										
	Labor		Labor/sexual		Labor/begging		Begging		Forced marriages	
	child ren	adults	childr en	adults	Childre n	adults	Child ren	adults	childr en	adults
2019	1	/	/	/	/	/	/	1	2	1
2020	/	1	/	/	/	/	1	/	/	/
2021	/	39	/	2	/	/	1	/	4	/
2022	/	/	/	/	/	/	/	/	5	1
2023	/	/	/	/	1	/	1	/	/	/

A table showing the number of child victims of trafficking for 2019–2023

It is extremely difficult to assess the scope of this phenomenon, as child trafficking is closely related to child labor, forced labor, forced child marriages, forced begging and abduction, although these phenomena may also exist independently. The table above, containing the trends related to the number of child victims of trafficking for the purpose of the three types of exploitation, shows that the majority of identified victims in the past 5 years are child victims of forced marriage (11), of which 2 were identified in 2019, 4 were identified in 2021, while 5 child victims were identified in 2022. In the past 5 years, 3 child victims of begging were identified, or 1 victim per year, which in no way reflects the true number of child victims of this crime. What is more alarming, only 1 child victim of labor exploitation was identified in the past five years (2019).

## In-depth analysis of the number and type of child victims and potential victims of trafficking for 2019–2023

In 2019, 6 victims were identified, 4 of whom were children. Of those 4, 2 children were victims of forced marriage, one was a victim of labor exploitation, and 1 child was a victim of labor and sexual exploitation. That same year, 124 potential victims were identified (data about the type of exploitation is unavailable). In 2020, 7 victims were identified, 6 of whom were children. Of those 6 children, 1 was a victim of begging, while 5 were victims of sexual exploitation. In 2021, 48 victims were identified, 6 of whom were children. Of them, 4 were victims of forced child marriage, 1 was a victim of begging and 1 was a victim of sexual exploitation. In 2022, 9 victims were identified, 7 of whom were children. Of the child victims, 5 were victims of forced marriage, 1 was a victim of sexual exploitation and 1 was a victim of online sexual exploitation. Thirteen (13) potential victims were also identified, 8 of whom were children. Three (3) of them were victims of begging (one boy), 1 was a victim of forced marriage, 1 was a victim of sexual exploitation and 1 was an illegal migrant. Data about the type of exploitation of the remaining 2 victims is unavailable. In 2023, 7 victims were identified, 6 of whom were children. Of them, 1 was a victim of begging, 1 was a victim of labor exploitation, 1 was a victim of labor exploitation and begging and 4 were victims of sexual exploitation.

According to the report received from the Center for Trafficking Victims, in 2023, the Center accepted and provided accommodation to 6 new children who were potential victims/victims of trafficking, in addition to 5 other victims from previous years. All children are female. One of them is a foreign national, and 5 are citizens of North Macedonia. Three of them were sexually exploited, and **3 were** victims/suspected victims of forced marriage. As mentioned above, the Center housed 5 other suspected victims from previous years. Of them, 4 were victims/suspected victims of forced child marriage, and 1 was a victim of exploitation, forced marriage and begging.<sup>22</sup>

In 2023, 9 potential victims were identified, all of whom are children. Of them, 2 are foreign nationals, 4 are suspected victims of forced marriage, 1 is a suspected victim of begging, and 2 are suspected victims of sexual exploitation.

In the past 2 and a half months of the year (2024), the MoI has not received information about recorded or suspected victims. The trend of an increasing number of child victims of trafficking has also been observed in other countries in the region (ex. Serbia, Bosnia and Herzegovina). This was noted at the Regional Conference organized within the framework of the joint program of the European Union and the Council of Europe, *“Horizontal Facility II for the Western Balkans and Türkiye - 2019–2022”* that took place in Belgrade, 2011, on **„Western Balkans Joint Action for the Protection of Children Against Trafficking in Human Beings and Exploitation“**. At the

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<sup>22</sup> Report prepared by the person in charge at the Center for Trafficking Victims. In 2023, The Center for Trafficking Victims was not informed by the Operational Team of whether the victims have been identified. Therefore, unidentified victims at the Center are recorded as potential victims.

conference, it was highlighted that “*child trafficking in the Western Balkans is still on the rise, despite the implementation of numerous legal and practical measures.*”<sup>23</sup> Attendees at the Conference underscored the need for joint action to strengthen capacities for prevention and combating child trafficking and protection of victims’ rights. It would be preferable that measures against child trafficking are integrated in the general system for child protection, encompassing social, health and education services.

### Child trafficking for the purpose of labor exploitation

Between 2017 and 2020, only **three out of the 24 trafficking victims identified were victims of labor exploitation. During the 2019–2023 reporting period, out of the total number of victims, 1 child was identified as a victim of labor exploitation, and 1 child was identified as a victim of labor exploitation and begging.**<sup>24</sup> The small number of labor exploitation cases indicates that other forms of exploitation are predominant, such as sexual exploitation.

In GRETA’s Guidance note on preventing and combating trafficking in human beings for the purpose of labour exploitation, the term “*labor exploitation*” in the context of human trafficking is taken to cover, at a minimum, forced labor or services, slavery or practices similar to slavery, and servitude, notions that are well acknowledged in international law, including in the case law of the European Court of Human Rights in relation to Article 4 of the European Convention on Human Rights (ECHR).

Forced or compulsory labor is defined in Article 2 (1) of IOM Convention No. 29 Concerning Forced or Compulsory Labour (1930) as “*all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.*”<sup>25</sup>

IOM defines child labor as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that:

- is mentally, physically, socially or morally dangerous and harmful to children; and/or
- interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long and heavy work.<sup>26</sup>

As previously noted, the definition of child trafficking for the purpose of labor exploitation is specific and insufficiently defined. In the following sentences, we will try to define this term

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<sup>23</sup>Belgrade, 22–23 June, 2021 Regional Conference.

Note: The Report on the situation with child victims of trafficking in the past 10 years did not contain any information about the type of exploitation (labor, begging or forced marriages) the victims were subjected to.

<sup>24</sup> According to information provided by the MoI, the Operational Team has not yet organized a meeting in 2024, due to which no information about victims of child trafficking and trafficking in human beings is available for these 3 months of 2024.

