

Prevention of Child Trafficking – Constant Challenge of the Republic of Macedonia

Abstract

By raising the cultural, social and educational level of citizens, child trafficking as social and criminal phenomenon begins to be freely discussed and recognised, which should be protected by the competent institutions. Today, the pornography tolerance limits are wider than ever. It can be freely stated that in some way pornography is a component of the world's popular culture. Despite an impressive, if disparate, array of international legal protections, it is clear that child labor, forced marriage and commercial sexual exploitation of children and adults were increasing, virtually unchecked in many parts of the world. Globalization, bringing with it the promise of wider markets and greater profits, has created a complex new network and even new forms of exploitation. We all believed that trafficking was an appropriate focus for international law. In this paper, by applying the method of comparison, a presentation of the valid legislation has been made, which refers to the protection of the rights of women and children, whereupon the efforts of certain countries (especially the underdeveloped ones offering poor legislative solutions) to bring their solutions closer to the rest of the more developed countries which regulated this matter long time ago are evident. Perhaps, this is the most convenient manner for approaching the universally acceptable principles. Certain changes are constantly being made in the system of crimes against sexual freedom and sexual morality, especially the establishment of criminal-law protection of women and children from acts of sexual abuse, and new incriminations are provided for as most adequate solution of the newly emerged problem – a trend which should be followed by Macedonian penal legislation.

Key words: child trafficking, sexual exploitation, victim, sanctions, measures

Introduction

The comprehension and identification of the forms of trafficking in human beings is an issue that draws the attention not only of the professional and scientific community, but beyond. In the last two decades, this problem gets bigger, thus from a hidden and little-known “taboo” subject it is becoming a main priority of penal legislation worldwide. The Republic of Macedonia is not exempted from this trend. On the contrary, there are more evident cases of sexual abuse of children

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and paedophilia. By raising the cultural, social and educational level of citizens, this social and criminal phenomenon begins to be freely discussed and recognised, which should be protected by the competent institutions. Today, the pornography tolerance limits are wider than ever. It can be freely said that in some manner pornography is a component of the world's popular culture. The attitude of the media towards pornography exceeds the limits of "secrecy" that were present in the past. On the other hand, the right to freedom of speech is one of the fundamental human rights. However, the question of what is the pornography tolerance limit is being raised. Of course, the fundamental human rights and freedoms are breached by its abuse, especially in certain form of sexual harassment of child which breaches child's rights to sexual self-determination. Hence, a better understanding of this complex social issue is enabled by defining the issue of child pornography.

In order to determine the term of trafficking in human beings it is necessary to explain the definition which is in close relation to this problem – pornography. The term of pornography cannot be easily defined. Several terms included in the elements of normative ethics which are multiplied during the definition of the term pornography, cause difficulties in the defining². Therefore, there are different opinions in terms of separation of the morally unacceptable and socially dangerous and penal pornography from the one having political, artistic or scientific meaning which can be excluded as pornographic. Similar deviation is provided for in the Convention on Cybercrime³ according to which the material having artistic, medical or scientific meaning can be excluded from the pornographic material.

*The Convention on Action against Trafficking in Human Beings*⁴ (hereafter the Convention) defines trafficking in human beings as recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (Article 4, par.(a)). The consent of a victim of "trafficking in human beings" to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used (Article 4, par.(b)). The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in human beings" even if this does not involve any of the means set forth in subparagraph (a) of this article (Article 4, par.(c)). By the term "Child" shall mean any person under eighteen years of age (Article 4, par.(d)), and finally, by the term "Victim" shall mean any

² See: Камбовски, Владо (2004) „Казнено право – општ дел“, p.222.

³ *CETS No.185*: Convention on Cybercrime (Budapest 23 November 2001), (on web, accessed June, 2014).

⁴ *CETS No. 197*: Convention on Action against Trafficking in Human Beings (Warsaw, 16 May 2005) (on web, accessed June, 2014).

natural person who is subject to trafficking in human beings as defined in this article (Article 4, par.(e)).

