

## FORMER YUGOSLAV REPUBLIC OF MACEDONIA

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child		2 Dec 1993 d <sup>1</sup>	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	17 Jul 2001	17 Oct 2003	
Protocol to Prevent, Suppress and Punish Trafficking in Persons	12 Dec 2000	12 Jan 2005	
UN Optional Protocol on the Involvement of Children in Armed Conflict	17 Jul 2001	12 Jan 2004	
UN Convention for the Protection of All Persons from Enforced Disappearance	6 Feb 2007		
Hague Convention on International Child Abduction		20 Sep 1993 d <sup>2</sup>	1 Dec 1991

In the former Yugoslav Republic of Macedonia (hereafter Macedonia), there are four laws that refer directly or indirectly to missing children:

1. Law on Family 1992/80;
2. Law on Travel Documents of the Citizens of the Republic of Macedonia of 1992, amended in 2016;
3. Criminal Code of 1996, amended in 2009; and
4. Police Law of 1996, amended in 2015.

### General Child Protection

First Children's Embassy in the World Megjashi (FCEWM) runs The Macedonian National Coalition of NGOs, which helps to coordinate the response among NGOs on child protection issues and to implement international child protection instruments.<sup>3</sup>

<sup>1</sup> See Convention on the Rights of the Child, U.N. Treaty Collection Status Chart, at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11&chapter=4&clang=en) (last visited Mar. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>2</sup> See Convention of 25 October 1980 on the Civil Aspects of International Child Abduction: Status Table, at <https://www.hcch.net/en/instruments/conventions/status-table/?cid=24> (last visited Mar. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>3</sup> The First Children's Embassy in the World, Megjashi, *About the Embassy*, at <http://www.childresembassy.org.mk/about-the-embassy.nspx> (last visited Mar. 4, 2018) (on file with the International Centre for Missing & Exploited Children).

### General Missing Child Issues

There is no dedicated response to missing children in Macedonia, nor is there legislation specifically addressing missing children. However, resources are available to help track displaced or missing persons related to the regional conflicts of the 1990s and 2001. In 2003, the International Commission on Missing Persons (ICMP) opened an office in Skopje to assist in tracing persons missing due to crisis.<sup>4</sup>

### Definition of “Missing Child”

There is no definition of “missing child” in Macedonian legislation. The Family Law of 1980, Article 10 Paragraph 2, states that a child reaches its majority at the age of 18 years old.

### Abandonment

According to Article 201 of the Criminal Code, a parent, guardian, or any other person entrusted with a child, who deserts that child, may be punished with imprisonment of three to five years.<sup>5</sup> In addition, neglect of a juvenile by a parent, adoptive parents, or guardian is also criminalized and punished with imprisonment of at least five years.<sup>6</sup>

### Kidnapping and Abduction

According to Article 141 of the Criminal Code, kidnapping is a criminal offense. A person who kidnaps another with the intent “to force him or someone else to commit, not to commit, or to endure something, shall be punished with imprisonment of one to ten years”; if committed against a juvenile, punishment will be imprisonment of at least four years.<sup>7</sup>

Article 198 of the Criminal Code explains that a person who unlawfully takes a child away from a parent, adoptive parent, guardian, institution, or a person to whom the juvenile was entrusted, or who hinders the juvenile from being with the person who has a right to this, shall be punished with a fine, or imprisonment of up to one year and, under certain circumstances, imprisonment of up to three years.<sup>8</sup>

### Parental Abduction

According to the Law on Travel Documents, a child up to the age of 14 travelling abroad without a parent or guardian is required to have a letter of consent from the parents or guardian, certified by the Ministry of Interior, notary, or diplomatic or consular office of the Republic of Macedonia abroad.<sup>9</sup> The Ministry of Foreign Affairs outlines issuance of travel documents to minors specifying that both parents must be present with legal documentation for the child to submit an application; if one parent is unable to be present they must submit power of attorney certified by the Diplomatic Consular Mission of the Republic of Macedonia where one parent authorizes the other parent to submit the application on their behalf.<sup>10</sup> Additional requirements for a Macedonian passport include a stamp duty of 1,500.00

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<sup>4</sup> International Commission on Missing Persons (ICMP), *Where We Work*, at <https://www.icmp.int/where-we-work/europe/western-balkans/fyrommacedonia/> (last visited Mar. 5, 2018).

<sup>5</sup> Criminal Code of the Republic of Macedonia, Article 200 -- Deserting a helpless child at <http://www.parliament.am/library/Qreakan/macedonia.pdf> (last visited Mar. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>6</sup> *Id.* at Article 201 -- Neglecting and mistreating a juvenile.

<sup>7</sup> *Id.* at Article 141 -- Kidnapping.

<sup>8</sup> *Id.* at Article 198 -- Taking away a juvenile.

