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LANZAROTE CONVENTION

Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse

FOCUSED QUESTIONNAIRE

Protecting children affected by the refugee crisis from sexual exploitation and sexual abuse

THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

(Replies sent by the State)

Replies registered by the Secretariat on 17 February 2017

DATA (Lanzarote Convention, Chapter III)

- 1) How many migrant and asylum-seeking children (accompanied and unaccompanied)¹ are in your country as a result of the refugee crisis?
 - a) Please provide estimates, if exact data is not available, for the period between 1 July 2015 and 30 June 2016,² and specify how many of these children are victims or presumed victims of sexual exploitation and sexual abuse;

The analysis of the situation and trends in the past 2 years indicates increased migration characterized by mixed migration flows of migrants and refugees, a large part of whom come into vulnerable categories of persons as unaccompanied children, potential victims and victims of trafficking in human beings. In this context, a significant increase of the number of illegal migrants has been noted and this tendency is expected to continue in the next several years. Most of them are migrants who transit through the Republic of Macedonia along the so-called Western Balkan route, along which over one million migrants and a large number of illegal migrants passed in the past two years alone.

From 19 June 2015 to 10 January 2016, certificates of intention to seek asylum were issued to a total of 406,945 foreign nationals, 120,342 were children. In the period from 1 January to 8 March 2016, certificates of intention to seek asylum were issued to a total 89,628 migrants, including 34,628 children.

Therefore, the DBAM assesses that over 150,000 minors transited through the territory of the Republic of Macedonia in the period from 1 July 2015 to 30 June 2016.

As regards potential victims of trafficking in human beings, in 2015 two minor migrant children (unaccompanied minors) from Syria were detected/identified among illegal migrants transiting through the territory of the Republic of Macedonia.

In 2016, a total of 18 potential child victims of trafficking in human beings were identified among migrants.

In the same period, 3 minor victims of trafficking in human beings who had been sexually exploited were identified. 2 criminal reports were filed for child trafficking (Article 41.8-d of the CC).

¹ Please provide the definition of accompanied/unaccompanied children in your country and, if available, provide separate figures for accompanied and unaccompanied children. If such data is not available, please provide data on migrant and asylum-seeking children.

² If figures for this period are not available, please provide the most recent annual data.

2015

Total child victims identified in 2015		3
Macedonian nationals		3
Foreign nationals		/
Gender	Male	/
	Female	3
Type of exploitation	Sexual exploitation	1
	Sexual exploitation and forced marriage	2
Country of identification	Republic of Macedonia	3

- b) Describe how the victims of sexual exploitation and sexual abuse were identified or describe the challenges faced to identify them. Specify whether a distinction is made between victims of sexual exploitation/abuse prior to the entry on your territory (Group 1) and after entry (Group 2) and provide data/estimates of the two groups of victims. Please also explain how the age is determined in case of doubt;

In the Republic of Macedonia, victims of human trafficking are treated in compliance with **the Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings**, whereas the identification is conducted according to the general **Indicators for Identification of Victims of Trafficking in Human Beings**.

The National Commission for Combating Trafficking in Human Beings and Illegal Migration, in cooperation with experts from the IOM, has prepared **Indicators for Identification of Victims of Human Trafficking during Mixed Migration Flows**. This document serves for preliminary identification and is an auxiliary tool of the persons responsible that come into contact with presumed victims of trafficking in human beings in order to take measures for their further formal identification.

Under the **Standard Operating Procedures (SOP) for unaccompanied foreign children, the assessment of the age of an unaccompanied foreign child** that does not possess identification documents is a key question that should be answered through an interview because the child's status and the future actions that need to be taken depend on it.

If, during age assessment, the guardian and the professional team have a dilemma about whether the person is a child or an adult, in accordance with the best interests of the child, it is always assumed that the person is a child until proven otherwise.

The identification of potential victims of sexual exploitation is done according to the Standard Operating Procedures for Treatment in Case of Trafficking in Human Beings, which also incorporates the indicators for identification of potential victims of trafficking in human beings. In the context of the migrant crisis, border police officers act in compliance with these SOP and the general indicators for initial/preliminary

identification of presumed and potential victims of trafficking in human beings during mixed migration flows in the Republic of Macedonia.