<sup>25</sup>GRETA, Guidance note on preventing and combating trafficking in human beings for the purpose of labour exploitation (2020), p. 4. Available at: <http://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-humanbeings-/1680a1060>

<sup>26</sup> Conventions No. 138 and No. 182 are fundamental documents. This means that even State Parties, which have not yet ratified these Conventions should adhere to, promote and apply the principles set out in these Conventions.

drawing from the practical implementation of activities realized for the purpose of detecting child labor exploitation, which facilitate the identification of the child as a victim of labor exploitation: *Child trafficking for the purpose of labor exploitation means: forced labor, provision of services, servitude, activity that is carried out at an inappropriate time and in inadequate conditions, that is not appropriate for the age, physical and mental ability of the child, and that is harmful to the development and health of the child.*

*Suad is an 11-year-old child. You can see him every day, in the sun or in the rain, on one of the busiest streets in Skopje, running towards a vehicle that is waiting at a traffic light, with a bottle of water and a sponge in his hands. Then, he starts washing the windshield. He is often insulted by the owner or sustains injuries on his hands by the windshield wipers, which the owner has activated as a sign that they reject the service. He is not given any money, but continues to do the same with a second, third and ... vehicles. A driver, with a clean windshield, asks him not to proceed and gives him some money despite rejecting the service, out of pity for the child's situation. Suad works late every night, and sometimes, as long as there is a lot of traffic. At the end, he comes home. His father counts the money he earned, and if it is not enough, he punishes Suad by not giving him food for dinner. Starving and freezing, Suad goes to bed. The following morning, he goes back to work in the street, without having breakfast.*

The question is: is this only a case of neglect and abuse of a child by a parent, or is it child trafficking for the purpose of labor exploitation according to the legislation?

Elements of the former are certainly present, as the child is abused by the parent, but there are also indicators of child trafficking, more specifically, Suad's age, working in inhumane conditions, working at an inappropriate time for a child at his age, exposure to serious danger to the health and even, the life of the child. However, there is no information about whether the child is supervised by another person who takes the money and/or is part of a group of supervised children. In this real-life case, supervision by an adult was not detected.

Social workers and representatives of CSOs consider this a case of child trafficking for the purpose of labor exploitation, as it exceeds the severity of criteria for child abuse. According to the police, Suad is a suspected victim of child trafficking for the purpose of labor exploitation, while judges consider this a family matter, where the child helps his family by working.<sup>27</sup> After reporting the case to the authorities, the judge rules the case as neglect. This is a serious problem, as there is a lack of court cases related to child trafficking for the purpose of begging or labor exploitation, while the number of children who are begging or working in the street is increasing. This case indicates that there is a need to reevaluate the issue related to the abuse of

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<sup>27</sup> Statement of a focus group participant.

a child by a parent and to introduce additions or further clarify the definition of child trafficking for the purpose of labor exploitation, as well as to strengthen the capacities of judges.

## Begging

Begging is widespread not only in North Macedonia, but also across the region and beyond. Governments, international organizations and domestic NGOs work hard to suppress this phenomenon, but positive results are few in number and the issue persists. It raises the question of what is missing in the fight against this phenomenon affecting millions of children worldwide.

*Meliha is an 8-year-old child. She was enrolled in school a year ago, but her mother forbade her from going to school 5 months ago. During the past year, Meliha has been begging at several traffic lights with her mother and younger sister who is still a baby. They went there by taxi. The taxi driver took their money at the end of the day, on the drive home. Her mother taught her how to beg in order to get money. Her mother also gave the baby to another woman who was begging because the woman was complaining about her poor health. Meliha's mother bargained with the woman about the amount of money the mother would receive every day for doing her the favor. Meliha started begging alone. She tried to do what her mother had taught her, but failed to collect enough money. Her mother told her not to come home if she did not "earn" at least MKD 500. Meliha never managed to collect the amount her mother expected. When she would come home, Meliha was punished and forced to beg longer the following day.<sup>28</sup>*

Judicial authorities consider the first part of this case to be neglect and abuse of a child. The second part – giving a child to a person for the purpose of begging is clearly a case of child trafficking for the purpose of begging.

The Report of the Public Prosecutor<sup>29</sup> titled "Forms of Begging" states that only 3 child victims of begging were identified between 2009 and 2022, despite the large number of child beggars, indicating that the large number of child victims of trafficking for the purpose of begging goes unrecognized.

At the Expert Meeting on Preventing and Combating Child Trafficking for the Purpose of Begging, that took place in Sarajevo, participants discussed whether trafficking in human beings for the purpose of begging is covered by trafficking in human beings for the purpose of labor exploitation or represents a separate form of exploitation. North Macedonia representatives pointed out that **begging is a separate form of exploitation** that is regulated under Article 418-d of the Criminal Code that prohibits and prescribes penalties for child trafficking.

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<sup>28</sup>From the Students Report: Working with Children in the Street (April, 2023).

<sup>29</sup> Forms of Begging, examples of begging provided by a Public Prosecutor.

It is recommended that judicial authorities undergo training that would enable judges to properly assess the case, i.e., make a distinction between Neglect and abuse of a minor (Article 201, paragraphs 1 and 2) and Child trafficking (Article 418-d of the Criminal Code).<sup>30</sup>

### Forced child marriage.

A union between two persons, one or both of whom are under the age of 16, is called “marriage between minors”. Despite being informal, these unions are also called child marriages. A union between minors is a social phenomenon that negatively affects children. Child marriage, whether forced or not, represents a gross violation of human rights (rights of the child) that jeopardizes the mental and physical development of minors. It is particularly harmful for minor girls, who are physically and mentally underdeveloped and not ready for marriage that often results in premature pregnancy, social isolation and domestic violence.<sup>31</sup>

Child marriages pose a risk of child trafficking. Forced child marriage is a union between children under the age of 18, concluded under coercion from the parent/s or one of the partners, without the consent of the other partner.

The law recognizes 2 types of child marriages: marriage between minors (children at the age of 16 or more) and marriage between children under the age of 16. The former may be concluded with parental consent. The latter is prohibited by law.

Although forced child marriages are believed to be a common phenomenon in our country, statistical data of the MoI about the **Trends in the Number of Child Victims of Trafficking in North Macedonia (2019–2023)** show that out of the total number of recorded child victims of trafficking, 11 are children who are victims of **forced marriages**. This number is significantly higher than the number of child victims of any other type of child trafficking. The majority of them are Roma children. Reasons for this include: poverty, tradition, lack of education, unemployment of Roma parents.

In North Macedonia, child marriages predominantly occur within the Roma community. In Roma settlements, 45.1% of women aged 20–24 were married before the age of 18, compared to 7.5% of the general population, according to a multi-indicator survey conducted in 2018-2019, with the support of UNFPA and UNICEF. The same data show that 15.5% of Roma women were married for the first time before they reached the age of 15, compared to 0.3% of women of other ethnicities.

There are significant differences among different ethnic communities when it comes to girls aged 15–19 who are married or living in a union: compared to the national rate of 4%, 2% of Macedonian girls and 6% of Albanian girls, 22% of Roma girls are married or living in a union. In addition, the national rate of young women aged 15–19 who have given birth or are currently

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<sup>30</sup>Open Gate panel discussion: 24 December 2023

<sup>31</sup> N. Salioska from ROMA SOS – Prilep. The Grey Zone between Tradition and the Rights of the Child, 2016.

pregnant is 3%, while among the Roma population, this rate is 18%. When it comes to severe poverty, the national rate is 5%, while the rate among Roma women is 25%. The national average in terms of only having completed only primary education is 12%, while only 24% of Roma women have completed only primary education.<sup>32</sup>

The issue of child marriages, even less so child marriages as a type of child trafficking, or forced marriage, is still not properly addressed in North Macedonia. Institutions lack accurate data about this phenomenon, although it exists and is frequently perceived as Roma tradition motivated by poverty, social exclusion and cultural norms. The underage partner in child marriages is often a female, which reaffirms and exacerbates gender inequality, poverty and insufficient education among women.

