Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings

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Report submitted by the Macedonian authorities on measures taken to comply with Committee of the Parties Recommendation CP(2014)13 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings

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I COMPREHENSIVE APPROACH AND COORDINATION

Recommendation 1: to continue raising the public awareness among professionals and the general public in regard to the scope of the definition of trafficking in human beings and the difference and links between trafficking in human beings and migrant smuggling.

Implementation status:

The Civic Association (hereinafter CA) "Open Gate Association", in 2015 included many Activities in its plan for raising public awareness and education aimed at combating trafficking in human beings and illegal migration. The following Activities have been implemented:

- Research for raising public awareness, and citizens' perception and understanding of labour exploitation and trafficking in persons has been conducted
- 2 one-day workshops with students from the Institute of Social Work at the Faculty of Philosophy in Skopje and students from the International Slavic University for Prevention of Trafficking in Human Beings in Sveti Nikole and Bitola, 130 of whom received basic training.

The Academy of Judges and Public Prosecutors (hereinafter – AJPP) "Pavel Shatev" organised 2 counselling sessions regarding "Organised crime with a focus on trafficking in human beings and migrant smuggling", attended by 45 participants amongst which judges, public prosecutors, officials, lawyers and representatives from the Ministry of Interior (hereinafter the MoI).
Also, in co-operation with the Macedonian Young Lawyers Association (hereinafter: MYLA), the Bureau representing Macedonia before the European Court of Human Rights organised counselling regarding "Detaining migrants and asylum seekers in the context of the European Human Rights Convention", attended by 8 judges and public prosecutors.

The National Commission for Combating Trafficking in Human Beings (hereinafter: National Commission) has prepared an Inter-institutional Training Plan, which among other trainings includes Training on Determining the Difference between Trafficking in Human Beings and Migrant Smuggling and Participants' Familiarization with the most recent Criminal Code amendments in the area of Trafficking in Human Beings and Migrant Smuggling.

Recommendation 2: to continue strengthening the co-ordination between public bodies and civil society actors engaged in anti-trafficking action, further, and to ensure that the latter are provided with the financial resources necessary to carry out the relevant activities under the National Action Plan for 2013-2016.

Implementation status:

The activities stipulated by the National Strategy and Action Plan for Combating Trafficking in Human Beings and Illegal Migration for 2013 – 2016 are continuously being implemented.
The activities of the National Commission and its bodies remain transparent and cooperative. Meetings, where crucial solutions and efforts are being discussed and proposed for the promotion of methods used in the areas of trafficking in human beings and migrant smuggling, are continuously being held. Specialised mechanisms for combating trafficking in human beings and illegal migration have been developed, and tasks for identification, assistance and support for the victims of trafficking in human beings (hereinafter: victims of THB) and risk groups, have been clearly distributed among the institutions and organizations, both on a central and local level.

The National Mechanism for Referral of victims of THB (NMR) has been continuously developing the co-operation and coordination with the social workers from the Social Work Centres (SWC), labour inspectors, the MoI, as well as the Centre for victims of trafficking in human beings and the non-governmental organisations.

The Ministry of Labour and Social Policy (MLSP), during 2016, continued its co-operation with the CAs, providing support by including social workers from the Social Work Centres for implementation of the two

civic associations' projects, financially supported by the German Association for International Co-operation (GIZ) and King Baudouin Foundation:

- "Additional Social Work for Victims of THB and Potential Victims" Programme, being implemented by the "Open Gate Association", Association for Action against Violence and Trafficking in Human Beings. The mentioned Programme is aiming at assisting and monitoring the process of integration of victims of THB, especially after their departure from the shelters, and it is also being implemented in co-operation with the Social Work Centres.
- The project "Providing Support and Services for Victims of THB and Vulnerable Groups", which was being implemented by the CA "Equal Approach", until April 2015. The aim of this project was to improve the identification, assistance and support in the process of re-socialization, reintegration and prevention of re-trafficking in human beings by 6 mobile teams of the representatives from SWC and CA. In 2015, the mobile teams worked on reintegration programmes with 28 persons who were identified in the period of 2012 to April 2015.

Recommendation 3: to establish a fully-fledged post of National Co-ordinator supported by a dedicated office which is commensurate with the tasks at hand, to enable this body to effectively carry out its mandate. To establish the National Rapporteur as a de jure independent post with a mandate to monitor the anti-trafficking activities of State institutions (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).

Implementation status:

In the context of meeting this recommendation, the MoI in co-operation with the German Association for International Co-operation – GIZ, in June 2016, in Skopje, organised a two-day regional workshop dedicated to combating trafficking in human beings and illegal migration, attended by delegations and National Co-ordinators for combating trafficking in human beings from Serbia, Montenegro, Albania, Kosovo, Croatia, as well as an independent expert from the OSCE. The abovementioned Regional Workshop, besides other topics, discussed the issue of the place and role of the National Commission in Western Balkan countries.

The Workshop also discussed ideas and opportunities for the Republic of Macedonia to establish a fully-fledged post of a National Co-ordinator and its own Office, as well as a National Rapporteur as independent posts. Also, each of the states participating presented its own recently implemented policies offering a solution to this issue.

Planned Activities:
Establishing a fully-fledged post of a National Co-ordinator and National Rapporteur with their own Offices, will represent one of the strategic goals and will be included in the new Strategy for Combating Trafficking in Human Beings and Illegal Migration 2017-2020, planned to be adopted by the end of this year. Some of the activities for preparing the new Strategy for Combating Trafficking in Human Beings and Illegal Migration have already been started.

Recommendation 4: to take further steps to ensure that national action to combat THB is comprehensive, and in particular:
(1) strengthen Action to combat THB for the purpose of labour exploitation by involving labour inspectors, civil society, businesses, trade unions and employment agencies in a joint platform and improving the identification of, and assistance, to victims of THB for the purpose of labour exploitation;
(2) pay increased attention to prevention and protection measures addressing the particular vulnerability of children to trafficking, in particular children from socially vulnerable groups, and ensure that the best interests of the child are fully taken into account;
(3) ensure that trafficking for the purpose of forced begging and internal trafficking are adequately addressed by the national anti-trafficking policy;
(4) take measures to identify the scale of trafficking of foreign nationals and to provide such victims of THB with assistance in accordance with the Convention.

Implementation status:

Law Amending and Supplementing the **Criminal Code** has been adopted, whereby Article 418-a of the Criminal Code[1] has been supplemented in the context of determining a prison sentence of at least 8 years for the person who will mislead a child for the purposes of begging or exploitation for the purposes of a legally prohibited activity. The same Article stipulates a prison sentence of at least 10 years for the person who will commit a criminal act against a child, who is below 14 years of age.

The Government of the Republic of Macedonia, on November 21st, 2015 adopted **Standard Operative Procedures for the Treatment of Unaccompanied foreign children,** regulating a set of procedures, processes and manners of treatment of identified unaccompanied foreign children by authorised institutions, through a comprehensive approach based on respecting human rights and aimed at meeting the best interests of the unaccompanied foreign child.

In terms of efficiently managing the migrant crisis, especially regarding the vulnerable categories of foreigners and identifying potential victims of THB among migrants, the National Commission for Combating Trafficking in Human Beings and Illegal Migration has adopted the following documents:

- **Standard Operative Procedures** (SOPs) for the treatment of vulnerable groups of foreigners and
- **Indicators for Identifying Victims of Trafficking in Human Beings in Cases of Intermixed Migration Flows**

In order to train the employees of the institutions housing children, as a vulnerable group of children under a high risk of trafficking in children, the MLSP organised a two-day training session for 14 employees in 4 of the Social Protection facilities. Also, during 2015 basic as well as **specialized trainings for police officers, especially targeted at inspectors for Juvenile Delinquency** for recognising/identifying and referral of potential victims of Trafficking in human beings/children were conducted. Three one-day trainings for the implementation of the indicators for identifying victims of THB have been conducted, where 75 participants (police officers and social workers) took part.

Aiming at upgrading the state capacities in the area of developing alternative forms of protection, during 2015 **training of foster families for direct assistance and protection of children-victims of THB** was conducted. The previously mentioned training which was conducted by the MLSP, was aimed at developing resources for fostering children-victims of THB after their identification, if they were not housed at the Centre for victims of THB, and also after their departure from this centre and integrating them into the community.

In the context of strengthening field work capacities, location mapping, number of children and presumed victims and victims of trafficking in children for the purposes of forced begging, labour exploitation, and internal trafficking, the CA “For a Happy Childhood” has conducted training for 25 volunteers on observing children on the streets and applying the indicators for recognising potential victims of trafficking in children for the purposes of labour exploitation.

Organised by the OSCE Mission to Skopje, in September, 2015 a two-day round table was held on the topic of “**Identifying and Prosecuting Crimes of Trafficking in Human Beings for the Purposes of Labour Exploitation**”, attended by 25 participants – judges, prosecutors and police officers. The main focus was on the specific features and identification of forced labour – applying the indicators of the International Labour Organisation (ILO), as well as the investigative methods, collecting and providing evidence and international co-operation.

The “Open Gate Association”, on April 24th, 2015, organised **a round table on the topic “Strengthening the Co-Operation between the Civic Organisations for Protecting Children against Exploitation”.** Representatives from civic organisations from Macedonia took part and they

[1] Official Gazette of the Republic of Macedonia No.226/15)

have a role in the prevention and protection of children against exploitation. This activity has finalized the one-year Project “Don’t Take Away my Childhood”, financially supported by the US Embassy in Skopje.

In regard to the prevention and protection of Roma children against forced child marriage and trafficking in human beings, The “Open Gate Association” has conducted 6 preventive workshops which raised the awareness of around 200 children at the age of 9 to 16 and to 260 parents of Roma nationality whereby the negative sides that are caused by this process were pointed out simultaneously with the potential benefits of education and respecting the rights of the child.

II TRAINING OF RELEVANT PROFESSIONALS

Recommendation 5: to continue improving the knowledge, awareness and sensitivity of relevant professionals (including police officers, social workers, labour inspectors, professionals working with children, medical staff, prosecutors, judges, trade unions staff, journalists) about THB and the rights of victims. To design future training programmes with a view to improving the knowledge and skills of relevant professionals which enable them to identify victims of trafficking, to assist and protect them, to facilitate compensation for victims and to secure convictions of traffickers.

Implementation status:

During 2015, specialized trainings for trafficking of human beings were conducted for 180 Border Police Members, and they were organised by the Border Affairs and Migration Department, IOM, FRONTEX and UNHCR. Also, training on “Tackling Illegal Migration” was conducted for 180 Border Police Members, a training which encompasses profiling of migrants (establishing their identity, recognizing unaccompanied minors). The abovementioned training was organised by the IOM. In the period September-November, 2015, another training session, organised by OSCE was conducted for lawyers and jurists, representatives of CA, registered to provide free legal assistance for representation of victims of THB. This training was conducted in co-operation with the MYLA and included 17 jurists – lawyers and representatives from CAs, who provide free legal assistance.

The “Open Gate Association” in April 2015, conducted training for 15 students from the Faculty of Law on “Trafficking in Human Beings and Monitoring Court Cases”.

The National Commission for Combating Trafficking in Human Beings and Illegal Migration has prepared a **Plan for Inter-institutional Training for Combating Trafficking in Human Beings and Illegal Migration** consisting of:

- Training on Standard Operative Procedures for the Treatment of Unaccompanied Foreign Children and Standard Operative Procedures for the Treatment of Vulnerable Groups of Foreigners
- Training on Indicators for Identifying Victims of Trafficking in Human Beings in Mixed Migration Flows
- Training on Establishing a Difference between Trafficking in Human Beings and Migrant smuggling and Introducing the Latest Amendments of the CC in the area of Trafficking in Human Beings and Migrant smuggling
- Training on Standard Operative Procedures for the Treatment of Victims of Trafficking in Human Beings
- Training on Standard Operative Procedures for Conducting Investigations for Trafficking in Human Beings and Illegal Migration for police officers on all levels.
- Training for journalists on raising awareness and etics on presenting information related to trafficking in human beings
- Training on Raising the Awareness and Introducing Gender Sensitivity and Non-discrimination in the Treatment of migrants and victims of Trafficking in Human Beings
- Training of Diplomatic and Consular Missions of the Republic of Macedonia before their referral to the Diplomatic-Consular Posts of R. Macedonia
- Training of Local Commissions for Trafficking in Human Beings and Illegal Migration

III COLLECTING EVIDENCE AND INVESTIGATING

Recommendation 6: to continue the collection of data by compiling reliable statistical information from all main actors which allows disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.) This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

Implementation Status:

In 2009, the National Commission adopted the form for identification of victims of THB. The institutions included in the identification of victims of THB, fill out this form and submit it to the National Commission. The stated form is classified as "strictly confidential" and all involved parties are obliged to act in accordance with the principle for personal data protection, defined in the Law on Personal Data Protection.

Recommendation 7: to conduct and support research onTHB-related issues as an important source of information for the evaluation of current programmes and for planning future policy measures. Areas where more research is needed in order to shed light on the extent and trends of human trafficking in the country and to inform policy makers to include trafficking for the purpose of labour exploitation, trafficking for the purpose of forced begging and internal trafficking.

Implementation status:

Within the frames of the "Mario" project, the "Open Gate" association conducted and published transnational research for children on the route "**Let's Protect Children on the Route**". The main objective of the research was to enable better understanding of the "children on the route" phenomenon, as well as the adequacy and efficiency of the existing child protection systems as a response to their needs.

The "Open Gate" also published the publication "**Life after Trafficking in Human Beings – Reintegration of the Victims of Trafficking in Human Beings 2007-2014**" summarising the most important results of the Programme for Reintegration of the Victims of Trafficking in Human Beings and its effect to the trafficked persons.

Within the frames of the regional project for the support of the Western Balkan countries for **"Efficient Management of the Migration of Unaccompanied Children Challenges"** financed by the IOM Development Fund, national and regional assessment of the existing mechanisms and challenges in the area of unaccompanied minors was conducted. Simultaneously, IOM experts of the Regional Office in Vienna conducted **"Assessment of the Migrant Smuggling and Trafficking in Human Beings in the Republic of Macedonia".**

Within the frames of the "**Local Response to the Trafficking in Human Beings**" – supported by the municipality of Bitola, a research for the street children in the municipality of Bitola was conducted.

In the direction of following the trends and the implementation of the legal regulations, international and national instruments in terms of trafficking in human beings and the special measures for the trafficked person in the Republic of Macedonia, in June 2016 the "Open Gate" association drafted and published a report on the monitoring and the evaluation of the policies and legal regulations for trafficking in human beings and their implementation in the Republic of Macedonia for 2014-2015.

An evaluation of the National Strategy and the Action Plan for Combating Trafficking in Human Beings and Illegal Migration and the Action Plan for Combating Trafficking in Children was prepared by an independent expert with the support of IOM. The analysis provides a presentation of the achieved

results, identifies areas in need of continuous work and gives recommendations for the promotion of the support in the area of protection of the victims of trafficking in human beings and illegal migration.

IV INTERNATIONAL CO-OPERATION

Recommendation 8: Continue the further development of the international co-operation, especially with a view to combating trafficking in human beings and providing assistance to the victims.

Implementation status:
In terms of the further international co-operation, in 2015 the following agreements and acts referring to the combating trafficking in human beings and illegal migration were adopted:

- **Agreement on Police Co-operation** between the Government of the Republic of Macedonia and the Government of the Republic of Slovenia[2] (signed in Budva, Montenegro, on 16 April 2015). It entered into force on 1 January 2016).
- **Memorandum of Understanding** between the Republic of Macedonia, the Republic of Serbia, Federal Republic of Austria and Hungary for the steps that are necessary to maintain the irregular pressure of mixed migration affecting the countries signed on 4 September 2015),
- **Declaration** adopted at the high level Ministerial Conference for the Eastern Mediterranean and Western Balkan route (Luxemburg, 8 October 2015);
- **Leaders' Statement** adopted at the Leaders' Meeting of the Heads of States and Governments dedicated to the refugee crisis (Brussels, Belgium, 25 October 2015)
- **Statement** adopted at the Informal Meeting of the Ministers of Interior of Greece, Macedonia, Serbia, Croatia and Slovenia dedicated to the problems of management of the migration flows (Brdo in Kranj, Slovenia **16-17 November 2015)**.

In May 2015 in Skopje, non-governmental conference on the subject "Together in Combating Trafficking in Human Beings" was held, which represented an opportunity for all non-profit organisations in the region and Europe active in the area of combating trafficking in human beings to gather at one place and to exchange and use practical experiences on national and international.