During the large migrant wave (in 2015 until the closing of the route at the beginning of March 2016), there was a large influx of migrants that transited on a daily basis (over 10,000 migrants on some days). A problem in identifying potential victims of sexual exploitation was posed not only by the large influx of migrants, but also by the insistence of the persons that they continue towards their desired destinations as soon as possible. In most cases, they stayed on the territory of the Republic of Macedonia very briefly, most often less than a day, a period in which they were supposed to be received, registered, provided with medical assistance and humanitarian aid etc. Migrants only provided the mandatory data and were mainly not cooperative during interviews. Even if they had been abused prior to entering the territory of the Republic of Macedonia, they did not inform the police officers or representatives of other services and organizations, who were also constantly present on the ground, thereof when entering the state.

Police officers process all reports, regardless of whether they have been submitted by citizens of the Republic of Macedonia or foreign nationals, and if there is doubt over a person's age, the person is treated as a minor until proven otherwise.

Most often, the victims of sexual exploitation and sexual abuse were identified by the police officer to whom the persons reported first. Police officers are trained to profile the persons appropriately.

If the person is not detected during the initial contact, he or she is most often identified as such a victim during the interview, upon submitting an asylum application. Victims may also be identified at the Asylum Seeker Reception Centre, which employs a psychologist and a social worker, who is obliged to monitor them.

- c) Indicate also how the data collected is used to offer a coordinated response between the different agencies in charge of the protection from, the prevention of and the fight against sexual exploitation and sexual abuse of children;

The National Commission for Combating Trafficking in Human Beings and Illegal Migration operates on the national level. A National Referral Mechanism, which constitutes a system of cooperation among relevant institutions and organizations (Ministry of Labour and Social Policy, Ministry of the Interior, non-governmental organizations) that undertake activities related to prevention, protection and referral of victims of trafficking in human beings on the territory of the Republic of Macedonia, has also been established. The Office of the National Referral Mechanism operates within the Ministry of Labour and Social Policy.

The data at the National Commission are collected through tools developed for monitoring and analyzing the situation regarding trafficking in people, and coordinating the activities of relevant governmental institutions and relevant international organizations and civil society organizations for a more comprehensive insight into the work done.

The collection of data on the identified victims is made through a prepared Form for monitoring the victim according to Standard operating procedures for monitoring the cases of victims of trafficking with information on activities carried out by institutions/organizations under the SOP and it is filled by the Ministry of the Interior (MOI) - Sector for human trafficking and illegal migration, and the Ministry of Labor and Social Policy (MLSP) - National referral mechanism; with regard to additional data on reintegration, the relevant Association of citizens provides information; these pieces of information are further submitted to the responsible officer at the National commission for combating trafficking in people and illegal migration.

The adoption of SOP for dealing with vulnerable categories/foreigners, of SOP for dealing with unaccompanied minors/foreigners, as well as of Indicators for identifying victims of human trafficking in mixed migratory flows is aimed at improving the recognition/initial identification of victims of trafficking among illegal migrants and catering their needs for protection and integration.

- d) Identify the institution(s) responsible for the collection of above data.

Responsible institutions are listed in point c).

The National Commission for Combating Human Trafficking and Illegal Migration is responsible for collecting, storing, and analysis of the data sent by competent institutions.

PREVENTION (Lanzarote Convention, Chapter II)

- 2) What are the specific measures taken to prevent that children affected by the refugee crisis fall victims of sexual exploitation and sexual abuse?

The vulnerable category of persons that are asylum seekers in the country, is cared for in a safe house, which is managed by the Centre for Social Care of Skopje, which includes psychologists, educators, and social workers. It is 24 hours guarded by a security company.