### **Definition of child marriage as a form of child trafficking**

The definition refers to a phenomenon that is harmful to children — to their physical and mental health, and to their education — however, not every child marriage constitutes a forced marriage or a form of child trafficking.

*For a child marriage to be identified as child trafficking, elements of the criminal offense must be present. Firstly, one or both of the parties to the marriage must be minors; the marriage must have been concluded without the consent of one or both individuals; it must have been entered into under coercion from the family, one of the partners or other persons; and it must contain elements of a different form of exploitation of one of the partners.*

Despite being one of the key authorities responsible for addressing this issue, the State Educational Inspectorate does not always recognize the elements of child trafficking in cases of forced child marriages, where indicators suggest the existence of the criminal offense of child trafficking.

It also appears that the public prosecution and the courts do not always recognize child trafficking for the purpose of forced marriage. These are some of the reasons why certain cases of child marriages involving elements of child trafficking are not adequately processed by the justice system.

*In December 2017, while the father of the child victim was staying on the territory of North Macedonia, where he was engaged in physical labor, he was approached by a man (the second accused) who asked the father to find him a bride from Albania. The father of the child victim saw an opportunity to earn money and showed the man a photograph of his underage daughter. The second accused liked the girl and agreed to marry her, for which the father received a certain amount of money. When the father of the child victim showed his daughter*

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<sup>32</sup>Mk-Roma Child Marriages-2016.

*the photograph of her future husband (the second accused) and told her that she was to marry him, the girl categorically refused. However, the father returned to Albania and applied for a passport for his daughter, the child victim, paying EUR 200 with the money provided by the second accused. Once the passport was issued, the second accused and several of his close associates traveled to Albania to meet his future bride. The second accused spent the night in the child victim's home, and the next day, despite her opposition to the marriage, she was taken by car to North Macedonia, to the home of her future husband. As they were leaving, her father threatened to kill her if she returned home. After a small wedding ceremony, when the guests had left, the second accused attempted to force the child victim into sexual intercourse. When she refused, he physically assaulted her, inflicting bodily injuries. The beatings continued, and her father witnessed the violence on several occasions. The father of the child victim received several smaller payments, amounting to a total of EUR 1,000, for arranging the marriage against his daughter's will. The husband immediately confiscated her passport, and she was allowed to speak with her mother only through his phone. She spoke to her mother only once, after which she was forbidden to make any further contact, as her husband was convinced that she was communicating with other men. They lived alone but were frequently visited by the brother of the second accused, who was married and had two adult children. The husband, believing that she was flirting with his brother's sons, often threatened her, and she was subjected to repeated physical abuse. On one occasion, her father attempted to take her back to Albania after noticing bruises on her neck, but they were both threatened with death if he tried to take her away or speak to the police. The brother of the second accused reported the father to the police, accusing him of attempting to take the daughter by force. The case was uncovered when the girl was summoned to the police station because her three-month residence permit had expired. The police subsequently reported the case to the competent Center for Social Work (CSW). At the time, the child victim was 15 years old. She was an Albanian national, living with her parents in a family with five children, and she was not attending school. Her father, a 47-year-old Albanian national, worked in construction and had numerous prior convictions. The second accused was a North Macedonian national with primary education, unmarried, with no prior convictions, moderately well-off, and 33 years old at the time.*

Checks revealed that although he had no prior convictions, he had been reported for physical violence against a foreign national who was a minor.<sup>33</sup>

This is a typical example of forced child marriage, where one of the partners is a child victim of trafficking, concluded under coercion from one party, containing sale, transport, buying and abuse of a child whose rights are violated.

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<sup>33</sup> UNODC, Analysis of cases of trafficking in human beings and child trafficking in the Republic of North Macedonia: Challenges for effective prosecution and sanctioning of perpetrators (2022).

## 5 Analysis of the Research Results

The research aimed to identify the risks and contributing factors that lead to the increase in child trafficking, as well as the methods for prevention, with particular focus on the following three types: child trafficking for the purpose of labor exploitation, begging and forced marriages.

**The analysis of the questionnaire responses** led to several conclusions and recommendations:

All participants in the research are professionals working in the field of trafficking in human beings and demonstrated sufficient knowledge of the phenomenon. However, the majority indicated that they lacked information and adequate understanding of child trafficking, particularly concerning child victims of labor exploitation and forced marriages. The participants stated that they need capacity building activities related to child trafficking, especially with regard to child trafficking for the purpose of labor exploitation, begging and forced child marriages, including training on recognizing risks and methods for prevention. They emphasized the need for targeted training that specifically addresses these three types of child trafficking.

Many respondents highlighted the need for training judges and prosecutors to improve their ability to identify child trafficking as a criminal offense and to distinguish begging as a form of child trafficking from child neglect or abuse.

The need for revising and supplementing the existing indicators for each of the three types of child trafficking was also emphasized, particularly the need for specific indicators for identifying children who are suspected victims of forced marriages.

Respondents also identified as problematic the lenient and inadequate penalties for parents who either participated in or forced their children to beg, work in the streets or enter into marriage in which the child was coerced into begging, servitude or sexual exploitation.

Regarding the proper application of SOPs, respondents stressed the need for continuous training to refresh their knowledge of the SOPs and to ensure a more effective implementation of SOPs during the process for identification, processing and protection of child victims of trafficking, including the detection of trafficking victims among unaccompanied migrant children. The SOP also contains procedures for the prosecution of traffickers and outlines the obligations of judges and prosecutors.

Respondents underscored the need for introducing amendments and supplements to the laws that regulate child trafficking and child protection, as well as stricter prison sentences and fines for perpetrators. Particular emphasis was placed on the need to amend the labor legislation that defines the duties and powers of labor inspectors, allowing them to recognize a potential child victim during the initial interview conducted during inspection visits.

It is also necessary to strengthen the capacities of the Center for Trafficking Victims, ensuring that accommodation is available for male child victims as well.

The large number of children in the street, identified by many respondents as a serious issue, underscored the need to establish Centers for Children in the Street in Skopje and other larger cities where there is a higher concentration of child beggars.

It was also proposed to increase the number of staff in day centers for children in the street and to ensure stable financial support from the state for the operations of these centers.