The Article 4 definition of trafficking in human beings is not the first international legal definition of the phenomenon. For instance, Recommendation No. R(2000)11 of the Committee of Ministers to member states on action against trafficking in human beings for the purpose of sexual exploitation⁵ gives a definition of trafficking, but one whose scope, unlike the definition in the present Convention, is restricted to trafficking in human beings for the purpose of sexual exploitation.⁶

In this paper, by applying the method of comparison, a presentation of the valid legislation will be made, which refers to the protection of the rights of women and children, whereupon the efforts of certain countries (especially the underdeveloped ones offering poor legislative solutions) to bring their solutions closer to the rest of the more developed countries, which regulated this matter long time ago, are evident. Perhaps, this is the most convenient manner for approaching the universally acceptable principles. Furthermore, the protection of the physical and mental integrity is enabled on international level, including the protection of trafficking in human being and sexual harassment which is permanent breach of the fundamental rights and freedoms. For this purpose, numerous acts offering concrete answers and appearing as an expression of the modern solutions and recommendations from international documents, especially the documents of UN, the Council of Europe and the European Union (numerous conventions, recommendations, declarations etc.) have been adopted within the frames of the competent international bodies, which in some way indicates to the relevance of the problem.

In this manner, the national legislations are strengthened, which provide enhanced protection of rights and freedoms in general, as well as prevention from future breach of the rights of the women and children by implementing the numerous international standards.

As a worldwide phenomenon, trafficking in human beings can be national or transnational. Often linked to organised crime, for which it now represents one of the most lucrative activities, trafficking has to be fought in Europe just as vigorously as drug and money laundering. Indeed, according to certain estimations, trafficking in human beings is the third largest illicit money making venture in the world after trafficking of weapons and drugs.⁷

Certain changes are constantly being made in the system of crimes against sexual freedom and sexual morality, especially establishment of criminal-law protection of women and children from acts of sexual

⁵ *Rec. No.R (2000) 11* of the Committee of Ministers to member states on action against trafficking in human beings for the purpose of sexual exploitation (19.05.2000) (Adopted by the Committee of Ministers on 19 May 2000, at the 710th meeting of the Ministers Deputies).

⁶ Explanatory Report – Action against Trafficking in Human Beings, 16 May 2005, p. 37.

⁷ Explanatory Report – Action against Trafficking in Human Beings, available at: http://www.coe.int/t/dghl/monitoring/trafficking/Docs/Convntn/CETS197_en.asp#P1480_249870 (Accessed: 07.06.2014).

abuse, and new incriminations are provided for as most adequate solution of the newly emerged problem – trend which should be followed by the Macedonian penal legislation.

However, while acknowledging potential problems, it is also important to accept that no legal definition of trafficking, no matter how carefully crafted, can ever be expected to respond fully to the shades and complexities of the real world. The distinction that has been created in international law between trafficking in persons on the one hand and smuggling of migrants on the other is a clear example of such a limitation. It is nevertheless understandable and defensible.⁸

Council of Europe Convention on Action against Trafficking in Human Beings

The Convention is based on recognition, already stated in the Preamble at paragraph 5 of Recommendation No. R(2000)11 of the Committee of Ministers to member states, that trafficking in human beings constitutes a violation of human rights and an offence to the dignity and integrity of the human being. The recognition of trafficking as a violation of human rights would have consequences for some legal systems which had introduced special protection measures in cases of infringement of fundamental rights.⁹

The purposes of this Convention are: to prevent and combat trafficking in human beings, while guaranteeing gender equality; to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution; to promote international cooperation on action against trafficking in human beings. In order to ensure effective implementation of its provisions by the Parties, this Convention sets up a specific monitoring mechanism (Article 1). This Convention shall apply to all forms of trafficking in human beings, whether national or transnational, whether or not connected with organised crime (Article 2). The Convention thus applies whoever the victim of the trafficking, man, woman or child.

The implementation of the provisions of this Convention by Parties, in particular the enjoyment of measures to protect and promote the rights of victims, shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. (Article 3). This prohibits discrimination in Parties' implementation of the Convention and in particular in enjoyment of measures to protect and promote victims' rights, which are set out in Chapter III. The meaning of discrimination in Article 3 is identical to that given to it under Article 14 of the Convention on the Protection of Human Rights and Fundamental Freedoms.

⁸ Gallagher T. Anne, *the International Law of Human Trafficking*, p.52.

⁹ Explanatory Report – Action against Trafficking in Human Beings, 16 May 2005, p. 32.