In September 2015 two-day round table on the subject "Identification and Prosecution of Criminal Acts of Trafficking in Human Beings for the Purposes of Labour Exploitation" was held. This event was attended by 25 persons – judges, prosecutors and police officers who had the opportunity to learn and exchange experiences and best practices in the actions against cases of labour exploitation with their colleagues from the Prosecutors Office of Bosnia and Herzegovina. In June 2016 in Skopje, the National Commission, with the support of GIZ, organised two-day regional workshop dedicated to combating trafficking in human beings and illegal migration attended by delegations and National Coordinators for Trafficking in Human Beings from Serbia, Montenegro, Albania, Kosovo, Croatia, as well as independent experts. Issues of the practical implementation of the provisions of the Convention of the Council Europe in terms of the position and the role of the National Commission, implementation of the principle of impunity of the victims of trafficking in human beings, as well as provision of compensation of the victims of human trafficking were examined at the abovementioned regional workshop.

Activities for signing Protocol for Co-operation in the Area of Combating Trafficking in Human Beings between the Republic of Macedonia and the Republic of Kosovo is underway.

V MEASURES TO RAISE AWARENESS

Recommendation 9: The future awareness raising measures should be designed in the light of the assessment of previous measures and be focused on the needs identified. Awareness raising should continue targeting vulnerable groups and inform the general public of the forms of THB

2 Ratified by the Assembly of the Republic of Macedonia and published in the Addendum to the Official Gazette of the Republic of Macedonia No. 130/ 2015

which are on the rise, such as labour exploitation, forced begging, forced commission of criminal offences and trafficking within the country.

Implementation status:

In terms of the implementation of the recommendation, **the National Commission** regularly marks 18 October as a Week of Combating Trafficking in Human Beings. In accordance with the analysis and the recommendations of the National Rapporteur, MLSP organised a campaign.

The "**For Happy Childhood**" civic association that in 2015 conducted media national campaign for labour exploitation as training of students leaving the country to work on a ship or are using the programme "WORK AND TRAVEL" also undertook activities in the area of organising campaign. Within the frames of this campaign the **Guidelines for Rehabilitation and Reintegration of the victims of THB** were promoted**.**

In this context, in 2015 the "**Open Gate**" civic association conducted a national medium campaign for labour exploitation named "**Raise Your Voice against Trafficking in Human Beings**" during which videos and radio jingles were broadcasted, information materials were distributed, charity media actions and open events were organized etc. "Open Gate" also organised a roundtable on the subject "**Strengthening of the Co-operation with the Civic Associations for the Protection of Children against Exploitation**".

"Open Gate" continued the campaign "Raise Your Voice against Trafficking in Human Beings" whose objective is to contribute in the fight against trafficking in human beings, raising public awareness regarding this issue especially among the youth and to contribute to the improvement of the identifications and services of the victims. Within the frames of this campaign posters, video and radio jingles and banner were prepared which were broadcasted to several national radio and TV stations.

The "Open Gate" organised three workshops to sensitise the local population in the areas through which the migrants transit such as Gevgelija, Veles and Skopje whereupon at least 45 persons were covered, and a public debate was organised in Gevgelija with representatives of the local institutions on the subject "I'm a Human Being Too" attended by 30 participants.

In order to encourage the research journalism and reporting on the subject "Trafficking in Human Beings in Macedonia" the "Open Gate" announced **a contest on the best article**. An independent jury evaluated and awarded the best three news articles.

The Local Commission for Combating Trafficking in Human Beings and Illegal Migration from Bitola, in co-operation with the SEMPER civic association and within the project **"Look and Recognise Trafficking in Human Beings through a Picture"** conducted 1 one-day training and 14 educational workshops on the subject "Trafficking in Human Beings". Additionally, public event was organised during which a catalogue with over 100 artworks named "Recognise Trafficking in Human beings through a Picture" was promoted. The artworks were made at the workshops within the frame of the Week for Combating Trafficking in Human Beings. The catalogue with artworks was distributed to all educational institutions.

Within the frames of the second project **"Local Response against Trafficking in Human Beings"** – supported by the municipality of Bitola, the EU Anti-Trafficking Day and the Week for Combating Trafficking in Human Beings were marked via workshop with representatives of the Local Commission for Combating Trafficking in Human Beings during which a research of the street children in the municipality of Bitola was conducted.

Planned activities:
In accordance with the adopted **Plan for Inter-Institutional Trainings** of the National Commission a continuous training of the journalists is planned for in terms of respecting the rights and protection of the identity of the victims when disclosing information in the media.

VI MEASURES TO DISCOURAGE DEMAND

Recommendation 10: Continue the efforts to discourage demand for the services of trafficked persons, for all forms in the exploitation, in partnership with the private sector and civil society.

Implementation status:

The Embassy of the United States gave its contribution in combating trafficking in human beings and illegal migration trough the project **"Don't Take Away My Childhood".** The Embassy of the United States also organised lectures of pupils in 10 cities throughout the Republic of Macedonia, as well as round tables with experts in 5 larger cities (Skopje, Bitola, Tetovo, Shtip and Struga) for raising public awareness on the issue of trafficking in human beings among the citizens of the Republic of Macedonia. Members of the National Commission, representatives of MOI and MLSP, as well as nongovernmental and international organisations participated at this event.

VII SOCIAL, ECONOMIC AND OTHER INITIATIVE FOR GROUPS VULNERABLE TO THB

Recommendation 11: Continue to develop the prevention through social and economic measures.

Implementation status:
The decrease of the structural unemployment is top priority of the Government of the Republic of Macedonia in accordance with the Work Programme.
The "Macedonia Employing" project was initiated to decrease the unemployment by opening new jobs covering different categories of unemployed persons who have difficulties entering the labour market. The Government of the Republic of Macedonia, monitoring the needs of the employers and their willingness to create as much jobs as possible continues the implementation of the **MACEDONIA EMPLOYING 2** project.
The set of measures encompasses five categories:
First group: unemployed up until the age of 35, who have never been employed or who have been employed, but prior to this employment were unemployed for three months at least. Companies will be exempted from paying contributions for the compulsory social insurance and personal income tax for a period of 3 years as of the day of employment, and the employer is obliged to keep the person in their company for 1 more year after the period for which the employer has been exempted from paying contributions and personal income tax.
Second group: unemployed persons at the age of 35 to 50 years, who in the last 15 years have been maximum employed for a maximum of 5 years, but were not employed at least 3 months prior to this employment.
Third group: employees at the age of 50, who were not employed at least three months prior to this employment.
Fourth group: refers to the able-bodied unemployed persons over 58 years who have been unemployed in the last two years.
Fifth group: unemployed persons who are parents of three or more children and were unemployed at least three months prior to this employment; single parents and members of one-parent families who were not employed at least three months prior to this employment, beneficiaries of social welfare, parentless children and children without parental care, victims of domestic violence, disabled persons with confirmed disability in accordance with the Law on Employment of Disabled Persons and a person with a decreased capacity for working by 50% or professional disability in accordance with the regulations from pension and disability insurance, professional soldiers whose employment has been terminated in accordance with the Law on Serving the Army of the Republic of Macedonia and parents of children with disabilities who are beneficiaries of a disability allowance at least three months prior to the employment. The exemption from paying contributions for compulsory social insurance and personal income tax refers to a period of 5 years, as of the day of employment.

In 2015, the **"For a Happy Childhood"** association organised **2 workshops** for the prevention of trafficking in human beings intended for the students.

The “Open Gate” opened the Children’s Gate centre which represents a social enterprise whose incomes are intended for the support of the victims of THB.

Planned activities: the MLSP and the Employment Agency of the Republic of Macedonia (EARM) will continuously facilitate the access to the labour market via additional qualification, requalification and employment of the vulnerable groups. Also, operational employment programmes will be implemented by the MLSP.

Recommendation 12: Take steps to secure the registration of all persons, both as a prevention measure and in order to avoid re-trafficking. If necessary, the relevant legislation should be amended to facilitate the process of registration.

In order to provide an easier access to the Birth Registry for the unregistered persons, and to facilitate their registration, the following laws need to be amended:
1. Law on Civil Registry
2. Law on Extrajudicial Procedure
3. Law on Family
4. Law on Identification Cards and Habitual Residence

An inter-ministerial working group has been formed. This group includes representatives from the Ministry of Labour and Social Policy, Ministry of Interior, Birth Registry Office, Ministry of Justice, Roma NGOs, Roma Informational Centres. The group works on removing the obstacles for registering these persons in the Birth Registry.

VII BORDER MEASURES TO PREVENT THB AND MEASURES TO ENABLE LEGAL MIGRATION

Recommendation 13: Make further efforts to:
- detect cases of THB in the context of border control,
- introduce a checklist to identify potential THB-related risks during the visa application procedure.

Implementation status:

In terms of more efficient management with the large inflow of migrants at the territory of the Republic of Macedonia, the competent institutions perform initial profiling of the refugees/migrants at the border line. Simultaneously, an interview is performed with person in order to rule out the possibility that certain migrant/refugee is a potential victim of THB. During their stay in the Reception Transit Centres (RTC) all persons (refugees/migrants) have constant contact with representatives of UNHCR, UNDP, IOM, MYLA and other nongovernmental organisations (“Open Gate” and other). Good co-operation has been established with the abovementioned organisations and if they determine that there are indications to suspect of cases of trafficking of human beings, they are obliged to inform the police officers who take further actions in accordance with the SOP for treatment of victims of THB. The same procedure is also conducted for refugees/migrants who will illegally enter the territory of the Republic of Macedonia.
Aware that the mixed migration movements are a phenomenon with a high degree of a risk of trafficking in human beings, the National Commission in co-operation with IOM experts drafted Indicators for Identifying the Victims of THB in cases of mixed migration movements.
The Indicators have the key role in the initial/preliminary identification and will be used as an accompanying tool of the responsible persons who come in contact with suspected victims of THB in order to undertake measures for their further formal identification.

In 2015 **specialised trainings for trafficking in human beings** were conducted for 180 members of the Border Police. Besides these trainings, in 2015 3 one-day trainings for the implementation of indicators for identification of victims of THB were conducted which were attended by 75 participants (police officers and social workers).

In 2016 training was conducted to 180 members of the Border Police on the subject **“Management with Illegal Migration”** which, inter alia, covers profiling of mixed migrants (establishment of their identity,

recognising unaccompanied minors, recognising whether the person is a refugee or a migrant, whether it belongs to the category of vulnerable persons among which are the victims of trafficking in human beings). The abovementioned trainings was organised by IOM.

The Ministry of Foreign Affairs (MFA) in co-operation with the MOI prepared a questionnaire delivered to diplomatic and consular missions of the Republic of Macedonia and the border crossings that will be used during an interview in a procedure for visa application to identify the vulnerable categories of persons.

VIII IDENTIFICATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS

Recommendation 14: Take further steps to ensure that all victims of trafficking are properly identified and can use the measures for protection and support provided for under the Convention. To this end, the authorities should:
- promote multi-agency involvement in victim identification by formalising the role and input of specialized NGOs, as well as involving other relevant actors, such as labour inspectors;
- strengthen the capacity of the existing network of social workers to proactively identify victims of trafficking in human beings;
- pursue a proactive approach to the identification of victims of human trafficking for the purpose of labour exploitation by expanding the powers of the labour inspectors to also cover non-registered businesses and private homes and encouraging labour inspections in sectors most at risk (e.g. agriculture, entertainment, service sector, construction, domestic work);
- pay more attention to the identification of victims of trafficking among irregular migrants, asylum seekers and unaccompanied foreign minors and provide additional training to the staff that comes in contact with such persons.

Implementation status:

During 2015, the State Labour Inspectorate completed 22, 973 regular inspection surveillances for employers in all areas and acted upon 2, 512 complaints from employees in regard to the protection of employment rights. During these surveillances, 237 persons were found to lack legal employment contracts whereby 177 Resolutions were adopted, which impose that the employers sign an employment contract with all of the unregistered employees found at the working spot. For the misdemeanors committed in the area of employment, 264 calls for payment of a fine were prepared.

Legal framework

On 21 November, 2015, the Government of the Republic of Macedonia adopted **Standard Operating Procedures for Treatment of Unaccompanied Foreign Children**, regulating the total procedures and manner of treatment of identified unaccompanied foreign children on the part of competent institutions, through a comprehensive approach based on observance of human rights and having in mind the best interest of the unaccompanied foreign child.

The National Commission, with the support and assistance of the UNHCR prepared and adopted:

Standard Operating Procedures for Treatment of Vulnerable Categories of Foreign Persons. The aim of the SOPs is to promote gender-sensitive approach oriented towards vulnerability and give the opportunity of a procedure whose aim is to promote basic human rights of vulnerable categories of foreign persons. Furthermore, the SOP provide the minimum of standard procedures and procedures for assistance and protection of the mentioned vulnerable categories of foreign persons in terms of their identification and protection, including the provision of services of assistance and protection, referral, return and reintegration.

The National Commission in co-operation with IOM experts adopted the **Indicators for Identification of victims of trafficking in humans in case of mixed migration flows**. The Indicators play the crucial role of first-line/preliminary identification and they will be an additional tool to the competent persons who

come in touch with the supposed victims of trafficking in humans in order to take measures for their further formal identification.

In September 2015, the **Operational Body within the Government of the Republic of Macedonia for Managing the Increased Number of Migrants** prepared a **Plan for Response in Case of Mass Inflow of Migrants**. It is a comprehensive document, prepared on the part of the crucial competent institutions, entailing a complete financial framework for the necessary, foreseen and planned expenses needed for an efficient response.

Trainings

In accordance with the MOI's 2015 Training Plan, 19 trainings were conducted, during which 221 Border Police members were trained. During 2015 were conducted **specialized human trafficking trainings** for 180 Border Police members, organized on the part of the Border Affairs and Migration Department, in co-operation with IOM, FRONTEX and UNHCR.

The National Commission and the institutions that form an integral part of the Commission in co-operation with several Civic Associations during 2015 conducted 3 one-day trainings for implementation of indicators for identification of victims of human trafficking. The training was completed by 75 participants (police officers and social workers).

The MLSP has been implementing activities for strengthening the NMR in cooperation with the OSCE Mission in order to improve the identification and protection of victims of trafficking in human beings. Two one-day training sessions and two-day testing have been stipulated for a field work for a total of 60 social workers from the SWCs, Asylum Centre and Migrant Camps. A one-day training session regarding the institutional framework, documents such as SOPs for the Treatment of Victims of Trafficking in Human Beings and Indicators for the Identification of Victims of Trafficking in Human Beings has been conducted. The second training session if planned for September. Field work consists of interviewing, victim profiling, assistance and support and is to be conducted in the camps Vinojug and Tabanovce, or in the Asylum Centre or the safe house. The field work is to be completed in the month of July and September. The MLSP, the SWCs and the CA "Open Gate" have also been included in the implementation of these activities.

"Open Gate" provided individual counselling of 160 asylum seekers involved in the integration programme. They additionally held 48 educational-occupational workshops for the same target group. "Open Gate" held training for 32 professionals who work with unaccompanied minors.

IX ASSISTANCE OF VICTIMS

Recommendation 15: To guarantee access to health care for victims of trafficking.

Implementation status:

The Ministry of Labour and Social Policy held two working meetings with the associations involved in the Centre for victims of human trafficking, with the aim of providing continuous support to and co-operation with the civic associations that are involved in the Centre for victims of human trafficking.

Planned activities: Raising initiative to the Health Insurance Fund for provision of free health protection to the victims of human trafficking, that is supposed to be implemented during 2016. Implementation of procedure for practical application of Article 84 of the Law on Social Protection for free health protection of victims.

Recommendation 16: To strengthen the efforts for provision of assistance to victims of trafficking, and in particular:

- to ensure that all assistance measures provided for in law are guaranteed in practice; when assistance is delegated to NGOs as service providers, the State has an obligation to

provide adequate financing and ensure the quality of the services delivered by the NGOs; (the National Commission, the Ministry of Labour and Social Policy, the Ministry of Interior, Civic Associations)
- to provide suitable accommodation to child and male victims of trafficking and make sure that they can fully benefit from the measures for assistance provided for in law; (Ministry of Labour and Social Policy, Civic Associations)
- to ensure that presumed foreign victims of trafficking are moved to the state shelter for victims of THB as soon as there are reasonable grounds to believe that they are victims of trafficking, without waiting for a residence permit to be issued;
- facilitate the reintegration of victims of THB into society and avoid re-trafficking by providing them with long-term assistance, including vocational training and access to the labour market. (Ministry of Labour and Social Policy, Civic Associations)

Implementation status:

The National Referral Mechanism provided the following services available for victims of human trafficking:

- referral and accommodation in shelters, assessment of needs and intervention during crisis;
- professional team performing activities in day and night shifts, as well as accompanying the victims to the necessary destinations;
- provided food during their stay, hygiene kits, clothes and shoes;
- involvement in the programme for psycho-social assistance (various workshops, course for computers, classes for elementary learning of English, etc.);
- organizing recreational activities, depending on their affinity such as: glass drawing, drawing on canvas, decoupage with napkins, hand-crafting jewellery, porcelain drawing, knitting, sewing, origami techniques;
- general medical examinations were provided, as well as specialized gynaecological examinations, laboratory tests, tests for HIV, hepatitis A, B and C;
- legal counselling and introduction with the judiciary system and representation before the judiciary organs on the part of a lawyer of previously initiated legal procedures;
- individual long-term plan to be encompassed in the educational process upon returning in the places of residence;
- psychological support of the victims involving various types of treatment and sessions, group therapy and individual psychological counseling once a week, as well as urgent and more intense assistance should need arise;
- overcoming stress and trauma, formation of habits, improvement of reading skills, positive thinking, elementary knowledge of adolescent developmental problems, emotional relations and peer relations, danger of sexually transmitted diseases and unintended pregnancy.