### **Analysis of the interview responses**

The interview, as a qualitative research method, was used to assess the knowledge and perceptions of respondents regarding the issue of child trafficking for the purpose of labor exploitation, begging and forced marriages, as well as their insights into trends of increase or decrease in trafficking for the purpose of the 3 aforementioned types. The interview focused on identifying **risks of this phenomenon** and **methods for prevention**. A total of 19 respondents from institutions, international organizations and civil society organizations took part in the interview.

*First question: In your opinion and perception, has the number of child victims of trafficking for the purpose of labor exploitation, begging and forced marriages increased, remained the same or decreased?*

### **Child trafficking for the purpose of labor exploitation**

According to responses from several respondents, child labor exploitation often appears as a combination of types of exploitation, most frequently observed in cases of begging and forced marriages. Child trafficking for the purpose of labor exploitation remains an insufficiently recognized form of trafficking, and children working in the street are often perceived as merely earning income or helping their families. This form of exploitation is insufficiently defined, and adequate measures are rarely taken when cases are reported involving children working at inappropriate hours, in hazardous or inadequate conditions, or performing work inconsistent with their age and mental and physical abilities. In many cases, such incidents are not reported at all. Four respondents (21.05%) stated that the number of victims of child trafficking for the purpose of labor exploitation remained the same, while two respondents (10.52%) believed that the number is decreasing. The remaining respondents (68.42%) believed that the number of child victims of this form of exploitation is increasing.<sup>34</sup>

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<sup>34</sup> Based on individual responses of the interviewees.

## **Begging as a form of child trafficking**

Regarding begging as a form of child trafficking, more than half of the respondents indicated that the number of child beggars is on the rise, a trend that is easily observed in the streets of major cities across the country, particularly in Skopje. Although begging as a form of child exploitation is becoming more prevalent, only a small number of child beggars have been identified as victims of trafficking, according to nearly one-third (31.57%) of respondents.

Despite the increased number of child beggars, this phenomenon is often considered parental neglect instead of being recognized as a type of child trafficking.

There are several reasons for the low number of identified victims among child beggars. Firstly, some professionals perceive begging as part of Roma tradition rather than exploitation. Secondly, it is difficult to obtain sufficient evidence to formally identify a child as a trafficking victim. Respondents also cited judicial distrust in the evidence submitted by the police in cases involving child beggars who are trafficking victims as a reason. A possible reason for this is the fact that judges consider evidence submitted to the court by the police to be insufficient. Some respondents also noted that the police often dismiss reports from citizens and civil society organizations about potential victims of trafficking. According to findings from the Mobile Teams for Identification of Vulnerable Children and Children in the Street in Skopje, 154 individuals were identified in locations where this type of exploitation occurs, 112 of whom were children. A significant number of these children were under the control of adults, which is one of the key indicators of begging as a form of child exploitation – child trafficking.

## **Forced child marriages**

Three respondents stated that forced child marriages are on the rise. However, since these are typically informal unions, no official records exist, and their actual number remains unknown. Even less is known about the forms of exploitation to which one of the spouses may be subjected after marriage, such as sexual exploitation, labor exploitation or begging. According to representatives of NGOs, the number of child victims of forced marriage is increasing. Data from the past five years also indicate that the majority of identified child victims were victims of forced marriage (11 cases). In 2023, out of the 5 children at the Center for Trafficking Victims, 4 were suspected victims or victims of forced marriage. Respondents highlighted that the number of suspected child victims of trafficking is increasing, while the age of the victims is decreasing, typically ranging from 13 to 15 years old.

On International Women's Day, UNICEF Representative Di Giovanni stated that while child marriages in North Macedonia have decreased significantly over the past decade, they remain an issue that affects girls in the country.<sup>35</sup>

It was also emphasized that child victims of this type of exploitation are especially difficult to identify, particularly those who married abroad. In many cases, exploitation is discovered only later, by the police or following a report filed by the parents of the underage bride. After "entering into marriage," these children are often exploited for servitude in the household, forced begging and in many cases, sold to third parties for sexual exploitation.

*Respondents who believed that the number of child victims of any of the three forms of child trafficking is increasing were asked to identify the reasons in the second question.*

The majority of respondents most frequently cited poverty and/or dysfunctional families, diminished parental capacity, vulnerability of specific groups of children, insufficient oversight by labor inspectors, the impact of tradition in communities (child beggars), lenient penalties or lack of punishment for perpetrators, lack of centers for children in the street and unemployment of the parents.

*In your opinion, what are the risks contributing to the increase in child trafficking in our country, focusing on the three types of child trafficking?*

All of the aforementioned reasons pose serious risks that have lasting effects on children's physical, emotional and mental health, as well as their social well-being.

Some risks were already mentioned in the reasons for the occurrence of the three types of child trafficking, stated above. However, respondents believe that the number of risks is significantly higher.

The majority of the respondents identified the following **risks** as the most frequent:

- Delayed reporting of child abuse or of suspected child victims of trafficking by competent institutions, and failure of the Basic Public Prosecution to complete cases of child trafficking for the purpose of labor exploitation, begging or forced marriage.
- Inefficiency of the systems for victim protection and prosecution of perpetrators, limited institutional capacities and resources, a lack of qualified personnel in Centers for Social Work and other institutions, and delayed response by competent institutions.
- Discontinuation of education or non-enrollment in school, which not only increases vulnerability to trafficking, but also destroys future opportunities for a better life.

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<sup>35</sup> Daily newspaper "Večer", 9–10 March 2024.

- Lack of awareness among children (caused by adults) about child trafficking and these 3 types of exploitation, as well as the risks.
- Insufficient public understanding of child trafficking and lack of public engagement on the issue.
- Insufficiently effective measures – failure to punish parents who abuse their children.
- Lenient penalties or acquittals of perpetrators of child trafficking for the purpose of different types of exploitation. For example, reports of child victims of trafficking for the purpose of begging submitted by the police are often reclassified by prosecutors as parental neglect, leading to case dismissal.
- Poor cooperation among institutions and with CSOs in the fight against child trafficking.
- Lack of capacities and inadequate systems for reintegration of child victims after they leave the Center for Trafficking Victims, as well as unpreparedness of schools to receive and reintegrate these children.
- Unpreparedness of families to receive and help their children upon return.
- Lack of state systems that provide assistance to children and high-risk families.
- Lack of institutional protection (inadequate and insufficient institutional response).
- Discrimination and lack of inclusion of Roma children, lack of schooling and poverty among Roma families.
- Vulnerability of unaccompanied migrant children. Adults who claim to be their escort pose a risk for these children.
- In rural areas, particularly in communities such as the Turkish Yuruks who live in villages in the Municipality of Radovich, where girls are not attending school and underage girls (under 16) are married without their consent, child brides are often exploited for agricultural labor or domestic servitude in urban households by the family of the husband.

### *How to prevent risks and protect children?*

The majority of respondents agreed on the following **preventive measures**:

- Timely response to reports of child abuse and of suspected child victims of trafficking, especially for the purpose of labor exploitation.