Chapter II of the Convention contains various provisions that come under the heading of prevention in the wide sense of the term. Some provisions are particularly concerned with prevention measures in the strict sense (Articles 5 and 6) while others deal with specific measures relating to controls, security and cooperation (Articles 7, 8 and 9) for preventing and combating traffic in human beings.¹⁰

The main purpose of the Convention is to ensure prevention, co-operation and other significant measures to establish or strengthen national coordination between the various bodies responsible for preventing and combating trafficking in human beings.

Every legislation should establish and/or strengthen effective policies and programmes to prevent trafficking in human beings, by such means as: research, information, awareness raising and education campaigns, social and economic initiatives and training programmes, in particular for persons vulnerable to trafficking and for professionals concerned with trafficking in human beings. All Parties shall promote a Human Rights-based approach and shall use gender mainstreaming and a child-sensitive approach in the development, implementation and assessment of all the policies and programmes referred to in previous paragraph. Each state shall take appropriate measures, as may be necessary, to enable migration to take place legally, in particular through dissemination of accurate information by relevant offices, on the conditions enabling the legal entry in and stay on its territory. Each Party shall take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment for them. Measures established in accordance with this article shall involve, where appropriate, non-governmental organisations, other relevant organisations and other elements of civil society committed to the prevention of trafficking in human beings and victim protection or assistance (Article 5, par.(1-6)).

According to this Article, the Parties should take specific preventive measures with regard to children. The provision refers in particular to creating a "protective environment" for children so as to make them less vulnerable to trafficking and enable them to grow up without harm and to lead decent lives. The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children's rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children's rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children's life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.¹¹

¹⁰ Ibid. p.41.

¹¹ Ibid. p. 41-42.

Chapter III contains provisions to protect and assist victims of trafficking in human beings. Some of the provisions in this chapter apply to all victims (Articles 10, 11, 12, 15 and 16). Others apply specifically to victims unlawfully present in the receiving Party's territory (Articles 13 and 14) or victims in a legal situation but with a short-term residence permit. In addition, some provisions also apply to persons not yet formally identified as victims but whom there are reasonable grounds for believing to be victims (Article 10(2), Article 12(1) and (2) and Article 13).¹²

Chapter IV comprises nine articles. Articles 18, 19 and 20 are concerned with making certain acts criminal offences. This kind of harmonisation facilitates action against crime at national and international level, for several reasons. Firstly, harmonisation of countries' domestic law is a way of avoiding a criminal preference for committing offences in a Party which previously had less strict rules. Secondly, it becomes possible to promote exchange of useful common data and experience. Shared definitions can also assist research and promote comparability of data at national and regional level, thus making it easier to gain an overall picture of crime. Lastly, international cooperation (in particular extradition and mutual legal assistance) is facilitated, for example as regards the rules on dual criminal liability.¹³

Chapter V covers the investigation, prosecution and procedural law, Chapter VI - the international cooperation and cooperation with civil society, Chapter VII - the monitoring mechanism and finally, Chapter IX - the relationship with other international instruments.

Sale of Children and Child Trafficking for the Purposes of Sexual Exploitation

Until December 2000, the term "trafficking" was not defined in international law, despite its incorporation in a number of international legal agreements. The longstanding failure to develop an agreed-upon understanding reflected major differences of opinion concerning the ultimate end result of trafficking, its constitutive acts, and their relative significance, as well as the similarities and differences between trafficking and related issues such as illegal migration and migrant smuggling. It is no coincidence that the various definitions proposed and adopted throughout the twentieth century inevitably mirrored the interests, priorities, and perspectives of their promoters.¹⁴

Trafficking in children and sale of children for the purposes of sexual exploitation are terms which are similar but not identical.

Child protection is provided in the "Palermo Protocol" - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime.¹⁵

¹² Ibid. p. 44.

¹³ Ibid. p. 55.

¹⁴ Gallagher T. Anne, the International Law of Human Trafficking, p.12.