<sup>9</sup> Law on Travel Documents of the Citizens of the Republic of Macedonia, Article 7, at <http://www.izgubenonajdeno.mvr.gov.mk/Uploads/precisten%20tekst%20patni%20ispravi%2003.2015.doc> (last visited Mar. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>10</sup> Republic of Macedonia Ministry of Foreign Affairs, *Issuance of Travel Documents at the Diplomatic- Consular Missions of the Republic of Macedonia*, at [http://www.mfa.gov.mk/index.php?option=com\\_content&view=article&id=133&Itemid=414&lang=en](http://www.mfa.gov.mk/index.php?option=com_content&view=article&id=133&Itemid=414&lang=en) (last visited Mar. 5, 2018).

MKD, an additional 100 MKD if the child is under four years of age, or 200 MKD if the person is between four years and 27 years of age.<sup>11</sup>

Macedonia is a signatory to the Hague Convention on International Child Abduction.<sup>12</sup> The Law on Family of 1992 outlines how parents should determine who raises a child if they separate.<sup>13</sup> Articles 80-82 focus on the role of the court in deciding custody in the case of divorce if the parents have not reached an agreement, or if the agreement does not meet the child's best interests.<sup>14</sup>

### Reporting Mechanism

While there is no dedicated mechanism in place to report missing children, FCEWM launched the SOS helpline 0800-12222 in 1993 to receive calls from children and adults regarding cases in which children need protection.<sup>15</sup> In 2017, the Greek NGO The Smile of the Child inaugurated the Center of Direct Social Intervention of Eastern Macedonia and Thrace, implementing and operating a call center that is interconnected across Greece, securing the 116 000 and 116 111 hotlines in that area.<sup>16</sup> The 116 000 hotline is the European hotline for missing children where callers receive free and immediate emotional, psychological, social, legal, and administrative support 24-hours-a-day.<sup>17</sup> The European Helpline for Children and Adolescents – 116 111 – utilizes a specialized team of psychologists and social workers who provide support and counseling to children and adults on issues of concern, including missing children.<sup>18</sup>

### Investigation of Missing Child Cases

There is no formal system to investigate cases of missing children. However, the Macedonian Red Cross manages a program, Restoring Family Links, which allows family members to reconnect and/or find family members who have gone missing due to armed conflict, natural disasters, and migration.<sup>19</sup>

The Ministry of the Interior, along with the police for each district, is responsible for all investigations. The Police Law of Macedonia describes that the police can authorize a circular to find a person and authorizes the police to announce an award for tracing a missing person.<sup>20</sup>

### National Database

ICMP manages a centralized national database of missing and unidentified persons including children, but this database is focused specifically on the regional events of the 1990s.<sup>21</sup> The Restoring Family

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<sup>11</sup> Ministry of Macedonia, Ministry of Internal Affairs, *Travel Documents*, at <http://www.mvr.gov.mk/upravni-rab/1> (last visited Mar. 5, 2018).

<sup>12</sup> Convention of 25 October 1980 on the Civil Aspects of International Child Abduction: Status Table, *supra* note 2.

<sup>13</sup> Law on Family 1992/80 of the Republic of Macedonia, Articles 78 and 79 (on file with the International Centre for Missing & Exploited Children).

<sup>14</sup> *Id.* at Articles 80 and 82.

<sup>15</sup> First Children's Embassy in the World – Megjashi – Republic of Macedonia, *Newsletter 7 February to April 2002*, at <http://childrensembassy.org.mk/WBStorage/Files/newsletter7.pdf> (last visited Mar. 5, 2018).

<sup>16</sup> The Smile of the Child, "The Smile of the Child" inaugurated the Center of Direct Social Intervention of Eastern Macedonia and Thrace, Jun. 27, 2017, at <https://www.hamogelo.gr/gr/en/ta-nea-mas/to-chamogelo-tou-paidiou-egkainiase-to-kentro-amesis-koinonikis-epemvasis-anatolikis-makedonias-kai-thrakis/> (last visited Mar. 5, 2018) (on file with International Centre for Missing & Exploited Children).

<sup>17</sup> Missing Children Europe – *What is the 116000 hotline?* at <http://missingchildreneurope.eu/hotline> (last visited Mar. 5, 2018).

<sup>18</sup> The Smile of the Child - *European Helpline for Children and Adolescents 116111*, at <https://www.hamogelo.gr/gr/en/116111/> (last visited Mar. 5, 2018).

<sup>19</sup> The International Committee of the Red Cross, *Restoring Family Links in the Former Yugoslav Republic of Macedonia*, at <https://familylinks.icrc.org/en/Pages/Countries/Macedonia.aspx> (last visited Mar. 5, 2018).