Concerning the training of professionals working with children in 2016, the Ministry of Labour and Social Policy has organized specialized training for foster families in order to upgrade the country's capacities in the field of developing alternative forms of protection and provision of resources for care of children that are victims of trafficking upon their identification, provided they are not placed in the Centre for victims of trafficking, and also upon their exit from this Centre and their integration into society. The training was conducted in collaboration with the Institute for Social Affairs and the "For Happy Childhood" Association, with the support of the German GIZ agency. Nine caregivers from foster families in Skopje and Veles were trained.

- a) Highlight in particular the measures (e.g. awareness raising material, specialised training, screening of professionals, etc.) which have proven to be effective;

Although the Republic of Macedonia had already developed appropriate procedures for taking action when dealing with cases of human trafficking (including Indicators for

identification of potential victims for dealing with minors, with persons from vulnerable category, etc.), in context of the migration crisis new documents were further developed and adopted, then adapted to the new challenges and upgraded in order to handle the current situation more efficiently. In this regard, Standard operating procedures for dealing with vulnerable people/foreigners were adopted. Standard operating procedures for dealing with unaccompanied minors/foreigners as well as General indicators for initial/preliminary identification of presumed and potential victims of trafficking in the context of mixed migration movements in the Republic of Macedonia were also adopted.

Training has been organized for their implementation, for the police officers as well as for officers of other institutions that are involved in the mechanism of referral.

Part of the trainings is intended for police officers, while others are interdisciplinary with trainees coming from various government and state institutions.

In addition to the aforementioned, police officers also attend training sessions that address topics of humanitarian law, international standards, and related topics that help to better understand the cultural diversities, provide more effective identification of vulnerable persons and so on.

In order to strengthen the capacities and upgrade the expertise of professionals who daily deal with this type of crime, the National Commission to Combat Human Trafficking and Illegal Migration (NCCHTML), based on the needs and priorities for training, has adopted **the Inter-institutional Training Plan for the 2016-2017 period**. The Plan covers those areas that have the highest priority and for which all national stakeholders at **local, national, and regional level** need to undergo training. The planned trainings have been conducted in 2016, and will be continually implemented in 2017 as well. Among other things, the Inter-institutional training plan contains the following topics as well:

- Training on SOP for dealing with unaccompanied children/foreigners and SOP for dealing with vulnerable persons/foreigners;
- Training on Indicators for identifying victims of trafficking in mixed migratory movements.

In this context, one should also mention **the Program for Assistance and Support to Child Victims of Trafficking**. The purpose of this program is to implement activities that will enable better physical and psychological recovery, rehabilitation, resettlement, and social reintegration of child victims of trafficking.

The program offers a wider understanding of the use of legal instruments in the process of reintegration, giving a systematic review of the legal provisions and other regulations concerning the use of services by victims of human trafficking, defined as their right and that can be used to exercise the rights in the areas of: transport-related safe housing and accommodation, health care, legal aid, social and child protection, education and employment.

The program is based on the needs of victims; it is designed as a reference for practical application, intended for social workers from centres for social work and for their implementation in partnership with other relevant institutions and civil society. This program is the basis for preparing individual plan for reintegration of child victims in context of determining the objectives, measures and actions that are taken to assist the victim and his/her family members.

In addition to the aforementioned, one should note that, in context of conducting the basic training for a police officer by the Training Centre at the Ministry of the Interior, learning tasks have been prepared. These learning tasks deal with certain situations involving minors, so future police officers are able to gain the necessary competence to treat in due and legal manner the said category of persons. These tasks are: police ethics; fundamental human rights and freedoms; non-discriminatory police treatment; treatment of a minor that is perpetrator of a misdemeanour or criminal offense; interview with victim and witness; smuggling of migrants and human trafficking; etc.

- b) Underline any lessons learnt from specific challenges (e.g. in raising awareness on sexual violence amidst other urgent priorities, etc.) that had to be faced to improve prevention.

The special needs of vulnerable persons would be established after an individual assessment of their individual situation by the competent public institution for social protection. In context of accommodation and meeting the standard of living of these persons, one should take into account their condition by providing appropriate medical, psychosocial, and other assistance.

It is necessary in context of assessing the asylum request, to consider forms of persecution that are gender-specific.