¹⁵ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, "Palermo Protocol" United Nations Convention against

For the purposes of the Protocol, *trafficking in persons as well as children*, shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (a); the consent of a victim of trafficking in persons to the intended exploitation set forth in previous subparagraph of this article *shall be irrelevant* where any of the means set forth in previous subparagraph have been used (b); the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if this does not involve any of the means set forth in subparagraph (a) of this article (c); “Child” shall mean any person under eighteen years of age (d).¹⁶

The international definition of child trafficking provided by the “Palermo Protocol” does not specifically refer to the sale of children, even though children can be sold at each stage of the trafficking process, as is clear from the definitions below:

- *Recruitment*: A child can be sold to a trafficker by parents or other caregivers, or by an institution.
- *Transport, transfer, harbouring*: During the movement of the child, the child can be sold by one trafficker to another.
- *Receipt*: The child can be sold by the trafficker to a final “buyer”.
- *Exploitation*: The child can at any time be sold to another trafficker or exploiter.¹⁷

Many States have adopted new laws since 2001 on the issue of human trafficking. These define the offence of trafficking in persons or more specific offences, such as child trafficking or recruiting a child into prostitution. Have the changes in legislation and the trainings had the expected results, such as an increase in convictions of child traffickers or a reduction in the numbers of children being trafficked? Or have changes been made primarily in response to international pressure, when existing legislation would have sufficed if it was implemented more methodically? It is difficult to reach firm conclusions. Even when available statistics indicate that the number of successful prosecutions for child trafficking has increased, it seems sometimes to be because prosecutions are being ‘re-labelled’ as involving child trafficking.¹⁸

Transnational Organized crime and the Protocols Thereto, New York, 2004, p.41.

¹⁶ “Palermo Protocol”, Article 3 (a-d).

¹⁷ Handbook on the Optional Protocol on the sale of Children, Child Prostitution and Child pornography, UNICEF, Innocenti Research Centre, February 2009, p.9-10.

¹⁸ See: Dottridge Mike, Child trafficking for sexual purposes, p. 22.

On the other hand, there is constant interrogation of the differences and similarities between trafficking and migrant smuggling is an important means of exploring the definitional uncertainties. Such interrogation should also serve to establish, over time, whether the qualitative distinctions are valid or, conversely, whether trafficking and smuggling are “mere points on a poorly defined continuum.”¹⁹ Much will depend on how the definitions are applied in practice.²⁰

Child trafficking in Macedonian system of criminal sanctions

In the Republic of Macedonia, the new title “Children trafficking” and new Article 418-d is added by the Law Amending the Criminal Code²¹ which regulates the relating problems in complete harmonisation with the *Protocol to the Convention on the Rights of Child on the Sale of Children, Child Prostitution and Child Pornography*²². Thus, Article 418-d establishes numerous activities as penal, including recruitment, transportation, transfer, buying, sale, sheltering or accommodating minor for the purposes of exploitation by prostitution or other forms of sexual exploitation, pornography, forced labour or servitude, slavery, forced marriages, forced fertilisation, illegal adoption or similar relation, or illegal organ transplantation, and the perpetrator of such acts is punished with prison sentence of at least eight years (p. 1). More severe prison sentence i.e. a prison sentence of at least ten years is pronounced if the previous acts are made by using force, serious threat, misleading or other forms of coercion, kidnapping, deceit, abuse of one’s own position or pregnancy situation, infirmity or physical or mental disability of other person, or giving or receiving money or other benefit for the purposes of obtaining consent of a person having control over another person (p. 2). The person who uses or enables other persons to use sexual activities or another type of exploitation of a minor for whom he knew or was obliged to know that is victim of trafficking in human beings will be punished with prison sentence of at least eight years, whereas the person who will seize or destroy ID card, passport or other type of identification document for the purposes of performing the abovementioned activities will be punished with prison sentence of at least four years (pp. 3, 4). If a legal entity is perpetrator of such crimes, it will be punished with a fine, and the items and real estate in its ownership shall be destroyed. Finally, the consent given by the minor for performing any of the abovementioned acts does not have any significance for the existing of the criminal act from paragraph 1 Article 418-d.

Although this problem is widespread and exists for a given period of time, it has been recently regulated in our country (in 2008!);

¹⁹ Buckland, “Human Trafficking & Smuggling,” at 149, cit.in Gallagher T. Anne, the International Law of Human Trafficking, p.53.

²⁰ Gallagher T. Anne, op.cit.

²¹ Official Gazette of the Republic of Macedonia, No. 7, dated 15.01.2008.

²² A/RES/54/263: Optional Protocol to the Convention on the Rights of the Child on the Sale of children, Child Prostitution and Child Pornography.

however the commitment of our legislator to define all possible actions which may result from the trafficking in minors is being welcomed.