During the reporting period, the association “**For a Happy Childhood**” provided support to an identified victim that was accommodated in the Victims Centre. This victim received psychological and psychiatric treatment and was properly accommodated at a guardian.

The “**Open Gate**” association kept supporting the current functioning of the Centre for Victims of Human Trafficking through enabling shift work of social workers from Open Gate in the Centre where one victim was accommodated. There has been a continuation of current activities for professional assistance and counselling of 12 persons that were involved in the programme for direct support for them to be reintegrated into society. The “Open Gate” association provided:

- Standard services kit for meeting the elementary needs (food, clothes and hygiene kits) for all 12 persons involved in the direct support programme.
- A basic first aid kit for 12 victims involved in the programme, whereas for 6 persons were provided specialized gynaecological examinations and adequate medicines. Three wards had lab exams made, where they were tested for HIV, hepatitis A, B and C. Three wards received neuropsychiatric assistance and were examined by a doctor of internal medicine.
- 12 persons received psycho-social counselling.

- Five victims were involved in the educational process, out of which 1 person has been regularly attending high school, 3 of them have been attending night classes, 1 ward continued her educational process at the State University in Skopje.
- One victim was allowed to be involved in informal education and learning a foreign language through attending private school.
- A total of 23 joint meetings of 5 families of child victims were organized for the sake of improvement of general relations and relations parent-child and organization of support for victims in a domestic environment.

Recommendation 17: To ensure that the decision-making period is not conditional on the victim's co-operation with the law enforcement authorities, as well as that no termination of the decision-making period is carried out on the grounds of the victim having "voluntarily, actively or upon his/her own initiative renewed contacts with the suspected traffickers" without due regard to the person's individual situation, which involves an examination of his/her case.

Implementation status:

A working version of a new Law on Foreigners have been prepared, which, inter alia, will completely implement the stated recommendation.

Recommendation 18: To ensure that victims of trafficking are systematically informed of and can fully benefit from the right to obtain a renewable residence permit. To consider granting temporary residence permits to victims who do not co-operate with the competent authorities.

Implementation status:

The Law on Foreigners stipulates legal grounds for issuing temporary residence permit to victims of human trafficking. A working version of a new Law on Foreigners has been prepared, which, inter alia, will stipulate issuing of a temporary residence permit to victims who do not co-operate with the competent government. On the part of the National Commission during 2015/2016 informational flyers have been prepared and distributed to all relevant actors, for the rights to temporary stay to victims of human trafficking.

Recommendation 19: To adopt measures to enable victims of trafficking to exercise their right to indemnification, in particular by:

- ensuring that victims of trafficking are systematically informed, in a language that they can understand, of the right to seek compensation and the procedures to be followed; (Ministry of Interior, Ministry of Labour and Social Policy, National Commission)
- enabling victims of trafficking to exercise their right to indemnification by ensuring their effective access to legal aid; (Ministry of Justice, Ministry of Labour and Social Policy)
- building the capacity of legal practitioners to support victims to claim compensation and including compensation into existing training programmes for law enforcement officials and the judiciary. (Ministry of Interior, Public Prosecutor's Office, National Commission, Lawyer's Chamber of the Republic of Macedonia, Academy of Judges and Public Prosecutors, Judges, Ministry of Justice).

Implementation status:
In accordance with the special regulations, the victim of a crime, for which a prison sentence of at least four years has been stipulated, has the right to:

1. Before giving a statement, or submitting a legal and proprietary application, assistance from an advisor shall be provided and paid from the budgetary funds if serious psycho-physical damage had been caused or if there are some serious consequences from the crime and
2. The Compensation for the material and immaterial damage is provided from the State Fund, under conditions and in a manner laid down by a separate law, if the compensation cannot be provided by the convict.

The children who are victims of THB have the right to a free legal assistance in a pre-trial criminal and criminal procedure acting as a harmed individual – victim. Initiating legal assistance procedure is done by submitting an application personally or through a post office addressed to the competent regional Section in the Ministry of Justice and a written statement is enclosed, which is signed by the applicant and by the members of his/her family he/she lives with in the same household.
A child victim of human trafficking (parent-guardian) has the right to submit a property-legal claim and to receive compensation from the perpetrator of the crime due to suffered material and non-material damage. For the sake of reintegration of child victims upon their return in their environments, the necessary personal documents of a child victim should be provided (social worker from the Social Work Centre, from the Centre for Human Trafficking Victims, parent/guardian, social worker from the Foreigners Reception Centre). The guardian of a child victim of human trafficking shall take care to observe the rights of the child in accordance with his/her individual needs and to the best of his/her interest. Dispossession of personal documents of victims means: statelessness and unregulated citizenship, unregulated residence, unregulated domicile, unregulated civil status, not being in possession of identity card, of travel documents, birth certificate and other personal documents.
The victims of human trafficking in the Republic of Macedonia have an efficient access to legal assistance of victims in accordance with the Law on Free Legal Assistance. Free legal assistance is approved in all court proceedings and administrative procedures in case it helps solve an issue of interest to the applicant for legal assistance, namely: rights in the area of social, health, pension or disability insurance, employment, child protection, domestic violence victims, protection of victims from felony, protection of victims from human trafficking, acknowledging the right to asylum and property law issues.
Pursuant to Law, free legal assistance is provided as a previous legal assistance and legal assistance in administrative procedures and court proceedings. District offices of the Ministry of Justice and the authorized associations are involved in offering previous legal assistance. Lawyers offer legal assistance in court proceedings and administrative procedures.
Apart from the District offices of the Ministry, the law stipulates that free legal assistance should be provided on the part of associations that meet certain requirements and have gained competence for offering legal assistance from the Ministry of Justice, receiving reimbursement for the incurred expenses.

In the Republic of Macedonia, one can submit the application for free legal assistance at the district offices of the Ministry of Justice. During 2015, a total of **199** applications for free legal assistance were submitted to the district offices.
In the period of 01/01/2015 until 31/12/2015, a total of **192** decisions were made. The number of approved applications is **113,** whereas the number of denied applications is **79.** In the case of 7 submitted applications, the procedure was stopped with a conclusion made due to cancellation on the part of the applicant.
Also, in 2015 were made 37 conclusions for termination of procedure for the applications for free legal assistance for asylum.
The majority of approved applications are in relation with solving the property-legal issues and protection of victims of domestic violence and protection of children, whereas other legal affairs, such as social protection, pension and health insurance and employment are less frequent.
A total of 740 910.00 MKD were paid from the Budget of the Ministry to 36 lawyers and 5 competent associations that were involved in the procedure of offering free legal assistance.

The competent associations were reimbursed in the amount of 39 600.00 MKD for offered previous legal assistance, whereas the paid award to lawyers for offered legal assistance amounts 701 310.00 MKD.
During the period covered by the report were organized days of free legal counsel, namely on 12 October, 2015 in Strumica, on 14 December, 2015 in Ohrid and on 15 December, 2015 in Struga.

As part of its project activities, the “Open Gate” Association provided legal assistance to 5 persons involved in the social assistance programme, out of which 4 persons appeared to court for previous procedure and gave a statement in relation with the court procedure, whereas 1 person appeared as witness in a renewed procedure after seven years.

"Open Gate" during 2015 conducted a Regional Training for judges and public prosecutors for facilitation of compensation to victims and ensuring verdicts for traffickers, as well as a regional compensation campaign.

Recommendation 20: To set up a State compensation scheme accessible to victims of THB.

Implementation status:

In January, 2016, the Ministry of Justice adopted a **Programme on Indemnification of a child-victim of trafficking, or a child harmed by an act, which, by law, is stipulated to be a violent crime, or other acts of individual or group violence, for 2016,** according to the Law on Juvenile Justice. 500 000 denars have been allocated from the Budget of the Republic of Macedonia, by the Ministry of Justice for a complete implementation of this Programme. The indemnifications on the basis of this Programme are made by the Ministry of Justice 30 days at the latest after the receipt of the decision on indemnification issued by a competent court. The Ministry of Justice is responsible for the manner and the dynamics of the implementation of this Programme.
The issue for compensation of victims of human trafficking was considered during the Regional workshop for fight against human trafficking, that was held in June 2016 in Skopje, encompassing consideration of various experiences and modes for creation of a national fund for compensation of victims for human trafficking in order for it to be implemented within the system of the Republic of Macedonia.

The Civic Association **Open Gate** carried out a research for observing the right to compensation to victims of human trafficking in the Republic of Macedonia, after which they gave recommendations for the manner of setting up a national fund for compensation to victims of human trafficking.

Recommendation 21: To take further steps to ensure that the return of victims of trafficking to another state is conducted with due regard for the rights, safety and dignity of the person and for the status of any legal proceedings related to the fact that the person is a victim, and is preferably voluntary.

Implementation status:

The International Organisation for Migration (IOM – Skopje), within its Programme *Assisted Voluntary Return and Reintegration* (AVRR) has been conducting the procedure for voluntary return of victims of trafficking (vulnerable categories), and foreigners who voluntarily want to go back to their country of origin, in compliance with all standards, simultaneously taking into account the real safety and dignity of that person. The procedure for their return is completely financed by the IOM. The MoI – Border Police has provided logistics and assistance, in order to easily conduct the procedure on the border crossings.

Recommendation 22: To ensure that all the aggravating circumstances included in the Convention are appropriately taken into account.

Implementation status:

An in-depth legal analysis is currently ongoing.

Recommendation 23: To examine the relationship between Articles 418-a and 418-b of the CC with a view to clarifying the scope of application of these two provisions.

Implementation status:

The National Commission prepared a Plan for Inter-institutional trainings for fight against human trafficking, in accordance to which are planned trainings of all involved actors (police officers, judges, public prosecutors, labour inspectors, social workers and others) in relation with the differentiation of these crimes.

Recommendation 24: To adopt measures to establish as criminal offences all the actions listed under Article 20 of the Convention.

Implementation status:

An in-depth legal analysis is ongoing.

Recommendation 25: To take legislative measures allowing for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so. In order to ensure that victims of THB are not punished for offences committed while being trafficked, the authorities should consider issuing guidance to the prosecutorial and judicial authorities advising them on the steps to be taken when a person might be a victim of trafficking. While the identification procedure is ongoing, potential victims of trafficking should not be punished for immigration-related offences.

Implementation status:

In order to define the most adequate model for provision of the impunity principle, the National Commission organized the Regional workshop for fight against human trafficking that was held in Skopje, June, 2016. During this regional workshop was considered the experience of the states in the region in terms of the implementation of this principle, and also the present independent experts presented the best European practice in this area.

Currently there is an ongoing process of preparation of a new National Strategy and Action Plan for fight against human trafficking that will embed “the principle based on human rights”, focused on the rights of the victims of human trafficking and the principle of impunity of victims of human trafficking as a separate strategic aim.

Apart from that, during 2016 training of judges, public prosecutors and members of police for application of the principles of impunity of victims of human trafficking was conducted, where 25 members, prosecutors and police officers participated.

Recommendation 26: Further develop the specialisation and training of prosecutors and judges with a view to ensuring that crimes related to THB are effectively investigated and prosecuted, leading to proportionate and dissuasive sanctions.

Implementation status:

Academy of Judges and Public Prosecutors “Pavel Shatev” organized 2 counselling sessions on the topic “Organised crime with a focus on human trafficking and Migrant Smuggling” and 45 participants attended, among which are judges, public prosecutors, servants, lawyers and MOI representatives.

Also, in co-operation with the Macedonian Young Lawyers Association and the Bureau for representation of the Republic of Macedonia before the European Court of Human Rights, the Academy of Judges and Public Prosecutors organised counselling on the topic of “Detention of Migrants and Asylum Seekers in the Context of the European Human Rights Convention”, that was attended by 8 judges and public prosecutors.

Recommendation 27: To make full use of the measures available to protect victims and witnesses of THB and to prevent intimidation during the investigation and during and after the court proceedings.

Implementation status:

The Law on Criminal Procedure allows the court, if assessed as necessary, to conduct the hearing under special conditions that guarantee the victim’s safety, due to the protection of a victim of trafficking in human beings, who is a minor, or for a victim of violence or sexual abuse. In addition, witness protection,

protection of servants of justice and of victims is regulated in a separate chapter of the LCP and by application of protective measures beyond the procedure, regulated by a separate law.
Vulnerable categories of victims have the right to special measures for protection during the process when giving a statement and during the questioning in all phases of the procedure, if:

1. During the time when the statement was given, the victim has completed 18 years of age.

2. By giving a statement or a reply to a certain question the victims would expose themselves or a close person to a serious threat to life, health, or physical integrity (threatened victim) and

3. Due to age, the nature of or consequence from the crime, the physical or psychological disability or other important health condition, social or cultural past, family circumstances, religious beliefs and ethnical affiliation of the victim, the behaviour of the accused family members or friends of the accused towards the victim would have negative consequences for their psychological and physical health or would have a negative impact on the quality of the given statement (especially from vulnerable victims). Special measures for procedural protection shall be determined by the court upon a proposal by the public prosecutor or the victim or by a personal conviction when it is necessary to protect the vulnerable and especially sensitive victims. When deciding about determining special measures for a procedural protection the court must take into account the willingness of the victim.

The court must determine a special measure for procedural protection in cases when during the time when the statement was given the victims have completed 18 years of age, as follows:

1. When a child victim needs special care and protection or,

2. Is questioned by a same-sex person in the premises of the police or the Public Prosecutors Office;

3. Is not answering to the questions related to the personal life of the victim, but not related to the crime;

4. Asks for a questioning supported by visual-auditory devices in a manner laid down by this law and

5. Asks for excluding the public from the main hearing. During court proceedings, the public prosecution and the police shall be obliged to instruct the victim for his/her abovementioned rights, before his/her first trial, at the latest, after which an administrative note or a report is prepared.

The victim that has not been instructed for his/her rights participates in the procedure as a harmed individual and has the right to appear before the Police or the Public Prosecutor as such, until submitting the indictment, and before the Court after the main hearing has been completed.

The victims of trafficking in human beings (victims of THB) have the right to be informed about the rights in a pre-trial criminal procedure, during and after the main hearing for the condition in which they are found and their rights during the entire process (right to legal guardian, translator if the victim is a foreigner, right to a decision-making period, temporary stay license).