<sup>20</sup> Police Law of Macedonia 2009 (amended 2015), Article 51 – Search of persons and objects; Article 64 – Public announcement of awards, at <http://www.mvr.gov.mk/Upload/Documents/Zakon%20za%20policija,%20precisten%20tekst%2015.04.2015%20.pdf> (last visited Mar. 5, 2018).

<sup>21</sup> International Commission on Missing Persons, *Former Yugoslav Republic of Macedonia*, at <http://www.icmp.int/where-work/europe/western-balkans/fyrommacedonia/> ((last visited Mar. 5, 2018).

Links program coordinates with other countries in the region and can accept tracing requests.<sup>22</sup> It is, however, unclear how the tracing information is stored and coordinated among the different regions.

### Case Management System

The method used by local law enforcement, social welfare organizations, and the Ministry of the Interior to record a reported missing child, as well as the investigative process, is unclear.

### Alert Mechanism

Currently there is no public notification system in Macedonia to alert the public about missing children. It is unclear whether police publicize information about missing children through the media.

### Awareness Raising Initiatives

There are currently no awareness-raising initiatives in Macedonia specifically regarding missing children. FCEWM raises awareness – for both children and the general public – of children’s rights and the UN Convention on the Rights of the Child. They have created a network of Child Ambassadors who help distribute the NGO’s mission and goals.<sup>23</sup>

### Trafficking

Macedonia is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor.<sup>24</sup> Macedonian women and girls are exploited through sex trafficking within the country at restaurants, bars, and nightclubs.<sup>25</sup> Foreign victims of sex trafficking in Macedonia most often come from Albania, Bosnia and Herzegovina, Kosovo, Romania, Serbia, and Ukraine.<sup>26</sup> Children, particularly from the Roma community, are pushed into forced begging and sex trafficking, often through forced marriages.<sup>27</sup> Unaccompanied migrant children who travel through Macedonia as part of the migration flow through the Balkan Peninsula, are also vulnerable to trafficking.<sup>28</sup> Traffickers reportedly bribe police and labor inspectors, and in some cases, police have been investigated and found complicit in human trafficking.<sup>29</sup>

The Criminal Code of Macedonia prohibits all forms of human trafficking, including forced begging and forced criminality.<sup>30</sup> More specifically, it is considered a criminal offense to keep a juvenile in a slave relationship or transport them into slavery.<sup>31</sup> The Criminal Code prescribes a minimum penalty of 12 years of imprisonment for trafficking children.

According to the 2017 US TIP Report, during the reporting period the government increased funding for trafficking victims sheltered at the government-run reception center for foreigners, developed indicators for potential trafficking victims in mixed migration flows, and produced standardized victim identification procedures for first responders.<sup>32</sup> The government also trains first responders including police officers, labor inspectors, immigration officials, NGO workers, and social workers on initial

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<sup>22</sup> The International Committee of the Red Cross, *supra* note 19.

<sup>23</sup> The First Children’s Embassy, *supra* note 3.

<sup>24</sup> U.S. Department of State, *2017 Trafficking in Persons Report – Macedonia* 258-260, at <https://www.state.gov/documents/organization/271339.pdf> (last visited Mar. 5, 2018) (on file with the International Centre for Missing & Exploited Children).

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> Criminal Code of the Republic of Macedonia, *supra* note 5, at Article 418(a) – Trafficking in Human Beings; Article 418(d) – Trafficking in Juveniles.

<sup>31</sup> *Id.* at Article 418 – Founding a slave relationship and transportation of persons in slavery.

<sup>32</sup> U.S. Department of State, *supra* note 24.

screening procedures for migrants, refugees, and unaccompanied children.<sup>33</sup> Additionally, law enforcement, labor inspectors, immigration officers, social workers, and NGOs use a national referral mechanism to refer potential trafficking victims to the reception center.<sup>34</sup> In the past, the government partnered with NGOs to operate mobile outreach teams to proactively identify trafficking victims and funded public awareness campaigns, but these programs were cut in 2015 due to decreased funding.<sup>35</sup>

In addition to legislative efforts, the government has appointed a national rapporteur and a national coordinator for trafficking and has drafted and adopted the 2017-2020 national strategy and action plan, though the plan is not specific to children.<sup>36</sup> Officials screen for indicators of trafficking at border crossings,<sup>37</sup> and police and social workers help identify children, primarily Romani, engaged in forced begging situations. These children are often placed in daycare centers, and their parents are warned, fined, or jailed; in cases where the court has deemed parents unfit to care for their children, the children are placed in orphanages.<sup>38</sup>

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<sup>33</sup> *Id.*  
<sup>34</sup> *Id.*  
<sup>35</sup> *Id.*  
<sup>36</sup> *Id.*  
<sup>37</sup> *Id.*  
<sup>38</sup> *Id.*