The Law on Family of the Republic of Macedonia²³ contains definition on child – victim of trafficking in human beings in Article 177-a i.e. minor who, in any manner, became victim of trafficking in human beings for the purposes of exploitation with or without his/her consent. The acceptance of the relevant documents of UN, CE, EU and the Stability Pact referring to the fight against trafficking in human beings, as well as the organised crime in general by the Republic of Macedonia is of great importance²⁴.

“Trafficking in human beings is a major problem in Europe today. Annually, thousands of people, largely women and children, fall victim to trafficking for sexual exploitation or other purposes, whether in their own countries or abroad. All indicators point to an increase in victim numbers”

These are the opening lines of the Explanatory Report to the 2005 Council of Europe Convention on Action Against Trafficking in Human Beings. Yet it is impossible to make even remotely accurate statements concerning the actual prevalence of trafficking in human beings, be it in individual States, be it within the EU, be it at world level. The same applies to child trafficking. There are some estimates by rather authoritative sources, like the U.S. Department of State or the International Organisation for Migration (IOM), but no institution or NGO has been able thus far to give complete and comprehensive statistics on this phenomenon. Trafficking, like many crimes, appears inherently difficult to quantify.²⁵

As to criminal law, child trafficking and criminalisation, we can notice that not all national standards and national reports draw specific conclusions with regard to the question whether national legal provisions criminalising child trafficking are in line with international standards. For that reason, this sub-section provides some general observations based on the national reports, supplemented with some deeper analyses of the authors of national reports. The criminal laws of the EU Member States differ when it comes to the penalisation of child trafficking. This offence is either covered by a specific child trafficking provision European Union Agency for Fundamental Rights (e.g. in Ireland), or by a specific trafficking in human beings provision (e.g. in Finland) or by a combination of various provisions that together cover the offence of trafficking in human beings (e.g. Estonia). In most Member States the offence of trafficking in human beings has been included in the national criminal code only recently, e.g. in 2004 (Czech Republic). The exact conduct that is made punishable by these trafficking in human beings provisions or these combinations of provisions in criminal law, differs between Member States. In other words, there is no uniform definition of

²³ See: Official Gazette of the Republic of Macedonia No 80/92, 9/96, 38/04, 33/06 and 84/08.

²⁴ For additional details see: *Илук, Д., 2007, p. 322.*

²⁵ Child Trafficking in the European Union - Challenges, perspectives and good practices, EU Agency for Fundamental Rights, July 2009, p.19-20.

trafficking in human beings as criminal offence applied by all Member States.²⁶

The sale of children is regulated in Article 2 of the Optional Protocol to the Convention where any action or transaction of actions whereupon the child is transferred from one person or group of persons to another person for the purposes of money or other compensation is strictly prohibited. At the beginning, before the adoption of the Protocol, there was hesitation among the competent bodies whether the definition of sale of children should be limited only to illegal activities of sale for the purposes of sexual exploitation of children or should contain another type of abuse. However, the final definition includes offering, delivery or accommodation of child in any manner for the purposes of sexual exploitation, illegal trafficking in child organs for profit and forcing the child to perform forced labour. Unfortunately, this term is not regulated in the *Protocol to Prevent, Suppress and Punish of Trafficking in Human Beings, especially Women and Children*, which is a huge gap in terms of enabling protection of child against any type of exploitation.

In the Republic of Macedonia, the criminal act of sale of child is provided for in Article 418-d paragraph 1 of the Criminal Code i.e. *"person who... buys, sells, shelters or accommodates a minor..."*.²⁷

States tend to identify sale of children with trafficking in children. Indeed, many States Parties have legislation prohibiting trafficking in persons, but lack legislation specifically prohibiting the sale of children. However, although trafficking and sale of children are similar concepts, they are not identical, and article 35 of the Convention on the Rights of the Child (CRC) obliges States Parties to take measures to prevent both. The Committee often reminds States Parties to the OPSC that their legislation must satisfy its obligations with regard to the sale of children.²⁸

The sexual exploitation and abuse of children and minors is one of the most dangerous forms of criminality. The global expansion of this type of criminality is primarily due to the development of the information technology and the possibility of continuous transfer of information and materials with illegal content. The advantage of the everyday use of the Internet for such purposes can be seen in the fact that the user remains anonymous and the production, distribution, dissemination, transfer and publication of pornographic contents with children and minor and his/her active participation in paedophilic networks which remains undiscovered. In order to prevent the further activities of such kind, the countries criminalise the illegal actions and implement the international standards for suppression of this problem in their criminal law legislation. Also, in the last few years, significant tightening of the criminal sanctions for criminal acts by which the children or minors are sexually harassed or abused can be seen in most of the countries.