Government of the Republic of Macedonia
National Commission for Combating Human Trafficking and Illegal Migration

INDICATORS FOR IDENTIFICATION OF VICTIMS OF HUMAN TRAFFICKING DURING MIXED MIGRATION FLOWS

-Anex to the Standard Operation Procedures of Tretment of Victims of Trafficking of Human Beings

Opeartive Version

Skopje
May, 2016

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1. LIST OF ACRONYMS :

CSO	Civil society organization
CSW	Centre for social work
DBAM	Department of border affairs and migration
DCBCMFNR	Department for cross-border crime, migration, foreign nationals and readmission
THB	Trafficking of Human Beings
IO	International organization
NRM	National referral mechanism
MLSP	Ministry of labor and social policy
MOI	Ministry of Interior
PO	Police officers
PS	Police station
PSBC	Police station for border control
PSBI	Police station for border inspection/checks

PVoT	Presumed victim of trafficking of human beings
PoVoT	Potential victim of trafficking in human beings
RC forBAM	Regional centre for border affairs and migration
RCAS	Reception centre for asylum seekers
RCFN	Reception centre for foreign nationals
RTC	Reception transit centre
UAM	Unaccompanied minors -foreign nationals
UHTMS	Unit for trafficking of human beings and migrant smuggling
VoT	Victims of trafficking of human beings

2. TERMINOLOGY:

Mixed migration flows:[3]	Complex population movements including refugees, asylum seekers, economic migrants, victims of trafficking in human beings, smuggled migrants, unaccompanied minors and other categories of foreign nationals.
Trafficking in human beings:[4]	Represents: (a) Recruitment, transport, transfer, protection or reception of persons by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or abuse of a position of vulnerability or of the giving or receiving payments or benefits to achieve consent of a person who has control over another person, for the purpose of exploitation. Exploitation includes, at least the exploitation through prostitution of other persons or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or removal of organs. b) The consent of the victim of trafficking in human beings for the planned exploitation, set forth in subparagraph (a) of this Article, shall be disregarded if it is determined that any of the means set forth in subparagraph (a) are used; c) The recruitment, transport, transfer, harboring or reception of a child for the purpose of exploitation shall be considered trafficking in human beings, even if the situation does not involve any of the means set forth in paragraph (a) of this Article; d) Every person under the age of eighteen years falls under the category “child”.
Victim of THB:	A person based on whose testimony or the circumstances in which he/she is found, indicates that he/she is or has been subject to the recruitment, transport,

[3]IOM
[4]Palermo Protocol Art. 3a, 2000

	transfer, harboring or reception for the purposes of exploitation. This person is put in a position of vulnerability, using the "threat or use of force, abduction, fraud, deception or abuse of power."
Presumed VoT:[5]	Cases in a state of vulnerability in which at least one or more elements that constitute the criminal offense THB, as provided in Article 418a and 418g of the Criminal Code of Macedonia, which are not immediately visible, but given the specific circumstances of the case, there is a reasonable suspicion that the person is, or could be, a victim of trafficking in human beings.
Potential VoT:	Potential victim of THB is a person identified prior to being exploited, and showing strong indicators of being in the process of THB.
Child VoT:	A child who was a subject of: recruitment, transport, transfer, harboring, or reception for the purpose of exploitation, even if it does not include any of the means listed in the definition of human trafficking.
Unaccompanied minor - foreign national	Is a person and foreign national, located on the territory of the Republic of Macedonia and which at the moment of identification is under the age of 18, and is not accompanied by his/her parents or a guardian from a competent institution appointed by law , or after his/her arrival in the Republic of Macedonia remained without such accompaniment.
Authorized official responsible for identification of VoT:	• Authorized official of a Government institution who under the competence and authorization bestowed upon him, may come into contact with a presumed, potential orVoT and should identify the victim in accordance with these indicators. A representative of a CSO/IO, who is engaged in a RTC, RCFN, RCAS and involved in dealing with risk groups of foreign nationals in accordance with these indicators can identify a presumed or potentialVoT.
Indicator[6]:	Represents instruments of particular characteristics of a previously established profile, and indicators are divided into: • General or indirect indicators for identification of presumed or potential victims of human trafficking, based on data obtained through the practice of previous experience, which confirm the phases of THB recruitment, transport/transfer and purpose of exploitation. • Direct or concrete indicators that aim to identify trafficking in human

[5]Various countries/organizations use a different terminology for trafficking in human beings, especially for those who are considered “under risk” for trafficking in human beings and those who are considered transferred but not identified as such by the authorities.

[6]The Indicators for VoT from the Ministry of Labor and Social Policy may be used as sources of indicators

	beingsand VoT by confirming the three constituent elements of the act of human trafficking/ means and purpose.

Elements of Trafficking in Human Beings:

Activity	Means	Purpose
•Recruitment; •Transport; •Transfer; •Buying; •Selling; •Harboring victims or reception of persons	•Threat; •Use of force; •Coercion; •Abduction; •Deception/ Fraud; •Abuse of a position of weakness, physical or mental disability of another	Exploitation by[7]: Prostitution or other other forms of sexual exploitation, •Pornography; •Forced labor or servitude, •Begging, •Slavery, •Forced marriages, •Forced fertilization, •Illegal adoption or similar, •Illegal transplantation of human organs

3. INTRODUCTION:

The complex migration movements caused by wars, political crises or natural disasters are humanitarian catastrophes which may cause mass numbers of people to leave their homes-countries of origin in search of a better life, security and safety.

A large number of refugees and migrants, particularly the vulnerable categories-foreign nationals who travel illegally, are prone to abuse and violation of their human rights, including physical and mental violence by smugglers and traffickers, for the purpose of labor and sexual exploitation among other forms of exploitation.

It is particularly important to note that most people who are part of the migration flows are facing life-threatening situations in their country of origin, and rarely have the opportunity to provide the necessary documentation for obtaining legal status in the country of destination, hence becoming vulnerable to recruitement and exploitation by criminal networks and human traffickers. Due to the irregular and uncertain situation the migrants and refugees find themselves in, they are often highly vulnerable and at risk of exploitation and abuse.For many years, FYROM has been a country of transit between countries of origin and countries of destination, and since 2015 it has become a part of the so-called "Western Balkan route" of mass mixed migration flows from conflict-torn regions, mainly from the Middle East en route to Europe.

In order to see the structureof these complex migration flows and the connection with trafficking in human beings, as well as the risk profile of persons, types of exploitation, countries of origin,and for the purpose of proper use of the indicators for identifying the VoT, the statistics of the Ministry of Interior and the results of the IOM survey on the prevalence of trafficking and other forms of exploitation during major migratory movements shall be used.[8]

[7]Other forms of exploitation may exist as well

[8]Research by IOM conducted in the period from 7th December 2015 until 18th April 2016 by interviewing 3,498

Ministry of Interior statistics

For the time period of 19th of June to 31st of December 2015:

There were a total of 382,814 foreign nationals registered in RTC, out of which 206,710 were male, 64,733 female, 93,268 accompanied minors, 18,103 were unaccompanied minors. According to the citizenship, the breakdown of nationalities is as follows: Syria with 213,480 nationals, 94,501 Afghans nationals, 53,392 Iraqi nationals, 6,231 Iranian nationals, 5,416 Pakistani nationals, 2,158 Palestinian nationals, 1,276 Somali nationals, 1,253 Bangladeshi nationals, 1,317 Moroccan nationals, 514 Congo nationals, 453 Algerian nationals, 434 Lebanese nationals, 279 Nigerian nationals, while other nationals from other countries were present with small numbers.

For the time period of 1st of January, 2016 to 1st of March, 2016, there have been a total of 87,870 foreign nationals registered at entry to FYROM, out of which 34,817 were male, 19,187 were female and 33,651 were minors who were accompanied and another 215 who were unaccompanied. According to the citizenship, most numerous were the Syrian nationals with 43,265, Afghan nationals with 26,546 and Iraqi nationals with 18,056.

For the time period from December 2015 to March 2016, from the above mentioned statistics on unaccompanied minors-foreign nationals, by the Ministry of Interior/ Department of border affairs and migration/ Unit for trafficking in human beingsand migrant smuggling, authorities have identified 5 presumed VoT among unaccompanied minors-foreign nationals (4 male and 1 female child, aged 13 months to 15 years) who were placed in a shelter centre, and the procedure for their identification is ongoing.

IOM research on the prevalence of trafficking in human beings and other forms of exploitation during mixed migration flows:

According to the statistics data, through the Eastern Mediterranean and the Western Balkan route there have been 888,537 migrants and refugees who arrived in Europe during 2015, and 154,191 in the first three months of 2016.

The following are the results of the conducted research and interviews of 3,498 migrants and refugees within the time period between the 7th of December 2015 until the 18th of April of 2016:

- 5.5% of respondents answered "yes" when asked whether they were subject to THB or other type of exploitation and an additional 1.5% of the respondents answered that they were not subjected to trafficking or other exploitation but that other family members with whom they traveled had been subject to.
- Regarding the country of origin, the rate of positive response, having been subjected to trafficking or indicators of forms of exploitation, was as follows: Pakistan 13.7%, Syria 9%, Afghanistan 7.9%, Iraq 4.2%.
- In terms of gender, positive responses to THB or indicators of exploitation is higher among men (5.7%) than among women (3.8%).

- The degree of prevalence of THB or indicators of exploitation is higher among persons who travel alone (6.6%) than among those who travel in groups (5%), except in THB for the purpose of forced marriage where the degree is higher among women (1.4%) than men (0.4%).

migrants as part of the Easter Mediterranean and Western Balkan route of extraborder migration movements
http://doe.iom.int/docs/Analysis%20-%20CT%20Survey%20-%2017%20Mar%202016%20_FINAL.pdf

- The degree of prevalence of THB or indicators of exploitation is higher among those whose marital status is single (6.3%) than among persons whose marital status is married (3.8%) or those who have not disclosed their marital status (6.3%).
- In terms of age, the percentage of positive responses is higher among persons up to 26.5 years of age than those of age above 28.5 years.
- 2.7% of respondents stated that they worked or performed other activities during their journey without receiving a salary, even though they assumed they would. Additional 0.4% expressed they had not experienced this, but that a family member had had such and experience.
- 0.4% of respondents reported that they were forced to perform work or other activities against their will during their journey. Additional 0.3% said that they had not experienced this, but a family member had.
- 1.6% of respondents stated that during their journey they were offered employment by some persons. Additional 0.3% said that they had no such experience, but a member of their family had.
- 0.6% of respondents stated that they were offered by some persons to have a marriage arranged (for the respondent or a close family member – child or brother or sister). The rate is higher among women (1.4%). Additional 0.2% stated that they had no such experience, but a member of their family had.
- 1.1% of respondents stated that they were held up at a certain location against their will during their journey more by criminal gangs than by government authorities/institutions. Additional 0.1% said that they had no such experience, but a member of their family had.

The statistical data, the identified UAM/VoT, as well as results of the research conducted by IOM, undoubtedly indicate that the mixed migration movements present a phenomenon with a high level of risk for trafficking in human beings with the purpose of exploitation of vulnerable categories of migrants/refugees, as part of those complex mixed migration movements.

For these reasons, the border control mechanisms need to be particularly sensitive in recognizing persons at high risk (vulnerable categories) such as VoT, for the purpose of their quick and timely identification conducive to the prevention of their exploitation.

The indicators for identification of PVoT, PoVoT and VoT as possible indicators for THB, have a key role in the initial/preliminary identification of possible PVoT or PoVoT and both should be a support tool for authorized persons who come into contact with presumed VoT for the purpose of taking measures for their further formal identification by conducting an interview and further expert investigation.

4. *Risk groups where PVoT, PoVot or VoT and type of possible exploitation may be identified:*	• Women and girls who travel alone (for the purpose of: sexual and labour exploitation, domestic servitude, begging, forced marriages), • Pregnant women who travel alone (for the purpose of: sale and illegal adoption of the child, sexual and labour exploitation and domestic servitude), • Unaccompanied and separated children (for the purpose of: sexual and labour exploitation, child pornography, organ trafficking, illegal adoption, begging, forced committing of crimes),

	• Adults who travel alone (labour exploitation, domestic servitude, organ trafficking), • Elderly and disabled people who travel alone (for the purpose of: begging).
5. Where can PoVoT, PVoT or VoT be identified:	• At border crossings, during a lawful entry-exit to/from FYROM, using original or forged documents, • During unlawful/irregular entry into FYROM as part of smuggling, • During the stay in RTC, RCFN, RCAS, • Inside the territory of FYROM on the grounds of a lawful or unlawful entry and stay.
6. Who can identify PVoT, PoVot or VoT more often:	• PO from MoI of RM, • Social workers from CSW, • Representatives of CSO/IO engaged at RTC, RCFN, RCAS, and • Other institutions and organizations.
7. When, where, and how are the indicators for identification of PoVoT, PVoT or VoT used:	The authorized person from the competent institution/organization, when coming in contact with the vulnerable foreign national, who, due to their appearance and the circumstances they were found in, raised a reasonable suspicion that they may in fact be a PvoT or PoVoT, has to confirm the reasonable suspicion in accordance with the general indicators by identifying the presumed VoT; and by conducting an interview and other methods of inspection using direct indicators, the presumed VoT is identified as VoT or in case the the reasonable suspicion is not confirmed the same shall be dismissed.

8. Identification of PVoT, PoVoT or VoT:

A set of measures and activities by the authorized person from a relevant institution/organization, using general and direct indicators to identify PVoT, PoVoT or VoT.

The process of identification of victims of trafficking in human beings is implemented in two phases:

1. Initial/preliminary identification of PVoT and PoVoT;
2. Final identification of VoT.

8.1 Initial/preliminary identification of PVoT and PoVoT:

It is implemented by authorized persons from the relevant institution/organization[9]who established initial contact with the vulnerable foreign national in cases of mixed migration flows in the territory of FYROM.
These indicators show some of the factors that may indicate a greater likelihood that the person is PVoT, PoVot and that it is a case of THB.
It must be emphasized that they are general in nature and do not necessarily arise in any case of TBH and the same signify the initial procedure for initiating the preliminary identification of a vulnerable person. Although the presence of these indicators does not prove that there is THB, however, their presence would begin the preliminary process of identification.
Different types of THB produce different profiles of victims and thus use of relevant indicators for such type of

[9]See item 6,

THB.
Even in the same general type of THB, the activity/action will have significant differences among various locations (country of origin, transit and destination).
These indicators are used when specific information/intelligence for THB is not available.

8.2 General indicators:

8.2.1 Age:

The typical age of the persons presumed to be PVoT or PoVoT depends on the nature THB, location and type of exploitation.

With few exceptions, the elderly are less likely to be subject to THB. This particularly applies to cases of sexual exploitation. Traffickers rarely recruit older persons for sexual exploitation, since the demand by customers for the same is low.
The same general rule applies to labour exploitation, because older people are less productive in conditions of hard or forced labour. There are exceptions to this rule which are related to trafficking in older persons for the purpose of forced begging.

Children, and especially UAM, are particularly vulnerable to trafficking because it is easier to obtain their consent and they are more susceptible to intimidation. They can be exploited in various ways: in the sex industry, child pornography, forced adoption, illegal labour markets, including begging, committing thefts, serving as domestic "slaves" and organ trafficking.

8.2.2 Gender:

Gender can play a role in the type of exploitation, but it does not have a decisive importance.
THB for the purpose of sexual exploitation predominantly affects women (adults and minors)[10].
THB with males for the purpose of sexual exploitation through prostitution occurs in limited cases, but it should not be excluded.

THB for the purpose of forced labour exploitation is present in both men and women and minors). The percentage distribution by gender varies depending on the type of labour exploitation and the country of destination.

8.2.3 Country of origin:

The supply chain of victims of THB relies on the use of a combination of factors, including poverty, discrimination and lack of opportunities.

Many victims come from developing countries and countries in transition, where opportunities are limited and armed conflicts are ongoing, poverty, discrimination, lack of democracy and respect for human rights, natural and environmental disasters.

The trade takes place in developed countries as countries of destination/exploitation for various purposes, but it mainly includes sexual and labour exploitation.

In both cases, the victims are often recruited from marginalized and vulnerable groups, which does not necessarily mean that they are not recruited from within other categories, too.

The country of origin as a general indicator increases the level of risk the person is subject to regarding a certain

[10] See item 3 on page 5

type of THB.

Based on the current trend: Nigeria, Somalia, Ethiopia and other countries in West and Central Africa[11], as countries of origin, are considered as countries of high risk for VoT with the purpose of sexual and labour exploitation of women and girls in Italy, France, and Russia as destination countries, while male persons are traded for labour exploitation.

It is a common practice in these countries for the female VoT to be accompanied by a female person – member of the criminal organization.

Male adults originating from Sudan, Eritrea, Ethiopia and other countries from West and Central Africa, are persons at high risk to have been subjected to THB with the purpose of human organ trafficking in Egypt, Israel or Turkey in order to pay for the smuggling.

For these reasons, it is necessary for these persons to undergo a physical examination in order to detect fresh traces of kidney surgery.
Afghanistan and Pakistan, as countries of origin, often are a source for recruitment of VoT for the purpose of labour exploitation of male adults.

Often due to the lack of financial resources to pay for the smuggling, they are forced by smuggling groups to work for them as guides in smuggling on a particular route which could lead to a situation of becoming VoT.

8.2.4 Documentation/personal documents:

Not possessing personal documents, i.e. registration forms issued by the countries on the route of movement,
Possessing forged documents and money transfer receipts,
Possessing original travel documents reduces the risk of THB. But, at the same time, if one person is in possession of the travel documents of several persons, especially those of UAM or has forged documents on them, then this presents a strong indicator of possible THB.

8.2.5 Transport:

The type and way of transport represent a general indicator of possible THB.
Although often the type of transport is very similar to smuggling, the transport of VoT has its own specifics, which refer to the following:

- the number of persons which are transported does not correspond with the vehicle, for example, one or two females hidden in the TMV does not indicate smuggling but THB,
- the number of persons who accompany the group does not correspond to the transported potential VoT,
- the presumed VoT is constantly accompanied by the same persons from the country of origin/transit and destination, which is not the case for smuggling.

8.2.6. Evidence of abuse:

Any sign of physical injury to the victim may be indicative of THB; victims are often subjected to violence and abuse by traffickers.