- Strengthening institutional capacities and resources across all sectors involved in combating these crimes. Increased number of professionals and continuous training of these professionals, in line with evolving challenges.
- Training preschool staff to teach children about the dangers of deception, abduction and the practice of selling children for the purpose of begging.
- Continuous training in schools (for staff and students, as well as parents) on the risks of child trafficking for the purpose of these 3 types of exploitation.
- Media campaigns for raising public awareness on the risks of child trafficking for the purpose of these 3 types of exploitation and methods for prevention.
- Changes in the penal policies, higher penalties for perpetrators, asset confiscation, higher prison sentences and other more robust measures in the penal legislation.
- Enhanced cooperation among institutions and with CSOs, aimed at preventing child trafficking, and implementation of joint programs for prevention.
- Joint training sessions for inspectors (labor and education), preschool educators, teachers, social workers, judges, prosecutors, representatives of NGOs and doctors on identification and prevention of risks of child trafficking for the purpose of labor exploitation.
- Rehabilitation and reintegration of child victims after leaving the Center for Trafficking Victims, through joint activities carried out by the CSW, Center for Trafficking Victims, MoI, schools and families. Rehabilitation of boys who are victims of trafficking (3 identified in the past 2 years) is an issue, as they cannot be accommodated in the Center for Trafficking Victims. In addition, they need to be reintegrated in school, with the support of professional services.
- Establishment of a national support system for victims and their families.
- Enhanced institutional protection, strengthening the capacities of the Center for Trafficking Victims, continuous training and supervision of the staff in the CSWs.
- Increased field presence of labor inspectors, and expanded powers of labor inspectors, regulated by law.
- Development of protocols for dealing with child victims of labor exploitation, begging and forced marriages, as well as training on protocol implementation. Establishment of additional day centers for children in the street across the country, ensuring their sustainability and adequate staffing with a sufficient number of professionals.

- Specialized counseling centers for continuous psychological assistance and support for at-risk, suspected and confirmed child victims, provided by professionals working on combating child trafficking and the prevention of begging, labor exploitation and forced marriages.
- Integration of measures for the prevention of child trafficking for the purpose of begging, labor exploitation and forced marriages in school programs for prevention of child trafficking.
- Basic and specialized training for prosecutors and judges on the topic “Recognizing child trafficking for the purpose of labor exploitation, begging and forced child marriages, adequate and timely processing of such cases and proportional punishment for perpetrators.”
- Respondents emphasized that the most significant preventive measures are close inter-sectoral cooperation and cooperation with CSOs, information exchange, joint consultations about specific cases and joint projects.
- Close cooperation should also be established with foster families of child victims of trafficking, including cooperation between guardians and foster families to facilitate the re-socialization and educational reintegration of these children.
- Close cooperation with local communities to protect children, especially those from poor or dysfunctional families where the child may be subjected to begging, labor exploitation or forced marriage for financial gain. Cooperation in facilitating the successful **reintegration** of child victims leaving the Center for Trafficking Victims.

During the interview, respondents were asked for their opinion, insights and perception on the number of children and the trend of increase/decrease in the number of child victims of labor exploitation, begging and forced marriages.

The responses from the questionnaire, interview and focus group discussions revealed that respondents possess different levels of knowledge and different perceptions regarding the trend and number of child victims of trafficking for the purpose of labor exploitation, begging and forced marriages. However, regarding the key issues of risk identification and preventive measures, all respondents demonstrated consistent understanding, identifying a wide range of risks and corresponding measures for prevention. The large number of identified risks and proposed preventive measures indicates that a significant portion of the research objectives—risk identification and recommendations for risk prevention—have been achieved successfully.

## Analysis of the Data Collected from Focus Groups

Two focus group discussions were conducted, each consisting of 20 representatives of various institutions: the MLSP, Sector for Social Protection and NRM, multidisciplinary teams under CSWs in Skopje, Tetovo, Negotino, Kumanovo, SLI inspectors, NUSTHBIM under the MoI, as well as experts working on prevention and protection of vulnerable groups, including children in the street, such as social workers, psychologists and special educators.

Based on insights obtained from responses on the questionnaire and during the interview, a set of questions was developed to guide the focus group discussions.

The focus group discussions enabled the collection of qualitative data, access to expert knowledge and experiences related to the specifics of child labor exploitation, forced marriages and begging. The diversity of institutional backgrounds among the participants contributed to the formation of joint conclusions regarding child trafficking. The method of conducting the focus groups included open discussions (questions and answers, opinions and comments).

Representatives of the Centers for Social Work who took part in focus group discussions reported that child begging is an issue in several cities across North Macedonia. Skopje and Ohrid have the highest number of child beggars. In Ohrid, the number of child beggars increases significantly during the summer. Child beggars are also present in other major cities, including Bitola, Prilep and Tetovo. There are no cities in Eastern Macedonia where children are seen begging on a daily level. For instance, there are no child beggars in Sveti Nikole (as reported by representatives of CSW in Sveti Nikole).

Apart from Skopje and other cities, the trend of child begging is also increasing at border crossings, where children are at risk of becoming victims of multiple types of child trafficking (begging, labor exploitation, sexual abuse).

The lack of coordination between CSWs and the MoI in certain cities represents an issue and is the reason why children travel from one city to another in search of places to beg.

Child victims of labor exploitation are often encountered on the streets, performing small services or selling trivial items. This occurs on busy streets in larger cities, but also at toll stations on the highway. Child victims of this type of trafficking can also be found performing seasonal agricultural labor, in the country and abroad. Victims of labor exploitation are also children who are sold to work as domestic servants on farms, and sometimes in coffee shops and restaurants as waiters/waitresses.

Child trafficking for the purpose of forced marriage occurs more frequently within Roma and Turkish Yuruk families, but also in Albanian communities. These are usually impoverished families

who sell their underage daughters, either in the country or abroad, in exchange for a certain amount of money. Some of these children, once trapped in a forced marriage, are given to others for the purpose of begging, domestic servitude or sexual exploitation.

*Representatives from Prilep expressed particular concern over the increasing number of forced marriages in their municipality. According to them, this can largely be attributed to the fact that members of the Roma community, where forced marriages are common practice, do not adhere to the law and justify it as part of their tradition. If institutions intervene, the Roma population perceives that as discrimination or disrespect for their traditions. A similar situation was reported in Sveti Nikole, where authorities recorded an increase in the number of underage girls entering into marriage, which exposes them to the risk of child trafficking for the purpose of forced marriage and labor exploitation.*

Another issue raised during the focus group discussions was the need for capacity building of prosecutors and judges on processing child trafficking cases initiated by reports by the police.

*Participants highlighted and discussed the lack of responsiveness from prosecutors and judges in cases of parents forcing their children to beg. This was exemplified by a case from Kumanovo, where the prosecution rejected a case involving a child victim of begging, stating that “there are no grounds for prosecution because the parents force their children to beg due to lack of food or poverty.”*

Respondents underscored the need for enhanced sensitivity among prosecutors and judges on this issue, noting that, in addition to applicable legal provisions, ratified international conventions on the rights of the child should also be considered.