²⁶Ibid.

²⁷ *Кривичен законик на Република Македонија*, Службен весник на РМ бр. 37/96; 80/99; 4/02; 43/03; 19/04; 81/05; 60/06; 73/06; 7/2008, 139/2008, 114/2009, 51/11, 135/11, 185/11, 142/12, 166/12, 55/13 и 82/13.

²⁸ Handbook on the Optional Protocol on the sale of Children, Child Prostitution and Child pornography, UNICEF, Innocenti Research Centre, February 2009, p.9.

Child trafficking in the Republic of Macedonia – statistics

When it comes to realized cases in the area of trafficking in human beings and minors in the Republic of Macedonia, in 2012 there were five acts “trafficking in minor” performed by 28 offenders, two acts “trafficking in human beings” performed by six offenders and two acts “organising group and its encouragement to perform criminal acts of trafficking in human beings, trafficking in minor and smuggling of immigrants” performed by four offenders. In these cases, eight victims have been identified, including: six minor girls, one of which is citizen of Albania and two adult girls, one of which is citizen of Bulgaria. The offenders of these acts are mostly from Skopje – 16, Gostivar – 6, Kichevo – 4 and 2 from each Ohrid, Tetovo and Kumanovo.

This year, internal trafficking in minors has occurred, and the discovery of two criminal groups is of great significance, including: organised criminal group of seven members who performed sexual exploitation by prostitution of three minor girls in rented apartment in Skopje, offering the victims to clients for sexual services for a compensation from 1,500 to 3,000 denars and a group of five members who abused the poor condition of minor disabled person and accommodated this person in a house in Gostivar, by false promises and deceit, and performed labour and sexual exploitation using serious threats and physical strength. The other two acts, one performed in Skopje, whereupon a minor girl was forced to sexual services by deceit and the other one in Tetovo, whereupon Albanian minor girl worked as a dancer in a catering facility for certain compensation, and was accommodated in the house of the perpetrator's son.²⁹

Given the recent reform changes of the existing provisions of the Criminal Code implemented in terms of the provision of efficient criminal-law protection of the fundamental rights and freedoms of children and implementation of new legal solutions, it is necessary to amend only part of the old provisions, which will mean further harmonisation of the national legislation with European standards and conventions. On the other hand, their acceptance means production of many dilemmas about their practical application and interpretation in future. At the same time, preparation of directions, guidelines and rulebooks is necessary, which will regulate the procedure related to children – victims of sexual exploitation and which will contain clear definitions of the role and competence of every institution that will be included in the prevention of and protection against sexual abuse of children.

²⁹Source: *Годишен извештај во врска со проблематиката на криминарење мигранти и трговија со луѓе*. Available at: <http://www.mvr.gov.mk/ShowAnnouncements.aspx?ItemID=10927&mid=1094&tabId=201&tabindex=0> (25.02.1012) (Accessed: May, 2014).

Conclusion

Annually, thousands of people, largely women and children, are victims of trafficking for sexual exploitation or other purposes, whether in their own countries or abroad. All indicators point to an increase in the number of victims³⁰. It is essential to analyze the cases of children who are known to have been trafficked from, through or within the country and to take actions to combat trafficking in human beings, which is receiving world-wide attention because the trafficking threatens the human rights and the fundamental values of democratic societies. Trafficking is the modern form of the old worldwide slave trade. Most identified victims of trafficking are women and children.

The Republic of Macedonia must carry on the battle for combating trafficking in human beings by adopting a multi-disciplinary approach incorporating prevention, protection of human rights of victims and prosecution of traffickers, while at the same time seeking method to harmonise relevant national laws and ensure that these laws are applied uniformly and effectively. We must establish and/or strengthen mechanisms to ensure that children trafficked for sexual purposes receive the protection and assistance to which they are entitled by international standards.

Given the recent reform changes of the existing provisions of the Criminal Code, implemented in terms of the provision of efficient criminal law protection of the fundamental rights and freedoms of children and implementation of new legal solutions, it is necessary to amend only part of the old provisions, which will mean a further harmonisation of the national legislation with European standards and conventions.

³⁰ Explanatory Report – Action against Trafficking in Human Beings, 16 May 2005.

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