However, the existence or absence of signs of physical violence as an indicator may not exclude the possibility of THB, as the methods of intimidation are sometimes even more powerful than physical violence, and can include

[11] A characteristic of these countries is the use of a particular type of magic by traffickers to intimidate VoT and keep them under control, which makes their identification very difficult.

mental violence, such as the use of threats, etc.

8.3 Indicators related to the behaviour of PVoT or PoVoT when coming in contact with the authorities during transportation/reception/transfer

- The person is afraid to speak,
- The person distrusts authorities and refuses to cooperate,
- The person is instructed what to say,
- Gives conflicting, incomplete and misleading/false information,
- Tries to escape,
- The person stands aside and away from the group which indicates that s/he does not naturally belong to the group,
- Believes to be observed and followed,
- Allows others to speak in his/her name,
- Manifests signs of fear and anxiety,
- Reacts with anger, impulsivity and aggressiveness,
- The person has noticeable fluctuations in behavior,
- Displays deviant behavior,
- Disorientation, confusion, phobias or panic attacks are present,
- Is afraid that his/her status could be revealed,
- The person shows signs of drug and alcohol abuse,
- And other indicators

8.4. Indicators for identification of vulnerable category of UAM-PVoT or PoVoT during transportation/reception/handover:

- Commonly found in mixed migration groups where there are more than one UAM of different age, gender, country of origin,
- Often pose as brothers/brother and sister/sisters, although they have no resemblance, emotional attachment, nor their age corresponds to the natural birth order,
- As a reason why they are unaccompanied, they often claim that during the journey they got lost and were separated from their family, or that they were released by their parents to escape the military activities in their country of origin,
- When asked about the travel route from the country of origin to the point they were found, they know very little about the route,
- They know very little about the country of destination, about the place where they should arrive at, if they have close relatives/friends and what they will do there after arrival,
- In case they are accompanied, it is usually a migrant who presents himself as a close relative or a trusted family friend, however during the interview, they know very little about each other or they give contradictory information regarding the route of the journey, the familiarity with their families, as well as the final destination,
- During the interview, the UAM keeps looking in fear at the particular person, who is possibly either a trafficker or a person whom the traffickers trusts.
- Does not possess identification documents or has forged documents,
- When asked about their personal information, the UAM gives uncertain information for fear of being caught in a lie and gives inaccurate data about his/her age,
- The behaviour of the children towards the persons accompanying them (relaxed, anxiety, fear, etc.),
- Inconsistencies in the age of parents/relatives and the children who put in question the family relationship/kinship.

By determining the presence of general indicators of THB among the vulnerable category foreigner and their

identification as PVoT or PoVoT, the person who has carried out the identification, notifies DCBCMFNR at RC of BA and UHTMSwith the purpose of reception of the identified person for his/her final identification as VoT.

9. Final identification of VoT
9.1 Direct/concrete indicators for identification of adults and children VoT[12]:

After determining the presence of general indicators of THB and identifying PVoT or PoVoT, measures are taken to identify the VoT.

The identification is conducted by the responsible persons at UHTMS and DCBCMFNRat RC for BA.

The identification is conducted by carrying out an interview with PVoT/PoVoT with the purpose of determining the existence of direct/concrete indicators of THB,

For the identification of VoT the following direct/concrete indicators of THB are used:

9.2Indicators for identification of THB for the purpose of sexual exploitation:

9.2.1 Indicators of recruitment by way of deception:

Strong indicator:

- Deception regarding the type of employment, employer or the country/location,

Medium indicators:

- Deception regarding the content or the legality of the employment contract,
- Deception regarding family reunification,
- Deception regarding housing and living conditions,
- Deception about the legal documentation or obtaining legal migration status,
- Deception about the journey and working conditions,
- Deception regarding wage/income,
- Deception through promises of marriage or adoption.

Weak indicator:

- Deception regarding the access to educational opportunities.

9.2.2 Indicators of forced recruitment:

Strong indicators:

- Kidnapping, forced marriages, illegal adoption or selling of the victim,
- Slavery/servitude due to debt,
- Threats of violence against the victim,
- Violence against the victims.

Medium indicators:

- Confiscation of documents,

[12]http://www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105023.pdf

- Isolation, lock-up and control over their movement,
- Threatening to report them to the authorities about their illegal status,
- Threatening to inform the family, community or the public,
- Violence against the family (threats or actual violence),
- Isolation/Confiscation of money.

9.2.2 Indicators of recruitment by abuse of vulnerable situation:

Medium indicators:

- Abuse of difficult financial situation of the family,
- Abuse of illegal status,
- Abuse of lack of education (language),
- Abuse of lack of information,
- Control by the traffickers/exploiters,
- Difficulties in the past,
- Difficulties in terms of independently organizing the journey,
- Economic reasons,
- False information about the legal regulations in the country of destination and the treatment by the authorities in the country of destination,
- False information about successful migration in the country of destination,
- Family circumstances.

General context:

- Personal situation,
- Psychological and emotional dependency,
- Relation with the authorities/legal status.

Weak indicator:

- Abuse of cultural/religious beliefs

9.3Indicators for identification of VoT for the purpose of labour exploitation:

9.3.1 Indicators of recruitment by deception:

Strong indicator:

- Deceived about the nature of the employment, employer or location

Medium indicators:

- Deceived about the working conditions,
- Deceived about the content or legality of the employment contract,
- Deceived about family reunification,
- Deceived about housing and living conditions,
- Deceived about legal documentation or obtaining status of legal migrant,
- Deceived about travel and employment conditions,
- Deceived about wages/income,
- Deceived through promises of marriage or adoption.

Weak indicator:

- Deceived about the access to education possibilities.

9.3.2 Indicators of forced recruitment:

Strong indicator:

- Any kind of violence against the victims,

Medium indicators:

- Kidnapping, forced marriage, forced adoption or selling of the victim,
- Confiscation of documents,
- Relation of slavery/debt bondage due to debt towards the traffickers,
- Isolation, confinement or supervision,
- Threat of reporting to the authorities,
- Threats of violence over the victim,
- Violence over the family (threats or actual violence),
- Confiscation of money.

9.3.3 Indicators of recruitment by way of abuse of vulnerable situation:

Medium indicators:

- Abuse of difficult situation in the family,
- Abuse of illegal status,
- Abuse of lack of education (language),
- Abuse of lack of information,
- Control by the traffickers,
- Economic reasons,
- False information regarding the law, ties with the authorities,
- False information about successful migration,
- Family circumstances,
- Personal circumstances,
- Psychological and emotional dependency,
- Relations with the authorities/legal status.

Weak indicator:

- Abuse of cultural/religious beliefs

General context:

- Difficulties in the past,
- Difficulties in organizing the journey.

9.4 Indicators of THB in children for the purpose of sexual exploitation:

9.4.1 Indicators of recruitment by way of deception:

Strong indicator:

- Deceived about the nature of work or location,

Medium indicators:

- Deceived about the access to opportunities for education,
- Deceived about the context or legality of the employment contract,
- Deceived about family reunification,
- Deceived about housing and living conditions,
- Deceived about legal documentation or obtaining a legal migration status,
- Deceived about travel and employment conditions,
- Deceived about wage/income,
- Deceived through promises about marriage or adoption.

9.4.2 Indicators of forced recruitment:

Strong indicators:

- Kidnapping, forced marriage, forced adoption or selling of the victim,
- Relation of slavery/debt bondage due to debt,
- Isolation, restriction of freedom of movement or supervision,
- Threats of violence against victim,
- Any kind of violence against victims,
- Dependent on traffickers.

Medium indicators:

- Confiscation of documents,
- Threat of reporting to the authorities,
- Violence against the family (threats or actual violence)
- Confiscation of money.

9.4.3 Indicators for recruitment by abuse of vulnerable situation:

Medium indicators:

- Abuse of cultural/religious beliefs,
- Abuse of difficult situation in family,
- Abuse of illegal status,
- Abuse of lack of education (language),
- Abuse of lack of information,
- Control by exploiters,
- Difficulties in the past,
- Difficulties to independently organize the journey,
- Economic reasons,
- False information regarding the law,
- Ties with the authorities,
- False information about successful migration,
- Circumstances in the family,
- Psychological and emotional addiction,

- Ties with the authorities/legal status.

9.5 Indicators of THB in children for the purpose of labour exploitation:

9.5.1 Indicators for recruiting by way of deception:

Strong indicators:

- Deceived about access to education opportunities,
- Deceived about the nature of the work, location or the employer.

Medium indicators:

- Deceived about working conditions,
- Deceived about the content or legality of the work or the employment contract,
- Deceived about family reunification,
- Deceived about housing and living conditions,
- Deceived about legal documentation or obtaining status of legal migrant,
- Deceived about travel and employment conditions,
- Deceived about wages/income,
- Deceived through promises of marriage or adoption.

9.5.2 Indicators of forced recruitment:

Strong indicators:

- Kidnapping, forced marriages, forced adoption or selling of the victim,
- Relation of slavery/debt bondage due to a family debt,
- Threats of violence over the victim and their family,
- Violence against the victims.

Medium indicators:

- Confiscation of documents,
- Isolation, lock-up or supervision,
- Threat of reporting to authorities,
- Violence against the family (threats or actual violence),
- Confiscation of money.

9.5.3 Indicators for recruitment on the basis of abuse of vulnerabilities:

Strong indicator:

- Dependency on the traffickers

Medium Indicators:

- Abuse of cultural/religious beliefs,
- Abuse of difficult situation in the family,
- Abuse of illegal status,
- Abuse of lack of education (language),
- Abuse of lack of information,
- Control by the smugglers,

- Difficulties in the past,
- Difficulties to organize the journey,
- Economic reasons,
- False information about successful migration,
- Family circumstances.

General context:

- Personal circumstances,
- Psychological and emotional dependency,
- Ties with the institutions/legal status.

9.6 Indicators for identification of UAM/VoT on the basis of sexual and labor exploitation in the countries of origin and during time transport/reception/ transfer:

- Renting of the minors to the traffickers by the family for the purpose of begging in the country of origin,
- Sexual abuse and exploitation during the transport in the countries of transit in RTC,
- Forced begging, selling small items in the transit countries,
- Coercion to committing crimes in the countries of transit during their stay in RTC,
- Older children are abused as guides to younger UAMs posing as their older brothers,
- Establishing of a relation of slavery/debt bondage and servitude in favor of the criminal networks for THB,
- Confiscation of personal and travel documents.

Used Sources:

- Survey on the Prevalence of Human Trafficking and Other Forms of Exploitation during the big migration movements in the Eastern Mediterranean region and beyond, conducted in the period from December 7th, 2015 to April 18th, 2016. (IOM).
- Addressing of THB and exploitation in times of crisis (IOM 2015),
- Indicators of forced labor (International Labor Organization ILO),
- Indicators for the identification of VoT of MLSP
- Techniques for identifying and interviewing VoT (IOM),
- Guidelines for early detection of THB and SM cases (IOM).

Government of the Republic of Macedonia
National Commission for Fighting Human Trafficking and Illegal Migration

DRAFT
STANDARD OPERATING PROCEDURES FOR PROCESSING VULNERABLE CATEGORIES OF FOREIGN NATIONALS

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PART A: LIST OF ACRONYMS	
SOPs	Standard Operating Procedures
VCFNs	Vulnerable categories of foreign nationals
VHTs	Victims of human trafficking
LGBTI	Lesbian, gay, bisexual, transgender and intersex people
UMCFN	Unaccompanied minor-child foreign national
MoI	Ministry of the Interior
MFA	Ministry of Foreign Affairs
OU	Organizational Unit
DBAM	Department for Border Affairs and Migration
MUCM	Mobile Unit for Compensatory Measures
RC for BA	Regional Centre for Border Affairs
SCBCMFNR	Section for Cross-Border Crime, Migrations, Foreign Nationals and Readmission
SIA	Sector for Internal Affairs
PS of GC	Police Station of general competence
UTHBSM	Unit against trafficking in human beings and smuggling of migrants
SIPC	Sector for International Police Cooperation
CSD	Civil Status Department
AS	Asylum Sector
DSOCSFC	Department for Suppression of Organized Crime and of Serious Forms of Crime
SAMHA	Section for Asylum, Migrations and Humanitarian Assistance
UFNR	Unit for Foreign Nationals and Readmission
RCFN	Reception Centre for Foreign Nationals
PTCs	Provisional Transit Centres
RCAS	Reception Centre for Asylum Seekers
PO	Police officer
PS for BC	Police Station for Border Controls
PS for BS	Police Station for Border Surveillance
MLSP	Ministry of Labour and Social Policy

NRM	National Referral Mechanism at the MLSP
MoJ	Ministry of Justice
MES	Ministry of Education and Science
MoH	Ministry of Health
PIIMSWC	Public Institution Inter-Municipal Social Work Centre
SWC	Social Work Centre
RCRM	The Red Cross of the Republic of Macedonia
CMC	Crisis Management Centre
CSOs	Civil Society Organizations
IOs	International Organizations
GIs	Governmental Institutions
MYLA	Macedonian Young Lawyers Association
NADPHI	National Association of the Deaf and of Persons with Hearing Impairments
NAB	National Association of the Blind
UNHCR	Office of the United Nations High Commissioner for Refugees
ICMPD	International Centre for Migration Policy Development
IOM	International Organization for Migration
UDHR	Universal Declaration of Human Rights
CRC	Convention on the Rights of the Child
CRPD	UN Convention on the Rights of Persons with Disabilities
CRSR	1951 Convention Relating to the Status of Refugees and the 1967 Protocol
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
CP	Criminal procedure
LCP	Law on Criminal Procedure
LATP	Law on Asylum and Temporary Protection
LF	Law on Foreigners
LSP	Law on Social Protection
LPPD	Law on the Prevention of and Protection against Discrimination

TERMS USED	
SOPS	• SOPs regulate a group of procedures and the manner of processing identified VCFNs by in-line institutions. These procedures apply a comprehensive approach founded on respect for human rights and on serving the best interests of VCFNs.
IDENTIFICATION	• Identification refers to a group of procedures and measures for processing VCFNs by in-line institutions, based on the circumstances in which the person has been found, in order to collect information and facts that will provide sufficient grounds to presume that the concerned person is to be identified as a VCFN.
VULNERABILITY	• Vulnerability means a risk or threat to a person (either from the environment or from personal circumstances) that is greater than the capability of the person to deal with the challenges (i.e. flexibility). In such cases there are greater risks for the health and the general condition of the concerned person to be damaged.
FOREIGNER[13]	• A foreigner refers to a person who is not a citizen of the Republic of Macedonia. • A foreigner also refers to a stateless person, i.e. a person who is not regarded by any country as its own citizen in accordance with its national law.
A FOREIGNER MAKING AN UNAUTHORIZED ENTRY INTO THE REPUBLIC OF	• A foreigner's entry into the Republic of Macedonia will be deemed unauthorised if he/she: - crosses or attempts to cross the state border in a way that does not comply with the designated manner, place, and hours specified for border crossing

[13] Article 2, paragraphs 1 and 2 of the LF.

MACEDONIA[14]	- avoids or attempts to avoid border control. - at entry, presents travel and other identification documents that are invalid, falsified, or belong to another person. - enters or attempts to enter without a valid and recognised travel or other identification document. - presents false data to the Ministry of Interior.
THE ELDERLY	• The elderly are persons above 65 years of age. This category includes older persons exposed to risks and with special needs specifically related to their age. This category includes elderly single and elderly married people. These could be persons that are the sole caregivers for others. The elderly usually face health issues and/or lack psychological, physical, economic, social or other forms of support from family members or others.
PERSONS WITH (physical, intellectual and mental) DISABILITIES[15]	• Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others. • This category includes people with visual impairments (including blind persons); persons with hearing impairments (including deaf persons), persons with speech impairments, persons with a physical disability (moderate or severe), and persons with a mental disability (moderate or severe).
SINGLE PARENTS, CHILD GUARDIAN	• This category includes single persons (male or female) of 18 years or above with one or more dependants, including biological or non-biological children, or other dependants (such as an elderly person). This category includes: a) single-parent households with one or more biological children; single-grandparent (grandmother or grandfather) households with one or more grandchildren; single-caregiver (male or female) households with one or more dependants other than biological children, such as non-biological children, siblings or elderly parents requiring protection and care.
WOMEN AND GIRLS	• This category includes women and girls who are at risk because of their gender, such as single mothers or caregivers, single women, widows, divorced or separated women, survivors of violence, etc. This category takes into consideration the presence of a range of risk factors, such as security problems threatening or exposing women to sexual and gender-based violence (SGBV) or other forms of violence; problems accessing assistance and services; and inequalities.
CHILDREN	• Children are persons below the age of 18 who are at risk due to their age, dependency and/or immaturity. Some children are particularly at risk, including: unaccompanied and separated children,[16] child parents, child spouses, child carers, pregnant girls, and children with special education needs.
PREGNANT WOMEN	• Pregnant women or girls require increased medical attention and additional assistance, such as supplementary feeding and nutrition programmes. A pregnant woman or girl who is diagnosed with a difficult pregnancy is particularly at risk and requires particular attention.
PERSONS WITH SERIOUS MEDICAL CONDITIONS	• This category includes persons that require assistance in terms of medical treatment, such as persons with chronic illnesses, critical medical conditions, malnutrition, etc.
LGBTI	• Lesbian, Gay, Bisexual, Transgender, and Intersex individuals can face serious human rights abuses and other forms of violence and discrimination due to their actual or perceived sexual orientation and/or gender identity. Because of such discrimination, they are often highly marginalized in society and isolated from communities and families.