Respondents stressed the need for introducing amendments to the legislation regulating the competencies of the Labor Inspectorate, including the introduction of a clear legal obligation for labor inspectors to report cases of suspected labor exploitation of children. The focus group discussions also highlighted the need to employ social workers in the Mol and in schools. Social workers in schools were identified as a significant liaison between the family, the school and the teachers. Their insights are extremely important for early detection of children who are suspected to be trafficking victims. Social workers also serve as a liaison between the school and the CSW when reporting suspected child victims. They cooperate with the family during the child’s reintegration.

To prevent and protect children and youth against labor exploitation, respondents highlighted the importance of informing children about the risks of offers for employment abroad, particularly during summer, in both EU member states and other countries.

Respondents also pointed out that impunity of perpetrators, public attitudes towards beggars, lenient penalties, poor institutional coordination and lack of financial and human resources pose potential risks that contribute to the increase in begging and labor exploitation of children.

The analysis of the data collected during focus group discussions revealed a high degree of consistency with the responses obtained through the questionnaires and interviews.

## 6 Conclusions and Recommendations

The conclusions and recommendations from the research are divided into two parts: general conclusions and recommendations related to child trafficking and conclusions and recommendations specific to child trafficking for the purpose of labor exploitation, begging and forced marriages.

### **General Conclusions and Recommendations for Reducing the Number of Child Victims of Trafficking**

All participants in the research are professionals working in the field of trafficking in human beings. They possess sufficient knowledge of trafficking in human beings, however, a significant number of them lack adequate knowledge and understanding of child trafficking. Therefore, there is a **need to organize additional training for professionals** who work with child victims of trafficking. At the same time, it is necessary to ensure sustainability and to select qualified personnel with adequate expertise in the field. **The trainings should be practical and include simulations, role-playing and demonstrations of all techniques.**

The lack of capacities and resources in certain institutions (CSWs and public prosecution) cause inadequate handling of child trafficking cases.

**It is recommended to strengthen the capacities and resources of institutions** that are responsible for resolving these crimes, as well as to strengthen the capacities of other professionals through continuous education and training, in line with developments in the field.

Joint trainings develop and enhance multi-sectoral cooperation, which is why maintaining their continuity is essential. It is important to highlight the need for proposing and engaging experts who work on this issue and can apply the acquired knowledge in practice. It should be taken into consideration that the Mol is facing a lack of human and financial resources, similarly to CSWs and the public prosecution.

It is, therefore, **necessary to strengthen the capacities and resources of the competent state institutions**, both at the central and local level, by planning the funds to be secured by the Ministry of Finance.

Close inter-sectoral cooperation and cooperation with CSOs in the country contribute to efforts for child trafficking prevention. The country, the international community and CSOs should make joint efforts to implement **robust measures for protection and prevention, proactive investigations and punishment for perpetrators, active programs and measures aimed at rehabilitation and provision of support for child victims**. It is also necessary to organize joint trainings for the staff of various institutions (police officers, preschool teachers, teachers, social workers, judges, prosecutors, NGO representatives, doctors) on the risks and methods for preventing child trafficking, in order to enhance inter-sectoral cooperation.

The lack of cooperation CSOs in the fight against child trafficking leads to inconsistencies in the reports on the number of potential and identified child victims of trafficking. It is **recommended to enhance cooperation between institutions and CSOs** through joint actions and projects. **Despite the ongoing cooperation with CSOs, additional training is required for NGOs to inform them about the referral process of child victims to the NMR under MLSP.**

**It is also necessary to strengthen the cooperation with international organizations, especially in terms of planning and coordinating activities related to child trafficking prevention.**

Teachers in schools have only undergone basic training on child trafficking prevention. The developments in the area of child trafficking, the risks that are increasing on a daily basis and the lack of training on the types of child trafficking impose the need for conducting continuous trainings in schools (for staff and students, as well as parents) on the types of child trafficking, including labor exploitation, begging and forced marriages, and on the methods for prevention.

- **Education on the Risks of Child Trafficking**

The research identified lack of capacities and inadequate systems for reintegration of child victims after they leave the Center for Trafficking Victims, as well as unpreparedness of schools to receive and reintegrate these children. These factors contribute to the limited success of re-socialization and reintegration of child victims of trafficking.

To carry out these two processes successfully, **it is necessary for guardians of these children to prepare the family before the child's return and to train foster families**. To ensure the child's acceptance and integration in school, **it is also necessary to prepare the professional service of the school**. It is particularly important to prepare **the professional team of SOS Children's Village and small-scale group homes**, who will work with the families and the child victims, helping them adjust to school life.

Professional services, as well as teachers **must also work with other pupils in the classes where a child victim is enrolled, so that the child is accepted and supported by their peers.** It is recommended that **trainings on preparation** be carried out by a team of experts in the field of child trafficking, with knowledge in specific techniques for recognizing changes in children's behavior.

It is required to organize regular informative meetings in schools, especially with parents to familiarize them with child trafficking and other related risks (sexual violence, pedophilia, bullying, etc.). Parents should be mapped, targeted and informed about the risks and consequences, and the criminal liability for committing this criminal offense. Potential obstacles include funds and sustainability. It is also important not to disclose what happened to a certain child or what kind of risk they are at. Instead, professional services and teachers should focus on developing greater sensitivity in students and promoting acceptance of diversity among all children.

Lenient and inadequate penalties for perpetrators of child trafficking often encourage traffickers to repeat the offense. Changes in the penal policies, higher penalties for perpetrators, asset confiscation, higher prison sentences and other more robust measures in the penal legislation are required. **It is recommended to organize training for judges on imposing proportional sentences for perpetrators of child trafficking, as well as on confiscation of illegally obtained property and profits.**

It is also **recommended to enhance sensitivity among prosecutors and judges** on this issue. In addition to applicable legal provisions, ratified international conventions on the rights of the child should also be considered. It is of particular importance to raise the awareness and sensitivity of public prosecutors and judges and to increase their attendance in workshops, trainings and meetings on this topic.

**It is necessary to educate Roma parents about the existence of legal provisions establishing criminal liability for such crimes.**

Currently, the Center for Trafficking Victims only accommodates female children. No accommodation is available for boys who are victims of different types of child trafficking. It is, therefore, recommended to strengthen the capacities of the Center and open a wing for accommodating boys who are victims of child trafficking.

In order to recognize the risks of child trafficking, it is required to organize public awareness campaigns, as the general public remains insufficiently informed about the risks and consequences of child trafficking. **Other awareness-raising mechanisms can also be used, such as: fieldwork, educational sessions, flyers, workshops, etc.**

## **Conclusions and Recommendations Specific to Child Trafficking for the Purpose of Labor Exploitation, Begging and Forced Marriages**

The lack of knowledge about child trafficking for the purpose of labor exploitation, begging and forced marriages is even more pronounced than the above-mentioned lack of knowledge about child trafficking. This is the reason behind the differing levels of knowledge among respondents regarding the trend of increase/decrease in the number of child victims of the three types of exploitation. There is an insufficient number of CSOs and foster families.