In cooperation with other ministries, NGOs and associations, forums, workshops and other related events have been organized. Their aim is raising the overall awareness about sexual violence among individuals of different categories, especially those who because of their profession could be in contact with potential victims of trafficking, or they themselves could become victims.

PROTECTION (Lanzarote Convention, Chapter IV)

- 3) Has a coordinated child protection approach been put in place to cater for the specific needs of migrant and asylum-seeking children victims of sexual exploitation and/or sexual abuse?

Coordinated approach by all state institutions that have their responsibilities, in cooperation with international organizations and civil society groups, is characteristic for the management of migration in general, including the segment on the protection of children/foreigners.

Given that the government crisis decision is still in force, currently coordination of the activities is conducted pursuant to the Crisis Management Law, i.e., within the system for crisis management.

Coordination of activities for the treatment of presumed victims is regulated in accordance with the foregoing procedures and established referral mechanism.

In order to respond to the specific needs of children, through coordinated activities of the institutions preparation was made of SOP for dealing with victims of human trafficking (in 2010) and SOP for unaccompanied children/foreigners (in 2015).

In the process of protection and reintegration, special measures are undertaken; they are based on the age and needs of the child/victim taking into account the specific physical, psychological, and social consequences suffered by the child/victim of human trafficking, as a result of abuse and exploitation. Hence, the following is undertaken:

- Referral and placement in a shelter, needs assessment, and intervention in crisis;
- Providing an expert team to conduct activities in day and night shifts, as well as accompanying the victims to the required places; providing food during their stay, hygiene kits, clothing and footwear;
- Inclusion in the program of psycho-social support (various workshops, training for computer work, basic language courses in English, etc.);
- Organizing recreational activities, depending on affinities such as: drawing on glass, drawing on canvas, art technique using napkins, handmade jewellery, porcelain painting, knitting, sewing, origami techniques;
- Organizing basic medical checkups and specialized gynaecological examinations, laboratory tests, testing for HIV, hepatitis A, B, and C;
- Legal counselling and offering information on the country judicial system and representation before the courts by a lawyer in previously initiated court proceedings;
- Preparation of Individual long-term plan for inclusion in the educational process upon return to the places of residence;
- Providing psychological support to victims, including different types of treatments and sessions, group therapy and individual psychological counselling once a week, as well as urgent and more intensive assistance as needs such as the following would dictate:
 - Overcoming stress and trauma, establishing positive habits, improving reading skills, positive thinking, attaining basic knowledge on adolescent development issues, emotional ties and relationships with peers, the hazards that sexually transmittable diseases and unwanted pregnancy bring.

- a) Describe the measures taken to address the situation and cater for the children's specific needs (multiple traumas, language/cultural differences, etc.), including with respect to guardianship/placement;

When acting upon reports of sexual exploitation or sexual abuse, police officers follow the Law on Children's Justice and the Law on Criminal Procedure. The Law on Children's Justice regulates the treatment of children in risk and children perpetrators of criminal offences as prescribed by law and defines the terms under which measures of assistance, care and protection are to be undertaken, while also stipulating the conditions under which correctional, alternative, and measures of punishment are to be taken against children and young adults, as well as determining the status, role and competences of all bodies taking part in the treatment of children and the execution of correctional and alternative measures and punishments. Furthermore, the Law regulates measures taken to protect children who have been victims of criminal offences as prescribed by law and children who have been witnesses of such offences, while also stipulating measures to be taken to prevent child offending.

Ensuring the aforementioned rights of victims of HT is regulated in the SOP on Treating Victims of HT and the SOP on Unaccompanied Children - Foreign Nationals.

In keeping with the SOP on Unaccompanied Children - Foreign Nationals, while conducting preliminary data gathering, as well as formal interviews with unaccompanied children - foreign nationals, interpretation is provided to and from a language such children understand or are fluent in, whereas should they be capable of speaking only in their mother tongue, interpretation is provided to and from that particular language.