[14] Article 21, paragraph 1, sub-paragraphs 1,2,3,4,5.
[15] Article 1, paragraph 2, of the UN Convention on the Rights of Persons with Disabilities.
16 Cf. SOPs on Unaccompanied and Separated Children.

VICTIMS OF TRAFFICKING IN HUMAN BEINGS:[17]	• 'Trafficking in persons' refers here to the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of force or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or abuse 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 includes 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.
DISCRIMINATION[18]	• Discrimination is any unjustified legal or actual, direct or indirect, differentiation or unequal treatment, e.g. omission (excluding, limiting or giving priority), related to persons or groups on the grounds of sex, race, skin colour, gender, their belonging to a marginalized group, ethnic origin, language, citizenship, social origin, religion or confession, education, political belonging, personal or social status, intellectual and physical disability, age, family or marital status, property status, health condition, or on any other grounds.
DISCRIMINATORY BEHAVIOUR AND TREATMENT	• Such behaviour includes any active or passive treatment of any person by the public authorities, as well as by legal and natural persons from the private and public sector within public life, which creates grounds for unjustified privilege or non-privilege of any individual, or which exposes an individual to unjustified or degrading treatment, compared to other individuals in a similar situation on any of the discriminatory bases.
DISCRIMINATION AGAINST PERSONS WITH INTELLECTUAL AND PHYSICAL DISABILITIES[19]	• Such behaviour refers to the deliberate prevention from or obstruction of access to health protection, i.e. deprivation of the right to health protection, regular medical treatment and medicaments, rehabilitation means and measures according to their needs, deprivation of the right to marriage and the establishment of a family, and other rights in the area of marriage and family relations, deprivation of the right to education, work and of the rights arising out of the labour relation. • Discrimination against persons with intellectual and physical disability persists in case when measures for elimination of the limitations shall not be adopted, i.e. adjustment of the infrastructure and the space, utilization of publicly accessible resources or participation in the public and social life.
SEXUAL HARASSMENT	• Such behaviour refers to unwanted behaviour of a sexual character, which is expressed physically or verbally or in any other way and is aimed to cause violation of that person's dignity, especially in creating a hostile, threatening, derogatory and humiliating surrounding.
EQUALITY	• Equality is the principle according to which all people are equal, in their rights and obligations. Equality includes diversity, i.e. different persons shall be equally treated.
EFFECTIVE PROTECTION	• Effective protection refers to the presence of a system of available and usable mechanisms for the initiation of procedure in case of discrimination, the presence of independent and objective structures that act on complaints filed based upon procedures provided beforehand and of sanctions for particular violations of rights provided beforehand.
MARGINALIZED GROUP	• Marginalized groups refer to any group of individuals who are united by a specific position in society, who are subject to prejudices, who have special characteristics that make them vulnerable to certain types of violence, who have little opportunity for realizing and protecting their personal rights or are exposed to increased potential for further victimization.
ADJUSTMENT OF	• Such adjustment involves adopting appropriate measures required in a particular

[17] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) Article 3a.
[18] Article 5 of the Law on the Prevention of and Protection against Discrimination.
[19] Article 8, paragraphs 1 and 2 of the Law on the Prevention of and Protection against Discrimination.

THE INFRASTRUCTURE AND SERVICES, IN LINE WITH A UNIVERSAL DESIGN	case in order to provide a person with an intellectual and/or physical disability the opportunity to access, participate and advance in employment, unless these measures impose a disproportionate encumbrance on employers.
REFERRAL	• Referral is the procedure of an in-line institution by which the institution, having undertaken its measures with respect to a VCFN, refers the person to another in-line institution which is competent, in accordance with these SOPs, to further process the VCFN.
IN-LINE INSTITUTION	• Such institutions include any governmental, civil society or international institution/organization which, in line with the SOPs, is competent to undertake concrete measures and activities with respect to VCFNs.
ACCOMMODATION AND INITIAL ASSISTANCE:	• This term refers to measures and other services provided by governmental, civil society and international institutions and organizations with the purpose of providing accommodation/housing, medical check-ups and protection, psychological, social assistance and support and legal assistance to identified VCFNs.
LEGAL GUARDIAN	• A legal guardian is a person appointed under law by an in-line IMSWC/SWC who plans and coordinates activities and measures set forth under these SOPs with the aim of providing assistance and support to VCFNs, all with a view to finding a final solution in the best interest of VCFNs.
RESPONSIBLE PERSON	• A responsible person is a representative of an in-line governmental, civil society or international institution or organization who, in line with these SOPs, is authorized to undertake certain measures and activities set out under these SOPs with respect to VCFNs.
LOCAL INTEGRATION AND LONG-TERM ASSISTANCE	• Local integration and long-term assistance refers to a group of planned measures and activities undertaken by in-line institutions, IOs/CSOs, working on the protection of VCFNs who have a recognized status of refugees or persons under subsidiary protection, and which are aimed at protecting the rights of VCFNs, as well as at their local integration and at providing them with long-term assistance with a view to their successful reintegration.

INTRODUCTION:

Complex migration movements caused by wars and natural disasters have led to a humanitarian emergency in which huge numbers of people are leaving their countries of origin and heading for other countries. A large percentage of the people involved in these complex migration movements are vulnerable categories of foreign nationals. According to MoI statistics, in the period from September 2015 to February 2016, out of the total number of 467,569 registered persons, 83,097 were women, 2,956 were pregnant women, of whom 11 delivered their babies in the Republic of Macedonia, and 125,700 were children, of whom 36,136 were unaccompanied children-foreign nationals.

Such persons, especially those travelling illegally, are often subjected to human rights abuse and violations, including violence (physical, sexual and gender-based violence) perpetrated by smugglers and traffickers in human beings for the purposes of labour and sexual exploitation.

It is important to emphasize the fact that most people who are persecuted are faced with life-threatening situations of violence and rarely have the possibility of providing the documents required to gain access to the country in a legal manner. In their desperate attempt to reach their country of destination, most people requiring international assistance are often forced, therefore, to use criminal networks involved in trafficking human beings and smuggling migrants.

In light of these circumstances, border control mechanisms need to be especially sensitized to recognize VCFNs

who need protection among the people who are attempting to cross the border, often in an illegal manner, and to distinguish them from economic migrants or migrants trying to cross the border due to reasons not related to a humanitarian need.

The identification of VCFNs who have specific protection needs is of essential importance for their efficient protection, while at the same time taking into account and protecting the national sovereignty and the security of the country.

The overall goal of these SOPs for processing VCFNs is to provide for protection in the course of sensitive procedures and within the systems of cooperation among in-line institutions and persons in the Republic of Macedonia, as well as to ensure relevant professional expertise and the effective utilization of the capacities and potentials of each responsible person in providing the best possible protection and assistance to VCFNs in mixed migration flows, as set forth under national policy and legislation.

These SOPs provide for procedures with the aim of promoting the fundamental human rights of VCFNs in need of protection.

These SOPs are further designed to promote a gender-sensitive approach, focused on vulnerability while exerting due care for the best interests of VCFNs.

These SOPs ensure the minimum standard procedures for the provision of assistance and protection to VCFNs in terms of their identification and protection, also ensuring services of assistance, protection, referral, return and reintegration.

<table>
<tr><th colspan="2">GOALS OF THE SOPs:</th></tr>
<tr><td colspan="2"><u>Establishing SOPs for processing VCFNs so as to ensure:</u>

1. Defined competences for processing at each stage of the procedure.
2. Unified and standard processing procedures to be applied by in-line institutions and organizations in respect of VCFNs.
3. A multidisciplinary approach in processing VCFNs.
4. Respect for the rights of VCFNs in accordance with international instruments and domestic legislation.
5. All procedures undertaken follow the needs and the best interests of VCFNs.

The application of SOPs for processing VCFNs will ensure the minimum standards and principles set forth in the relevant domestic legislation and in international instruments ratified by the Republic of Macedonia in relation to the rights of VCFNs.</td></tr>
<tr><td>THESE SOPs ARE INTENDED FOR VCFNs WHO HAVE ENTERED (LEGALLY OR ILLEGALLY) AND ARE STAYING ON THE TERRITORY OF THE REPUBLIC OF MACEDONIA, IN ACCORDANCE WITH THE LF AND THE LATP, AND APPLY TO THE FOLLOWING CATEGORIES OF VCFNs:</td><td>1. Victims of human trafficking (VHTs)
2. Children[20]
3. Single parents with children
4. Women and girls
5. Pregnant women
6. Persons with disabilities (physical, intellectual and mental)
7. The elderly
8. LGBTI persons.</td></tr>
<tr><td>GROUNDS FOR THE ESTABLISHMENT OF THE SOPs:</td><td>• The aim of establishing SOPs for processing VCFNs is to set the response by key national actors providing assistance and protection on the basis envisaged in the national legislation and the ratified international instruments while applying the “human rights based approach”.</td></tr>
</table>

[20] Procedures for processing unaccompanied children-foreign nationals as a vulnerable category have been elaborated in the SOPs for processing UMCFN.

GUIDING PRINCIPLES UPON WHICH THE SOPs ARE BASED:	• Human rights-based approach • Multidisciplinary and inter-sectoral approach • Participation of civil society and IOs • Ownership by the Government • Sustainability
HOW TO USE THE SOPs:	<u>The SOPs consist of six procedures:</u> 1. RECEPTION, IDENTIFICATION AND REFERRAL OF VCFNs. 2. INITIAL ASSISTANCE, PROTECTION AND ACCOMMODATION. 3. REGULATING THE STATUS OF VCFNs. 4. LOCAL INTEGRATION AND LONG-TERM ASSISTANCE. 5. REPATRIATION. 6. CRIMINAL PROCEDURE. <u>Each procedure has guidelines about the following:</u> • WHAT is to be undertaken • WHO will be in charge/responsible for processing/undertaking measures • WHEN measures are to be undertaken • HOW measures are to be undertaken

ESTABLISHMENT OF A RESOURCE NETWORK TO BE USED UNDER THE SOPs	
WHAT type of resources are required under the SOPs:	• The SOPs are to be applied by precisely identified in-line institutions, civil society and international organizations, precisely defined responsible persons and individual employees at government /state institutions, civil society, and international organizations.
WHEN are resources required for the SOPs identified and provided:	• Resources, personnel, and contacts are identified in these SOPs in the section entitled 'Contact institutions and persons responsible for the processing at each stage of the procedure and for each measure individually'.[21] The SOPs are to be regularly reviewed and updated (once a year, at the time of publishing the report of the NC) by the National Commission of the Government of the Republic of Macedonia for the Fight against Trafficking in Human Beings and IllegalMigration.
WHO is to undertake processing procedures:	• The SOPs are based on an inter-sectoral and multidisciplinary approach in processing VCFNs. Such an approach will ensure the minimum envisaged standards in addressing the needs and best interests of VCFNs. The SOPs are intended to be applied by in-line bodies and organizational units at the Ministry of the Interior, the Ministry of Labour and Social Policy, civil society and international organizations.
HOW are resources selected:	• Each designated and in-line resource will be selected in accordance with the standards and structures defined in these SOPs. • Furthermore, all measures will be adjusted to the specific needs of VCFNs on a case-by-case basis.

[21] Annex 13: List of in-line institutions and persons responsible for processing VCFNs.

PART B:

SOP 1: RECEPTION, IDENTIFICATION AND REFERRAL OF VCFNs	
SOP 1: Measure 1: Reception - First Contact with VCFNs	
WHAT:	➢ Reception. The first contacts with VCFNs are most often made by an authorized officer of a state institution, a representative of civil society or international organization, or a regular citizen on the territory of the Republic of Macedonia with a person who, according to the circumstances in which they have been found and according to their external appearance, can be reasonably presumed to be VCFNs. • VCFNs are most often found in the following locations: - at border crossings - outside border crossings, attempting to enter the country illegally at illegal crossings - in state-established provisional transit centres for foreign nationals who have illegally entered the territory of the Republic of Macedonia - within the territory of the Republic of Macedonia
WHO:	• RC for BA; PS for BC; and PS for BS. • CSD-Mobile unit for compensatory measures • PS of GC and SRT at SIA • Motorway patrol police • The RCRM and CSOs • UNHCR and other international organizations • Citizens
WHEN:	• While performing border controls at PS for BC • While securing the state border in order to prevent illegal border crossings, i.e., illegal migration by PS for BS. • When detecting cases of smuggling of foreign nationals, perpetrated by individuals and criminal groups. • In processing foreign nationals provisionally accommodated in PTCs, RCFN, and RCAS.
HOW:	• In executing their duties in processing foreign nationals, responsible persons at in-line institutions are to take due consideration of the fact that VCFNs can be found among foreign nationals. • The conditions in which these persons have been found makes them especially vulnerable and susceptible to threats to their health and life, and to violations of their rights as guaranteed under international conventions and domestic legislation, and thus responsible persons need to recognize these VCFNs in order that they can successfully identify them in a timely fashion. • Large-scale influxes of foreign nationals through the green-border belt are especially sensitive situations in terms of processing, in which respect PS for BC and PS for BS and RC for BA are faced with the following situations: – They are not able to conduct usual controls and enter data in records, which prevents the initial selection of VCFNs, – The large number of already arrived foreign nationals creates time pressure on POs in the processing of the individuals, upon the initial contact and selection of VCFNs, who would be later identified. • In order to avoid the threats referred to above, it is necessary that the MoI plan and undertake the following measures: – Precise designation of potential locations along the green border belt where there are indications that these locations are used for illegal entry. This is necessary in order to plan human and material resources for the organized reception of people coming through such crossings. – Relying on cross-border cooperation with the neighbouring country, measures are to be planned and undertaken to facilitate joint activities in case of a large-scale influx of foreign nationals to ensure that foreign nationals are directed towards a joint gathering point or joint control point.

	• Following initial contact with a group of foreign nationals, POs at RC for BA will most urgently undertake the following measures: – Identify the following categories: ▪ Families ▪ Potential VHTs, ▪ Pregnant women ▪ Single parents with children ▪ Unaccompanied children ▪ Women and girls ▪ Persons with (physical, intellectual or mental) disabilities ▪ The elderly – ensure that all selected persons from the groups referred to above have their personal belongings, i.e. luggage, with them. – check whether such persons possess, i.e., have with them, personal identification documents or any document that could be used to establish their identity, country of origin, or a third country where they have stayed or applied for asylum, the means of transport they have used, a telephone directory or a telephone and number they are currently using. • In the event that a person reasonably presumed to be a VCFN is found by a PS of GC at SIA, by the motorway patrol police, a representative of a civil society or international organization, or a citizen, then the person who finds the VCFN will turn them over, along with other persons with whom he/she has been found, together with their belongings, to the competent RC for BA, upon which a report is prepared. • The competent RC for BA will prepare a Report on the handing over of the foreign national and will further process the said person in line with the SOPs for processing VCFNs.
SOP 1: Measure 2: Identification of VCFNs	
WHAT:	• A set of tactics, techniques and methodological tools are to be applied by the responsible person from the MoI who has received and has had initial contact with the foreign national about whom, in combination with the circumstances in which the person has been found and the person's external appearance, there are reasonable grounds to presume that the person is a VCFN, thus enabling the start of the identification procedure. • The identification process is designed to confirm or reject the reasonable presumption that the foreign national is a VCFN, so that the person can then be referred to the procedure for providing them with initial assistance and accommodation.
WHO:	• The identification of VCFNs is carried out by trained professionals from the Minister of Interior, the DBAM-RC for BA. • Responsible persons at the MLSP/ IMSWC/SWC. • Processing VCFNs at the PTC or at RCAS is carried out by responsible persons from CSOs and IOs.
WHEN:	• The identification procedure is conducted Immediately upon initial contact and reception of VCFNs found entering the territory of the Republic of Macedonia by crossing the state border at a legal or illegal border crossing. • The procedure is carried out immediately upon reception and initial contact with VCFNs when cases of smuggling migrants are detected at the border or within the territory of the Republic of Macedonia. • The identification can be carried out when CSOs or IOs provide initial and humanitarian assistance at the PTC/RCAS.
HOW:	• The procedure for profiling-identification of the person as a VCFN starts after the responsible person at the in-line institution has received and has had first contact with the foreign national whom there are reasonable grounds, in light of the circumstances in which he/she has been received and his/her appearance, to presume is a VCFN.