**It is recommended to strengthen the capacities of professionals from competent institutions and of CSOs** who work on preventing child trafficking for the purpose of labor exploitation, begging and forced marriages.

The status of the Task Force and the deployed police officers has not yet been regulated, in line with the organization and systematization of positions within the MoI, due to which they cannot be promoted and have nowhere to work. All of this affects sustainability, as the Task Force's mandate ends in March of the following year.

**It is required to extend the mandate of the Task Force and regulate the status of the deployed inspectors to ensure sustainability.**

There is a particular need for conducting trainings for public prosecutors and judges, aimed at enhancing their sensitivity towards children, improving their ability to recognize child victims of labor exploitation, begging and forced marriages, and ensuring adequate penalties are imposed on parents and other perpetrators of such criminal offenses. **Prosecutors should undergo trainings on child trafficking for the purpose of labor exploitation, begging and forced marriages**, including on interviewing children, by applying protective measures in line with the rights of the accused.

The most common reasons for the occurrence of the three types of exploitation are the living conditions of the child. These children come from poor and/or dysfunctional families, unemployed parents with diminished parental capacities, which makes them vulnerable. Traditions in certain communities also affects child victims of labor exploitation, forced marriages and begging.

Other reasons include lenient penalties and not punishing parents who force their children to beg, work in the street or enter into marriage, as well as lenient penalties and not punishing perpetrators or users of the services.

To mitigate the reasons of child trafficking for the purpose of these 3 types of exploitation, **it is required that the country provide assistance to vulnerable families and vulnerable categories of children** and introduce stricter penalties for perpetrators. It is also necessary for state and local

institutions to provide assistance and support to vulnerable families, in line with their needs, such as, strengthening parental capacities, employment programs, housing, tax exemptions, etc.

Despite the evident increase in the number of child beggars and children who work in the street, both in Skopje and in other larger cities, a small number of child victims of these two types of child trafficking has been identified. To improve the identification of children who are potential victims of begging and labor exploitation, **it is necessary to revise the existing indicators for these two types, but also to prepare indicators for recognizing child victims of forced marriages.** During the revision of the indicators, the case law of the European Court of Human Rights should be taken into consideration.

To prevent the risk of children begging and working in the street, as suspected victims of trafficking, **coordinated joint control for prevention** should be carried out by social workers from CSWs, MoI inspectors, representatives of relevant CSOs who work with such children and labor inspectors. It is required to implement policies that ensure the sustainability of mobile teams.

Day centers for children in the street can help reduce the number of children in the street and protect them. **The day centers should be institutionalized, and a State Center for Children in the Street should be established.** It is also necessary to increase the number of day center in municipalities in other cities, where children beg and work in the street.

To monitor the trend of the number of children who are suspected victims and victims of any of the 3 types of exploitation, **a database should be developed** for collecting data on reported children who are suspected victims or victims of child trafficking, with a functionality for the specific type of child trafficking.

Forced marriages, which are increasing in number and of which the child party is a victim of exploitation, are the most difficult to identify and are prevalent in certain communities where female children are uneducated and married off early by the parents. Therefore, it is necessary to work with the parents and help them understand the harmful effect of forced marriages and to familiarize them with legal regulations that prescribe penalties for perpetrators of this criminal offense. **It is particularly important for Roma NGOs to work with the Roma community on preventing this phenomenon.** Records should be kept on extramarital unions with minors, and parents (especially Roma parents) should be reminded that it is mandatory to enroll their children in school. It is necessary to implement additional measures for prevention within the Roma community, but also work with other communities on overcoming stereotypes.

To prevent child trafficking for the purpose of begging, labor exploitation and forced marriages, **it is recommended to organize educational campaigns for the general public** on the harmful effect of giving money to child beggars and with a focus on recognizing potential victims of these 3 types of child trafficking, including on the mechanisms for reporting a suspected child victim of

any of the 3 types of exploitation. To engage MTV and Macedonian Radio Broadcaster for free distribution of videos conveying the message that child trafficking for the purpose of labor exploitation, begging and forced child marriages is a punishable offense.

### *Limitations of the Research*

While conducting the research, we faced certain issues and risks that may affect certain results of the research. Some of the issues/risks refer to the following:

Concerning the **interview** (December–January), it was difficult to arrange a time that was acceptable for all respondents. Due to this, we reduced the number of questions, to provide more time for discussions on the most significant issues. We did not have the opportunity to interview a public prosecutor or a judge.

Focus groups were planned to consist of 30 participants, but only 20 institutions replied. There were no representatives of NGOs nor of judicial authorities.

We also faced a challenge during the collection of statistical data on the number of child victims of trafficking by type of exploitation, due to the fact that a centralized system for data collection has not been established in North Macedonia yet. Therefore, CSWs, the MoI and CSOs provide different data on the number of suspected victims and a small number of identified child victims of trafficking. In this research, MoI's official data about the number of cases and the type of child trafficking from the past 5 years was used. We submitted a request to the public prosecution about the number of processed cases of child victims of trafficking and the penalties for the perpetrators, but we received no reply.

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- UNICEF, Children Who Live in Poverty: Definition Overview (2005)
- UNICEF, Monitoring the Rights of Children and Social Policy (2012), available at <http://www.unicef.org/tfyr Macedonia/macedonian/15964.html>
- UNICEF, Social Work with Juvenile Perpetrators of Criminal Offenses, S. Dimitrijoska (2012)
- Publications in Foreign Languages
- Vjece Evrope, "Fenomen trgovine djecom u Bosni i Hercegovini" M. Dottridge & all. (...)
- UNODC, Analysis of cases of trafficking in human beings and child trafficking in the Republic of North Macedonia: Challenges for effective prosecution and sanctioning of perpetrators, (2022)

## Legislation

Law on Child Protection, 2010

Law on Monetary Compensation for Victims of Violent Crimes, 2022

Law on Civil Registry, 2008

Law on Primary Education, 2008

Law on Justice for Children, 2013

Law on Misdemeanors against the Public Order, 2007

Law on Labor Relations, 2014

Law on Family, 2014

Law on Social Protection, 2009

Law on Secondary Education, 2009

Criminal Code, 1996, and its amendments and additions

## 8 ATTACHMENTS

### NORTH MACEDONIA

*“Research on child trafficking for the purpose of labor exploitation, forced child marriages and begging*