In accordance with the Law on Family and the SOP on Treating Victims of Human Trafficking, Social Work Centres (SWCs) are obliged to, without exception, appoint temporary guardians for children-victims of human trafficking or unaccompanied children. In cooperation with the Social Work Institute, the Ministry of Labour and Social Policy has specifically trained employees across all SWCs in the Republic of Macedonia to be capable of assuming the role of guardians to such children. Aside from their designated guardians, professional teams from relating SWCs composed of a psychologist, a pedagogue and a social worker each are involved in determining the children's best interests, whereas, apart from all of the aforementioned professionals, the children themselves are also included in the process of drafting their assistance and support plans.

Guardians are assigned immediately after receiving a report (either verbal, written or by telephone) from the Ministry of the Interior that a minor/child- foreign national had been identified as being unaccompanied by parents, adult relatives or other adults.

The choice of the manner and form of placing into care an unaccompanied child-foreign national lies exclusively with the designated Guardian/Professional Team, to be done in keeping with legal regulations as stipulated in the Law on Social Protection and based on the available capacities and forms of placing children into care that the Ministry of Labour and Social Policy disposes of.

In line with the relating SOP, children-victims of human trafficking are temporarily accommodated at the Centre for Victims of Human Trafficking.

- b) Indicate also what measures have been taken to protect the children concerned from further exploitation/abuse and to assist the victims in seeking redress (please highlight any differences between Groups 1 and 2 of children as outlined above);
- c) Underline any lessons learnt from specific challenges (in reporting suspicion of sexual exploitation and abuse, in tailoring assistance to the victims, etc.) that had to be faced to improve protection.

The on-field coordination between the in-line services (such as the Ministry of the Interior, the Ministry of Labour and Social Policy, the Ministry of Health, the Red Cross, international organizations and civil society organizations specializing in working with migrants, children, etc.) functioned at a very high level. Problems in communicating with migrants were overcome by the IOM and UNHCR employing interpreters, whereas the communication and coordination between the relevant services themselves functioned without any problem whatsoever and in keeping with agreed procedures. What seemed to be the biggest issue when it came to identifying potential victims was the lack of willingness for cooperation among migrants themselves, possibly due to them being fearful that the possibility of coming forward as victims would result in a delay to their voyage to their desired end destinations across Western Europe.

As regards the dangers of sexual abuse on the territory of the Republic of Macedonia, we feel that the possibilities of it taking place were reduced to the minimum, all owing to the fact that the entire process of transiting across the Republic of Macedonia (making an entry into the Republic of Macedonia, reception and registration, transiting, and exiting the country to enter the Republic of Serbia) in most cases only took several hours and cases in which individuals stayed in the country for a period longer than one day due to health issues or for reasons of waiting on the rest of the group they were travelling with were extremely rare. Over the course of their entire stay in the provisional transit centres, the presence of a great number of police officers, employees of other in-line services and representatives of international organizations was ensured on a 24-hour basis and, hence, taking into consideration the size of the aforementioned centres, the possibility of attempts for sexual abuse going unnoticed in these centres was practically non-existent.

COOPERATION (Lanzarote Convention, Chapter IX)

- 4) Provide examples of successful cooperation with other Parties to the Lanzarote Convention for the purpose of:

In general terms, via its Department for Border Operations and Migrations and within its possibilities and established shapes of cooperation with the border services of the neighbouring countries, the Ministry of the Interior holds meetings and maintains contact on a regular basis at all levels possible, while also maintaining cooperation via the joint police cooperation contact centres. The Department for Border Operations and Migrations and the border police lie at full disposal for exchanging information in various areas of police work, including criminal offences in this specific field.

- a) Preventing and combating sexual exploitation and sexual abuse of children affected by the refugee crisis;

Should a need arise for urgently exchanging information and knowledge on cases or potential cases of human trafficking, all existing forms of police cooperation (such as exchanging information via some of the joint contact centres, urgent meetings/contacts at local/regional/central levels between heads of police stations/regional centres/border operations departments of two countries, direct communication between emergency centres of border services, the liaison officers of foreign services located in the Republic of Macedonia, etc) can be used.

Nonetheless, it has to be taken into account that the type of information mentioned above refers to information aimed at preventing on-going/potential cases of human trafficking taking place ongoingly or are likely to take place at shared borders and the prevention of which requires direct and swift data exchange.