	• VCFNs can be identified most efficiently and successfully by establishing and confirming indicators in the course of an INTERVIEW with the VCFN (see Annex 1[22]). • Indicators prepared by the MLSP for identifying VHTs are used to identify VHTs (see Annex 4[23]), and VHTs are processed in accordance with the SOPs for processing VHTs. • The interview is designed to help police officers of the MoI and service providers establish Indicators for the initial identification of VCFNs found upon their entry into / or within the territory of the Republic of Macedonia. • The interview provides the basis for the identification of VCFNs and for their referral by applying a rights-based approach, taking due account of their vulnerability. • Interviewing VCFNs requires careful consideration and the timely collection and verification of all facts in the case of the VCFN. • Priority is to be given at all times to the needs, safety and welfare of VCFNs. • VCFNs are to be interviewed in a sensitive manner, preferably by specialized professionals trained to work with VCFNs. • There a large number of basic guidelines to facilitate successful interviews (see Annex 2[24]). • A successful interview and identification of a VCFN requires certain skills and the fulfilment of certain prerequisites (see Annex 3[25]). • Following the interview and the establishment of indicators for profiling and identification, the interviewer determines: – to which vulnerable category the person belongs – whether the person has experienced violence (the type of violence, i.e. sexual or physical) – whether the person has disabilities, and the type and degree of disability – whether the person suffers from an acute or chronic disease – the type of healthcare the person necessarily requires – whether the person is in need of international protection – the in-line institution to which the person is to be referred
SOP 1: Measure 3: Referral of VCFNs	
WHAT:	• Based on the interview with the VCFN, the established indicators for the VCFN, and the determined profile/ identified vulnerable category to which the foreign national belongs, and after it has been established that the person needs assistance and protection, the responsible person at the RC for BA/ PS for BC and PS for BS who has conducted the identification refers the VCFN to an in-line institution for further processing. • A Report is prepared on the handing over of the identified VCFN by the responsible person of the MoI to the in-line SWC. The Report is to contain the following elements: – The identity of the VCFN, according to personal identification documents or according to the declaration of identity made by the VCFN. – The grounds which give rise to the identification of the person as a VCFN. – The category to which the VCFN belongs. – A brief statement on the information and data collected after the interview conducted in accordance with the Questionnaire contained in Annex 1.
WHO:	• The MoI/ RC for BA, PS for BC and PS for BS that cover the territory on which the VCFN has been received and identified. • The MoI/SIA/ PS of GC that has received the VCFN and with which the concerned VCFN has filed an asylum application. • The MoI/ RC for BA that has received the VCFN, when acting upon a Decision for temporary protection adopted by the Government of the Republic of Macedonia.[26]

[22] Annex 1: Questionnaire for the identification of VCFNs.
[23] Annex 4: MLSP Indicators for the identification of victims of trafficking in human beings.
[24] Annex 2: Guidelines for conducting interviews with VCFNs.
[25] Annex 3: Preconditions and skills for successful interviews with VCFNs.

	• The CSOs or IOs that have processed the foreign national and have identified the person as a VCFN.
WHEN:	• Immediately after the interview/identification as a VCFN and after it has been established what type of assistance and protection the person urgently requires. • Immediately after the VCFN has filed an asylum application.
HOW:	• In the case of large-scale migration movements and controlled entry, the persons are referred to the PTC, where they are provisionally accommodated, receive initial assistance, humanitarian assistance, psycho-social support and legal assistance. • If the persons file an asylum application, they are referred to the Reception Centre for Asylum Seekers, where they are accommodated, following which the asylum procedure is instituted and pursued with the AS. • <u>Potential or identified VHTs are referred to:</u> – The NRM at the MLSP, so that they can be accommodated at the Centre for VHTs. – In case of a child-VHT, the child is referred to the IMSWC-Skopje, which appoints a guardian and undertakes measures to provide initial assistance and social protection. – To the MoI/DSOCSFC/UTHBSM, with a view to instituting a procedure for the issuance of a permit for stay in the Republic of Macedonia in accordance with Article 81 of the LF, and with a view to instituting an investigation of the crime of HT and detection of the perpetrator(s). • Identified single parents with children, women and girls, persons with (physical, intellectual or mental) disabilities, the elderly and LGBTI persons for whom it has been established that they are in need of urgent medical assistance, are referred to the nearest healthcare institution so they can receive the necessary medical treatment.
SOP 2: INITIAL ASSISTANCE, PROTECTION AND ACCOMMODATION	
SOP 2: Measure 1: Initial Assistance and Support	
WHAT:	• VCFNs, who are most often identified in an attempt to illegally enter the territory of the Republic of Macedonia and have been moving along international smuggling channels organized by international criminal networks or as a part of mixed migration movements, are vulnerable categories of persons who necessarily need assistance and support. • All services provided are aimed at alleviating the traumas of victims by stabilizing their condition and, in the advanced stage of the support process, at supporting their full integration within the community in which they will live. • Given that each VCFN is a separate case, it is necessary to prepare an Assessment of the needs and services required by identified VCFNs for each VCFN category and for each individual VCFN (see Annex 5[27]). • <u>The needs of VCFNs and the services provided for VCFNs are divided into the following groups:</u> – Urgent basic needs – Mid-term needs – Long-term needs • Organizations and institutions that provide such services to VCFNs are to take into due account the sensitivity of these categories of vulnerable persons. In addition, service providers / responsible persons are to take into consideration certain principles that are to be applied in providing initial assistance, i.e. principles that promote a human rights based approach, from the moment the first contact until a permanent solution is offered to the VCFN (see Annex 10[28]).

[26] Article 62 of the LATP.
[27] Annex 5: Assessment of the Needs of Identified VCFNs and of the Services Required by VCFNs.
[28] Annex 10: Observance of Fundamental Principles by Service Providers.

	• Initial assistance consists of the following: – Providing information and legal assistance: VCFNs are to be informed, in a language the VCFNs can understand, about the following: – the type of services that will be provided – the House Rules that apply in the facility where they are accommodated – The right to and the procedure for regulation of their stay in accordance with the LATP and the LF – Other rights they are entitled to in accordance with the laws of the Republic of Macedonia • Healthcare services: – Treatment and care for any injuries sustained in the course of the migration movement – Provision of medical therapy for chronic diseases (hypertension, diabetes, asthma, dialysis, etc.) – Provision of medical therapy for acute illnesses (flu, high temperature, etc.) – Gynaecological check-ups for women, girls and pregnant women – Personal first-aid kits. • Humanitarian assistance: – Food, water, juices, milk and dairy products – Clothes, shoes, blankets – Hygiene packages for women and for men – Baby packages, diapers – Wheelchairs and other aids • Psycho-social support: – Work with individual and groups of VCFNs in order to help them overcome anxiety and accumulated stress – Open discussion about all types of violence or exploitation that VCFNs might have experienced – Any discrimination to which they might have been subjected. • Initial risk assessment (see Annex 7[29])
WHO:	• The MLSP/SWC/IMSWC • The MoI/UNHCR • RCRM/CSOs/IOs
WHEN:	• Immediately following reception/initial contact • Immediately following identification as a VCFN • Following the accommodation of the VCFN at the PTC/TC/RCAS
HOW:	• Following the reception and identification of a VCFN, it is extremely important to promptly conduct an Assessment of the needs and services that the VCFN necessarily and urgently requires (see Annex 5[30]) • The Assessment is to be made urgently, given that untimely provision of healthcare services could have fatal and permanent consequences for VCFNs in certain cases. • Applicable international standards precisely define the minimum daily humanitarian assistance requirements per person, and service providers are to plan and distribute humanitarian assistance in accordance with such defined requirements commensurate to the number of beneficiaries.
SOP 2: Measure 2: Protection of VCFNs	
WHAT:	• VCFNs who are part of mixed migration movements are in a high-risk situation due to armed conflicts, natural disasters and humanitarian emergencies. • Such high-risk situations make VCFNs vulnerable to physical, sexual, gender-based violence, THB, and human organ trading.

[29] Annex 7: Initial Risk Assessment.
[30] Annex 5: Assessment of the Needs and of Services Required by Identified VCFNs.

	• Countries hosting such VCFNs are therefore bound to ensure their protection and safety in accordance with international conventions.[31]
WHO:	• The MoI/PTC/RCFN • The MLSP/RCAS
WHEN:	• Immediately after reception and identification of VCFNs. • Immediately after the accommodation of VCFNs. • In the course of the repatriation of VCFNs.
HOW:	• International conventions relating to the protection of VCFNs attach the highest priority to respect of their rights. The precise and timely identification of VCFNs is the basis for their efficient protection. • The identification of potential victims or actual victims of trafficking in human beings is a duty of the host country, especially of the border police, as a precondition for the prevention of their further exploitation. • A violence-risk assessment is made and appropriate protection measures are planned on the basis of findings from the interview with an identified VCFN. • As regards the protection and accommodation of women and girls, and single parents with children, who are a category suffering from a high risk of gender-based violence, they are to be protected against any form of violence when provided accommodation. • The elderly, persons with disabilities, and LGBTI persons are subjected to discrimination in exercising their rights, and in-line institutions are therefore to undertake measures to eliminate any forms of violence and discrimination against these categories of VCFN when providing care and accommodation.
SOP 2: Measure 3: Guardianship of VCFNs	
WHAT:	• Certain VCFNs who have been received and identified in the Republic of Macedonia and who are not able to exercise their rights in the asylum procedure or in the procedure for granting temporary residence are referred to the IMSWC/SWC, who will exert due care for the rights and interests of these VCFNs.[32] • The following VCFNs are appointed a guardian *ex officio,* upon the request of an in-line institution: – Child-VHTs – Persons with evidently severe intellectual or mental disabilities
WHO:	• The MLSP/SWC/IMSWC
WHEN:	• Following the identification of VCFNs who do not have any legal capacity, and following the identification of child-VHTs.
HOW:	• With a view to protecting the rights and interests of VHTs and VCFNs who do not have legal capacity, the SWC appoints a guardian either *ex officio* or upon a written request from an in-line institution. The guardian represents such persons in procedures before state bodies. • The procedure for the appointment of a guardian is urgent.
SOP 2: Measure 4: Accommodation	
WHAT:	• An appropriate solution is to be found for the accommodation of VCFNs that serves their best interests. The solution is to be based on needs assessment, the type and degree of vulnerability of each VCFN, their granted status in the Republic of Macedonia, and the capacities of the country.
WHO:	• The MLSP/SWC/IMSWC • The MoI/DBAM • CSOs/IOs.
WHEN:	• Immediately after their reception and identification.

[31] Article 11 of the CRPD.
[32] Articles 125–128 of the Law on Family.

	• After an asylum application has been filed. • After the person has been recognized as having the right to international protection.
HOW:	• Received and identified VCFNs who have illegally entered the territory of the Republic of Macedonia, or who are part of mixed migration movements and have entered through official control points at the state border, will be provisionally accommodated at a PTC or at the RCFN of the MoI, unless they are asylum seekers. • After a VCFN has filed an asylum application, the VCFN will be accommodated at the Reception Centre for Asylum Seekers or in another institution, or will be provided with another form of accommodation ensured by the MLSP in the best interests of the VCFN (i.e., in a safe house[33] or with a foster family) and appropriate to the VCFN's condition of vulnerability and / or degree of disability. • Identified VHTs are accommodated at the Centre for VHTs in Skopje, which is under the competences of the MLSP. • Considering the vulnerability of VCFNs, the type and degree of their physical or mental disability, the accommodation service provider will take into consideration the following circumstances when selecting the type of accommodation for VCFNs: – The type of accommodation facility is to fulfil the criteria of a universal design appropriate to the needs of VCFNs and the type and degree of their disability. – The staff of the institution where VCFNs are to be accommodated must be trained to work with persons with physical and mental disabilities. – The guardian of a VCFN must participate in the selection of the type of accommodation and must stay in contact with the VCFN and the institution in which they are accommodated in order to protect their rights.
SOP 3: REGULATING THE STATUS OF VCFNs	
SOP 3: MEASURE 1: Legal Advice and Informing VCFNs about the Procedure for Regulating their Stay	
WHAT:	• Informing VCFNs in their mother tongue, or in a language they understand, about the formal and legal aspects of the procedure, the stages of the procedure, the type and manner of regulation of their stay, the purpose of regulating their status and the benefits of such regulation. • This should enable VCFNs to understand the procedure so that they can freely express their will and give their consent, taking into consideration their best interest. • Relevant information is to be provided to VCFNs by legal representatives trained in procedures for regulating their stay (e.g., right to asylum, right to temporary residence). This information is to be given in the presence of an interpreter able to translate the information into the language that the VCFN speaks or understands, or in the presence of a sign language interpreter for VCFNs who are deaf or have a hearing impairment.
WHO:	• The IMSWC/ guardian and a professional team. • CSO/ MYLA/ authorized legal representative • The MoJ/ using the institute of free legal assistance, • UNHCR or other CSO or IO that provides legal assistance and interpretation services • The National Association of the Deaf and of Persons with Hearing Impairments, List of Sign Language Interpreters.
WHEN:	Within the shortest possible period following reception, i.e. before the filing of the application for regulation of the stay.

[33] For example, a safe house that is currently managed by the Jesuit Refugee Service, or a safe houses run by another IO/CSO.

HOW:	➢ In cases of VCFNs who have severe intellectual or mental disabilities (i.e. do not have legal capacity) and have been appointed a guardian, the process of informing the person is not to be conducted because that the decision on the regulation of their stay is made by their guardian. ➢ In cases in which, owing to formal legal aspects, it is necessary to officially verify the legal capacity of a VCFN, the in-line SWC that is processing the concerned VCFN institutes a procedure with the relevant Commission at the MoH for establishing the degree of intellectual or mental disability. ➢ In cases of child–VHTs, the appointed guardian, together with the legal representative and the interpreter, are to inform the child VHT about their right to temporary residence,[34] about the obligations arising from the right to temporary residence, about the importance of temporary residence for the exercise of the child-VHT's right to non-pecuniary damages, and about details relating to participation in a criminal procedure against perpetrators of trafficking in human beings. • Legal representatives are selected from a list kept by the MoJ of lawyers providing free legal assistance / legal representatives, and from a list of lawyers of the MYLA who have been trained to provide legal counsel to asylum seekers. • Other VCFNs are to be informed, within the shortest possible period after their reception, about the following: – the legal procedure for regulation of their stay – details about the stages of the procedure – the goals of determining their status as VCFNs and the benefits of this status • VCFNs are to be provided with information in a manner appropriate to their age, maturity, and country of origin. • The provision of information/legal advice is intended to enable VCFNs to understand the purpose of the procedure so that they can express their will and form and present their opinion.
SOP 3: MEASURE 2: Procedure for Regulation of the Stay	
WHAT:	• This is a group of decisions, procedures and measures undertaken by in-line institutions and responsible persons in charge of processing VCFNs whose stay in the Republic of Macedonia has not yet been regulated.
WHO:	• A guardian appointed by the SWC/IMSWC • The MoI/DBAM/RC for BA/SCBCMFNR • The MoI-CSD-AS • UNHCR-advisory-interpretation assistance[35] • MYLA legal assistance provided by an authorised legal representative[36]
WHEN:	• Filing an asylum application or an application for temporary residence must be conducted within the shortest possible period, while taking into consideration the best interests of the VCFN. • The filed application must be processed within the shortest possible period.
HOW:	• Upon request of the guardianship authority, and in light of the vulnerability of VCFNs, all procedures for the regulation of the stay of a VCFN with physical, intellectual or mental disabilities will be conducted in the place where the concerned VCFN is accommodated. • VCFNs may regulate their stay on the following grounds: – Right to temporary residence on humanitarian grounds[37] – Right to asylum[38]

[34] Article 80 of the LF.
[35] Article 13 of the LATP.
[36] Article 14 of the LATP.
[37] Article 80, paragraph 1, sub-paragraphs 2 and 4 and paragraph 2 of the LF.
[38] Article 2 of the LATP.

