



MACEDONIA (TIER 2)

Macedonia is a country of transit and, to a lesser extent, destination for women and children trafficked for the purpose of sexual exploitation from the former Soviet Union and Eastern and Southeastern Europe. A number of victims transit through Macedonia and on to Western Europe for sexual exploitation. Macedonian women continued to be trafficked regionally throughout the former Yugoslavia. NGOs and the international community reported a growing problem of internal trafficking.

The Government of Macedonia does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Macedonia dropped from Tier 1 to Tier 2 in 2004 because of a lack of progress in strengthening its anti-trafficking efforts. The government passed new anti-trafficking legislation in 2004, but failed to demonstrate overall appreciable improvement in enforcement and prevention. Persistent institutional deficiencies in the judiciary continued to hamper the government's ability to effectively combat trafficking. Its judicial system failed to appropriately and effectively prosecute, sentence, and detain traffickers or provide adequate safeguards for victims and witnesses in courtroom settings. The government should actively develop and implement its National Plan, vigilantly address trafficking-related corruption, and expand prevention programs for vulnerable groups.

Prosecution

During 2004, the Government of Macedonia amended its trafficking law to establish mandatory minimum sentences of eight years, imprisonment for traffickers in cases where there are aggravating circumstances. The government reportedly investigated 39 suspected human trafficking cases, charged 38 persons, and submitted 19 cases for prosecution. An appellate court upheld a lower court verdict sentencing four defendants to 12 years in prison. The Human Trafficking Unit engaged in two regional operations coordinated by the Southeast European Cooperative Initiative Center. However, instances of official impropriety and poor courtroom procedures continued to hamper judicial effectiveness. Trafficker Dilaver Bojku-Leku was sentenced to 3 years and 8 months in prison for mediation in prostitution, but is in an "open regime," which allows him to regularly leave the prison on his own recognizance. At his March 2005 retrial for additional charges, the court failed to adequately safeguard the victim-witness's identity or prevent the defendant's apparent intimidation of the victim and of court officials. Trafficking-related corruption remained a serious problem, which the government failed to vigorously investigate and prosecute.

Protection

The government continued to operate the Transit Shelter Center for trafficked persons. Police deported some trafficking victims after improper screening. The government assisted 38 victims at the Center, a significant decrease from

the 143 victims assisted the previous year. Victims may be granted refugee status or asylum under Macedonian law.

Macedonia has no witness protection law, but recent amendments to the criminal code contained some witness protection provisions. By law, the government seeks to ensure protection for all victims, and the police have provided 24-hour protection for victims testifying in court. However, in 2004, one victim was jailed for four days during criminal proceedings.

Prevention

The National Commission for Combating Trafficking monitored the government's anti-trafficking efforts but has yet to evolve into an effective action-oriented entity. The Commission, created in 2001, has neither finalized a national action plan nor developed an adequate strategy and timeline for its implementation. NGOs reported that a recently created Subgroup on Trafficking in Children was the most active component of the Commission. During 2004, the government continued to rely on NGOs to conduct information campaigns. Several government officials participated in prevention-oriented working groups and publicly spoke out against trafficking. The police academy included a mandatory introduction course on trafficking for all its cadets. However, the program did not provide adequate tools for identification of victims. The Ministry of Foreign Affairs required all consular officers to receive training on victim identification. Consular officers may not independently issue visas for women in the so-called entertainment industry and must send all requests through an Internal Affairs review board.