As regards exchanging international crime-related data, being an integral part of the Public Security Bureau at the Ministry of the Interior, the border police utilizes the so called *single window* approach and conducts its exchange of such information with foreign in-line bodies via the Sector for International Police Cooperation of the Central Police Forces which operate under the aforementioned Public Security Bureau at the Ministry of the Interior.

Hence, the Sector for International Police Cooperation is the single coordination point for exchanging international crime-related data via INTERPOL, EUROPOL and SELEC channels, as well as via liaison officers of foreign services stationed in the country and other law enforcing authorities in the **Republic of Macedonia** such as the Ministry of the Interior, the Customs Administration, the Financial Police, the Public Prosecutor's Office, the Ministry of Justice, etc.

With the Sector for International Police Cooperation at the Ministry of the Interior operating a 24/7 Emergency Centre and with authorized law enforcement agencies using secure international data exchange channels (I-24/7 of INTERPOL, the SIENA software of EUROPOL), the exchange of operative data on specific requests, during bilateral and multilateral investigations or while conducting joint operations, has functioned in a prompt, efficient and secure manner.

Over the last period, several operations relating to human trafficking and migrant smuggling were conducted in coordination with EUROPOL.

The last such example dates from 23 September 2016, when the Sector for International Police Cooperation was informed by German police of a Syrian national seeking asylum in the Federal Republic of Germany, reported that his wife and their four underage children had been forcefully kept captive by certain individuals on the territory of the Republic of Macedonia in the region alongside the Macedonian-Serbian border for purposes of extorting money from them in exchange for their release.

After receiving the report of such criminal activity taking place on the territory of the Republic of Macedonia, the relevant authorities took coordinated measures and activities resulting in the discovery of 35 migrants (26 Syrian, 5 Pakistani and 4 Afghan nationals) and among them the family of the asylum seeker who reported the activity, coupled with six of the foreign nationals reported as responsible for committing the crime. 17 of the migrants located and discovered were minors.

- b) Protecting and providing assistance to victims;
- c) Investigations or proceedings concerning the offences established in accordance with the Lanzarote Convention.

The Republic of Macedonia is a party to the **Police Cooperation Convention for Southeast Europe (PCC SEE)**³. In keeping with the provisions of the Convention stipulating the establishment of Joint Investigation Teams to combat human trafficking, the fourth Workshop on Employing Joint Investigation Teams in Countering Human Trafficking in the Western Balkan Countries was held on 8-10 July 2014 in Skopje, the Republic of Macedonia, hosting among its other participants the National Coordinators for Countering Human Trafficking and Illegal Migration of the region countries.

On 4 September 2015, Ohrid, the Republic of Macedonia, played host to the signing of a Memorandum of Understanding between the Republic of Macedonia, the Republic of Serbia, the Republic of Austria, and Hungary defining the steps necessary to be taken to contain the extraordinary pressure of mixed migration that all countries listed were dealing with.

In line with the Guidebook on Criminal Investigations and Countering Criminal Groups in Cases of Human Trafficking, the Unit for Countering Human Trafficking and Migrant Smuggling has been collecting data provided by other governmental and non-governmental institutions and organizations, too, as well as gathering data received via specialized SOS telephone lines and the *RED Button* on-line service that the Ministry of the Interior provides on its official website.

Being the organizational unit of the Ministry of the Interior which is solely authorized to employ special investigative measures in conducting international investigations in human trafficking and migrant smuggling cases, the Unit for Countering Human Trafficking and Migrant Smuggling exchanges data via relevant channels of INTERPOL, EUROPOL and SELEC, as well as via liaison officers and designated contact persons (points) in each country in the region and Europe.

ANY OTHER ADDITIONAL INFORMATION

- 5) Please provide any other additional information which may be useful to identify areas for targeted cooperation aimed at ensuring that children affected by the refugee crisis are effectively protected from sexual exploitation and sexual abuse and in guaranteeing their human dignity and physical and psychological integrity.

³ Signed in May 2005