Dear Sir/Madam,

*The **Strengthening anti-trafficking activities in North Macedonia** project is being implemented within the framework of the joint program of the European Union and the Council of Europe “Horizontal Instrument for Western Balkans and Türkiye,” running from January 2023 to December 2026. Research on child trafficking for the purpose of labor exploitation, forced child marriages and begging is being carried out within the framework of the project. We would like to kindly ask you to fill out the enclosed questionnaire, which will help us with our research on this hot topic. The research will enable us to define the risks of child trafficking with the purpose of labor exploitation, as well as to make conclusions and provide recommendations on preventing it.*

*Completing the questionnaire will take about 15 minutes of your time.*

*Thank you in advance!*

## QUESTIONNAIRE

NAME AND SURNAME: \_\_\_\_\_ (optional)

FUNCTION: \_\_\_\_\_ (optional)

INSTITUTION: \_\_\_\_\_

1. *Is your work in any way related to the phenomenon of trafficking in human beings/child trafficking?*
2. *How familiar are you with the types of child trafficking?*
3. *Has North Macedonia built an efficient institutional framework for providing an adequate response to trafficking in human beings/child trafficking?*
4. *What should be done to improve the institutional framework for combating trafficking in human beings in the country?*
5. *Does the legal formulation of the criminal offenses Trafficking in human beings (A. 428-a) and Child Trafficking (A. 418-d) contain enough indicators to identify/define trafficking in human beings and file criminal charges against the perpetrators of child exploitation, in line with international standards?*
6. *When it comes to trafficking of human beings, North Macedonia is a country of:*
7. *Which gender is most frequently represented among victims of human trafficking?*
8. *What is the level of education of the victims?*
9. *Do you know that kind of environment the victims come from?*
10. *Recruitment of victims is most often carried out through:*
11. *Do the existing institutional framework, National Committee on Trafficking in Human Beings and Illegal Migration, Subgroup for Combating Child Trafficking and National Referral Mechanism constitute a framework that enables the operation of the system for identification, referral, protection and assistance for victims of THB/CT?*
12. *Has the National Rapporteur emphasized labor exploitation as much as other types of exploitation in the annual reports?*
13. *Is THB/CT adequately addressed in the National Strategy and the NAP for Combating Trafficking in Human Beings and Illegal Migration for 2021–2025?*

14. *Is the budget planned for the NAP implementation sufficient to ensure efficient implementation of the activities and achievement of the goals outlined in the NAP?*
15. *Is the National Referral Mechanism's response timely and efficient enough when it comes to the reception and referral of identified victims of labor exploitation?*
16. *Is the planned SOP an efficient tool for dealing with victims of THB/CT?*
17. *Taking into account the higher awareness on labor exploitation, are there shelters for the protection of victims of this type of exploitation?*
18. *Are the capacities of the existing shelters sufficient for the number of identified victims?*
19. *Are efficient protection, assistance, reintegration and re-socialization services, in the best interest of the victim, planned and provided for identified victims?*
20. *Is there a legal basis for efficient cooperation between state institutions when dealing with victims at all stages?*
21. *Are CSOs engaged in the work with identified victims? Are CSOs an efficient partner? If so, where do they provide the most valuable contribution?*
22. *Are Worker's Associations from North Macedonia engaged in the efforts for preventing and recognizing labor exploitation?*
23. *Is international cooperation established for the purpose of exchange of information for victim identification, as well as safe return of victims and prosecution of perpetrators?*
24. *Have you ever officially cooperated with an international agency/organization/institution on trafficking in human beings through the institution you work for?*
25. *Have you ever cooperated or took part in an international project on labor exploitation?*
26. *Are you familiar with specific policies, good practices or initiatives that could contribute to an enhanced and more efficient national response to trafficking in human beings?*
27. *Is it necessary to introduce amendments and additions to the existing legislation regulating the Labor Inspectorate to ensure its more active engagement in recognizing trafficking in human beings/child trafficking for the purpose of labor exploitation?*
28. *What are your suggestions and recommendations for improving the national response to labor exploitation?*

## **Interview**

*1. In your opinion and perception, has the number of child victims of trafficking for the purpose of labor exploitation, begging and child marriages increased, remained the same or decreased?*

*Trend on the number of child victims of these 3 types of exploitation*

*1.1. Labor exploitation*

*1.2. Begging as a form of child trafficking*

*1.3. Child marriages – form of child trafficking*

*2. Respondents who believed that the number of child victims of any of the three forms of child trafficking is increasing were asked to identify the reasons in the second question:*

*3. In your opinion, what are the risks contributing to the increase in child trafficking in our country?*

- Lack of institutional protection (inadequate and insufficient institutional response)?*
- Discrimination and lack of inclusion of Roma children, lack of schooling and poverty among Roma families?*
- Vulnerability of unaccompanied migrant children. Are adults who claim to be their escort a risk for these children?*

*4. How to prevent risks and protect children?*

*5. Which of the risks can be mitigated by your institution?*

## GUIDANCE PROTOCOL

### for Focus Groups

Duration: 11 a.m.–5 p.m.

No. of respondents: 20

Manner of recording answers: Keeping notes

Introduction of participants

Introduction of discussion topics

Initiation of a discussion

Topics:

1. The situation with the emergence of the three types of child trafficking (CT): Child trafficking for the purpose of labor exploitation, child marriages and begging in our country in the past 5 years.

- How is this phenomenon regulated in international, European and national legislation?

2. What are the **reasons** for the emergence of

- Trafficking for the purpose of
- Child marriages
- Begging...

3. What are the **risks** of the emergency of each of the 3 types of THB

- Trafficking for the purpose of labor exploitation
- Child marriages
- Begging.

4. How can we **prevent risks of** the emergence of

- Child trafficking for the purpose of labor exploitation

5. How can we **prevent risks of** the emergence of:

- Child marriages

6. How can we **prevent risks of** the emergence of

- Begging among children

7. Recommended **specific measures for the prevention of risks of**: child trafficking for the purpose of

- Labor exploitation,
- Child victims of child marriages
- Child victims of begging

8. What **specific measures should institutions implement to prevent risks of these 3 types of CT?**

- Mol
- CSW
- MES
- MoJ
- MoH
- Labor Inspectorate
- Other

9. Measures for the prevention of CT risks (for each of the 3 types) can be implemented by

- CSOs
- Citizens (the public)
- Who else

10. Are the methods for preventing child trafficking mentioned so far efficient enough in terms of

- Timely identification (general) of potential child victims of trafficking
- Specific for each of these 3 types: trafficking for the purpose of labor exploitation; forced child marriages; begging
- Timely detection

- Timely protection
- Rehabilitation
- Reintegration

**11. Are trainings on the risks and the prevention of risks of these 3 types of child trafficking necessary for all stakeholders?**

YES

NO

- For representatives of institutions
- CSOs

**12. What are your conclusions and proposals for future activities for preventing risks of the emergence of child trafficking for the purpose of each of the 3 types of exploitation?**

**12. Is it necessary to introduce amendments to legal regulations, for example, the Law on Labor Inspections?**

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