	– Right to temporary residence on grounds of temporary protection[39] • <u>The procedure for regulating the stay of a VCFN who has been appointed a guardian is as follows:</u> • <u>If the guardian appointed for the VCFN decides to regulate the stay of the VCFN on humanitarian grounds, then the legal guardian undertakes the following steps:</u> – Prepares an Application for the issuance-extension of the temporary residence permit[40] – *Ex officio* submits the prepared application to the MoI-RC for BA, SCBCMFNR[41] • Having received an Application for the issuance-extension of a temporary residence permit, the MoI-RC for BA, SCBCMFNR processes the Application in an urgent procedure, considering the fact that the application has been filed for/by a VCFN. • The procedure for photographing and taking fingerprints of the applicant-VCFN is organized and applied *ex officio* by the in-line organizational unit at the MoI-SCBCMFNR. If the VCFN cannot be brought to the premises of the MoI, the photographing and taking of fingerprints is conducted in the place where the concerned VCFN is accommodated. In case additional consultations are necessary in the course of the assessment of the grounds to grant temporary residence, then the guardian of the VCFN is urgently contacted for such consultations/talks. • Following the processing of the Application, the MoI-RC for BA-North-SCBCMFNR issues a decision granting temporary residence.[42] • A temporary residence permit is issued with a validity period of up to one year.[43] • <u>In case the appointed guardian and the professional team and the IMSWC decide to regulate the stay by filing an Asylum application, then the legal guardian undertakes the following steps:[44]</u> – Prepares an Asylum application (LATP Form No. 2)[45] – Personally submits the Asylum application to the MoI, CSD, AS • <u>The procedure for granting asylum for other VCFNs is as follows:</u> – At border crossings, or at any PS of GC, VCFNs may verbally present the application for asylum, in which case a Report on the receipt of a verbal application for asylum is prepared (see Annex 12) – The VCFN files the written asylum application with the AS (see Annex 9) – Following the receipt of the asylum application, the in-line body, i.e. the MoI/CSD/AS, processes the application within the shortest possible period.[46]
SOP 3: Measure 3: Conducting an Interview as Part of the Asylum Procedure	
WHAT	• In pursuing the asylum procedure, the AS is to take into consideration the special needs of vulnerable persons.[47] • The procedure must be commenced and completed within the shortest possible period.
WHO	• MOI/CSD/AS, • MLSP/SWC/IMSWC • Interpreter (UNHCR) • Sign language interpreter (NADPHI) • Legal representative (MYLA, MoJ AND OTHER CSOs and IOs)

[39] Article 62 of the LATP.
[40] Annex 8: Application for issuance / extension of a temporary residence permit.
[41] Article 51, paragraph 2 of the LF.
[42] Annex 11: Decision granting temporary residence.
[43] Article 80, paragraph 2 of the LF.
[44] Article 22a of the LATP.
[45] Annex 9: Asylum Application.
[46] Article 34 of the LATP.
[47] Article 23a of the LF.

	• UNHCR
WHEN:	• Within the shortest possible period following the filing of the asylum application.
HOW:	• Taking into consideration the sensitivity of VCFNs, and in accordance with the provisions of Article 23a of the LATP: • Within 15 days at most, the AS is to issue the asylum applicant with an identification document confirming that the person is an asylum applicant.[48] • The AS assesses the grounds of the application in accordance with the provisions contained in Article 23a of the LATP. • The AS conducts the interview with the VCFN in a manner and in a place that takes into consideration the vulnerability of these categories of persons, further taking into consideration all previous documents prepared by responsible persons who have conducted the identification stage of the procedure, in order to avoid re-victimization of the VCFN. • For a VCFN who is deaf or has a hearing impairment, the AS conducts the interview with the VCFN with the assistance of a sign language interpreter. • In the case of VCFNs who have been appointed a guardian owing to their severe intellectual or mental disability, the interview is conducted with the appointed guardian of the VCFN. • In assessing the grounds of the application, the AS will take into consideration the condition of vulnerability of the VCFN and, upon the eventual recommendation of the guardian, the AS may adopt a decision regarding the application even without a previously conducted interview. • In case additional explanations and clarifications are needed for assessing the application, such explanations and clarifications are to be requested during an interview with the guardian and authorized legal representative of the VCFN. • Based on the facts and evidence established during the procedure, the AS may issue the following types of written documents: [49] – Decision recognizing the status of a refugee – Decision recognizing the status of a person under subsidiary protection – Decision denying the asylum application • A VCFN whose status as a refugee has been recognized is issued a travel document with a two-year validity period upon the request of the concerned VCFN. • In the case of VCFNs who have been appointed a guardian, the guardian files the application for the issuance of a personal identification document and a travel document.[50]
SOP 4: LOCAL INTEGRATION AND LONG-TERM ASSISTANCE	
SOP 4: MEASURE 1: Long-Term Assistance Plan	
WHAT	• The planning of measures and activities to be undertaken by in-line institutions and local self-government units with a view to protecting the rights of VCFNs in accordance with international conventions and domestic legislation, with the ultimate goal of their local integration within the system until their voluntary repatriation. • The long-term assistance plan is to contain provisions regarding the following matters: – Individual assessment – Guardianship – Accommodation – Psycho-social support – Healthcare – Education/training

[48] Article 40, paragraph 1 of the LATP.
[49] Article 31, paragraph 1 of the LATP.
[50] Article 42, paragraph 1 of the LATP.

	– Legal assistance – Interpreter
WHO	• PIIMSWC/Guardian/professional team • MES • MoH • IOs/UNHCR • RCRM • CSOs/MYLA
WHEN:	• Following the regulation of the stay • Following the needs assessment
HOW:	• The long-term assistance plan for VCFNs is an individual document, which is to be based on a previously prepared needs assessment of the VCFN. • The plan is to be based on an individual assessment, which takes into account the following factors: – The age of the VCFN – The type and degree of disability – Gender – Emotional condition – Family background • The guardian/professional team responsible for the VCFN must be trained in processing VCFNs, taking into account the special vulnerability of this category, and the type and degree of disabilities that VCFNs may have. • An individual needs assessment is to be prepared for each individual VCFN, taking into consideration the person's specific features, his/her condition, the circumstances in which the VCFN has been received and the situation in their country of origin.
SOP 4: MEASURE 2: Accommodation	
WHAT	• Finding the best solution, within the legal possibilities, that will best fit the type and degree of vulnerability or disability, in the best interest of VCFNs, and which will establish living conditions to enable VCFNs to satisfy their personal needs and their dignified integration in social life. • Finding the best solution that takes into account the specific features of this vulnerable category, their vulnerability, the type and degree of disability—a solution that is humane, supports the VCFNs dignity, and is based on an individual approach in its design.
WHO	• MLSP • IMSWC/Guardian/professional team • CSOs/IOs.
WHEN:	• Within the shortest possible period following the regulation of the stay.
HOW:	• The choice of the manner and form of accommodation of VCFNs who have been appointed a guardian is made, i.e. the decision in this respect is adopted by the guardian/professional team, on the basis of legal solutions provided by the Law on Social Protection for persons with disabilities, and of currently applicable legal solutions, available capacities and forms of accommodation offered by the MLSP. • Factors contained in the needs assessment and risk assessment must be taken into consideration before the decision on the type and form of accommodation is made. • A long-term solution is to be found in selecting accommodation that will provide VCFNs with living conditions appropriate to their vulnerability and/or type and degree of disability. • In choosing a foster family for the accommodation of a VCFN it is essential to take into account the specific features of the individual VCFN, their country of origin, the language they speak or understand, their religion, family background, personal qualities and skills. • The ideal solution is to select a foster family of the same ethnic affiliation and/or from

	the same country of origin as the VCFN. • An especially important factor in providing quality living conditions for VCFNs is the proper training of foster families.
SOP 4: MEASURE 3: Healthcare[51]	
WHAT	• Ensuring access to healthcare during the stay of VCFNs in the Republic of Macedonia. • Access to primary, secondary and tertiary healthcare services.
WHO	• The MLSP • The MoH • The RCRM • IOs and CSOs
WHEN:	• As of the moment of reception. • Following the regulation of the stay.
HOW:	• VCFNs have the right to access to healthcare, in accordance with the legal regulations of the Republic of Macedonia, throughout the course of the entire process of identification, local integration, reintegration and/or repatriation. • In light of the fact that VCFNs are sensitive and vulnerable categories of persons, some of whom have disabilities, healthcare will be provided in line with their requirements and the previously prepared needs assessment.
SOP 4: MEASURE 4: Education/Vocational Training	
WHAT	• The right of access to the education system in the Republic of Macedonia, to learning the Macedonian language and to vocational training, with a view to successful local integration. • Learning the Macedonian language is an important precondition for inclusion in the education process and vocational training and for successful local integration.
WHO	• The MES/ Bureau for Education Development • The MLSP/SWC/IMSWC • CSOs/IOs
WHEN:	• After the regulation of the stay and the determination of the status.
HOW:	• Learning and being able to communicate in Macedonian language is a precondition for successful inclusion in the education process and for the vocational training of VCFNs. For this reason, classes in Macedonian language are organized. The language of instruction in such classes, for the purposes of explanation, will be a language that the VCFNs understand or speak. • Macedonian language classes are taught following a previously defined curriculum for persons with disabilities, in accordance with the type and degree of disability and using a relevant teaching methodology defined by the MES / the Bureau for Education Development, • The guardian/professional team continually follow the progress of VCFNs, exercising due care for the VCFNs' needs and desires. • CSOs/IOs can help the inclusion of VCFNs in the education process.
SOP 5: REPATRIATION/ VOLUNTARY RETURN	
SOP 5: MEASURE 1: Grounds for Return	
WHAT	• The following are the legal grounds upon which a VCFN may be returned to their country of origin or to a third country from which they have arrived in the Republic of Macedonia or in which they have previously enjoyed protection: – A final decision rejecting the VCFN's application for asylum.[52] – Upon cessation of the VCFN's right to asylum in the Republic of Macedonia, and/or on other grounds once the Decision in this respect has become final.[53]

[51] Article 84 of the LSP.
[52] Article 31 of the LATP.
[53] Article 38 of the LATP.

	– Voluntary return of a foreign national whose right to international protection has been recognized. – Upon cessation of the VCFN's right to temporary residence (Article 86 of the LF). – On grounds of concluded international treaties on the readmission of persons who are staying in the Republic of Macedonia without authorisation. – Expulsion of the VCFN.[54]
WHO	• The MoI/DBAM/RC for BA • The IOM (only in cases of voluntary return) • UNHCR and other IOs.
WHEN:	• Following a final Decision denying the asylum application. • Once conditions have been fulfilled following the adoption of a final Decision on the cessation of the asylum and other grounds in accordance with the LATP. • After the MoI has issued a Decision ordering the person to leave the Republic of Macedonia within a given period.[55]
HOW:	• The procedure for the return of VCFNs who have stayed in the Republic of Macedonia must be pursued only on a voluntary basis.[56] • The forced return and deportation of VCFNs is prohibited.[57] • The forced deportation of a foreign national is prohibited (Article 107 of the LF). • Any form of discriminatory treatment is prohibited. • A foreign national may not be deported to a country where his/her life or freedom would be threatened due to his/her race, religion or nationality, membership of a social group or political opinion, or where he/she would be subjected to torture, inhuman or degrading treatment or punishment.
SOP 5: MEASURE 2: Undertaking Measures for the Return	
WHAT	• After the conditions for the return of the VCFN have been fulfilled and the VCFN has expressed their consent to their return, it is necessary to undertake the following activities: • <u>Preparation of a Plan[58] of measures and activities for the implementation of the decision to repatriate a VCFN, including:</u> – A security assessment of the risks to the life and safety of the VCFN in the country of return, as well as of the risk of the VCFN suffering discrimination – A health status assessment – The need for the VCFN to be accompanied – The selection of the mode of transportation and travel route – Required funds for the VCFN's personal needs during transportation – The provision of travel documentation for the VCFN
WHO	• MoI/RC for BA • MFA • MLSP/SWC • RCRM • IOM/UNHCR and other IOs
WHEN:	• Immediately after the issuance of the Decision for repatriation.
HOW:	• After the MoI has issued a Decision that legal conditions have been fulfilled for repatriation of the VCFN, the MoI informs the in-line SWC about the Decision and the in-line SWC accordingly processes the concerned VCFN. • The in-line SWC institutes a procedure for acquiring the consent of the country of return, i.e. it communicates with in-line institutions of the country of return. The

[54] Article 105 of the LF.
[55] Article 105 of the LF.
[56] Article 61 of the LATP.
[57] Article 32, paragraph 1 and Article 33, paragraph 1 of the Convention relating to the Status of Refugees.
[58] Annex 14: Plan of measures and activities for the implementation of the Decision for repatriation of VCFNs.

	communication is channelled through the MFA of the Republic of Macedonia. • A Report on the handing over of the concerned person is always prepared upon the handing over of the VCFN by the in-line body, regardless of whether such handing over takes place in the Republic of Macedonia or in the country of return. The Report is to contain the following information: - The personal data of the VCFN, their date of entry and period of stay in the Republic of Macedonia, type of vulnerability, and the protection measures and services that have been provided - The names of the in-line institution and responsible person in the Republic of Macedonia - The names of the in-line institution and responsible person in the country of return • Considering the vulnerability of this category of persons, including their physical or mental disability, the decision for repatriation is an especially sensitive issue, and in adopting such a decision it is necessary that in-line institutions and responsible persons plan and undertake a set of measures and activities aimed at facilitating the repatriation. • As regards persons with disabilities who have been appointed a guardian, the guardian is fully involved in the adoption of the Decision for repatriation, as well as in the preparatory activities and in the implementation of the Decision. • Given that an individual case-by-case approach is applied in this context, it would be best to prepare a Plan of measures and activities for the implementation of the Decision for repatriation. The plan is to cover the following: – The measures to be undertaken – The in-line institution and responsible person who will implement the planned measure – The timeframe for the implementation of the Decision
SOP 6: CRIMINAL PROCEDURE	
SOP 6: MEASURE 1: Access to Justice	
WHAT	• In a criminal procedure, VCFNs may have the status of: – a defendant – witness – a victim/witness • Ensuring a VCFN's access[59] to justice in a manner and to the extent set forth for nationals of the Republic of Macedonia, and ensuring the exercise of rights in specific cases in accordance with international conventions and domestic legislation.
WHO	• The MoI • The Public Prosecutor's Office of the Republic of Macedonia • The judiciary • The MoJ • The MLSP/SWC/IMSWC • UNHCR and other IOs • MYLA and other CSOs
WHEN:	• Immediately after the first contact and reception • In cases of deprivation of freedom / detention • In the course of the asylum procedure • During criminal procedures in which a VCFN may be a witness, victim, or defendant. • During the repatriation procedure.
HOW:	• In-line institutions are to ensure VCFNs have access to justice by providing the following: – Legal information/ informational legal brochures

[59] Article 16, paragraphs 1 and 2 o f the UN Convention Relating to the Status of Refugees and its Protocol.

	– Access to free legal assistance – Use of the institute of free legal assistance and exemption from court fees for the underprivileged • In the case of VCFNs who have been appointed a guardian by the MLSP/SWC, and owing to the type and degree of their physical, intellectual or mental disability, it is not possible to pursue relevant legal procedures at the premises in the court's circuit or the circuit of the Public Prosecutor's Office, and therefore procedures are to be pursued in the place where the concerned VCFN is accommodated, upon the request of the SWC.
SOP 6: MEASURE 2: Deprivation of Freedom/Detention	
WHAT	• Considering the vulnerability of this category of persons and the type and degree of their disability, the measure of deprivation of freedom and detention is to be applied only in exceptional cases as set forth under the LCP. • In the application of such a measure, the rights of VCFNs must be respected in accordance with international conventions, as follows: – The prohibition of torture or other cruel or inhuman treatment or punishment. – The prohibition of unlawful and arbitrary deprivation of freedom: the deprivation of freedom and the prison sentence must be in accordance with the law and must be applied only as a measure of last resort and for the shortest possible period. – The prohibition of any form of discriminatory treatment. – In case of detention, the detention facilities must be appropriate and take into consideration the vulnerability, type and degree of disability of the VCFN. – The right to medical assistance and care. – The right to expeditious legal assistance and the right to revision of the legality of the deprivation of freedom within the shortest possible period.
WHO	• The MoI • The Public Prosecutor's Office, • The MoH • The MoJ • The MYLA and other CSOs • UNHCR
WHEN:	• Before, during and after the application of the measure of deprivation of freedom and detention.
HOW:	• The measure of deprivation of freedom and detention is to be applied only in exceptional cases as set forth under the LCP. • Responsible persons at in-line intuitions must at all times bear in mind the vulnerability and the type and degree of disability of this category of persons. • In case such a measure is applied, it should be of the shortest possible duration. • Detention facilities must provide the necessary conditions for the stay of VCFNs. • Legal assistance and support must be provided to VCFNs throughout the course of the entire procedure.
SOP 6: MEASURE 3: Participation of a VCFN in a Criminal Procedure in the Capacity of a Defendant	
WHAT	• VCFNs may be defendants in cases in which there are reasonable grounds to suspect that such persons have committed a crime, which is prosecuted *ex officio*. • The rights of VCFNs in a criminal procedure are protected by ensuring the following: – Application of the principle of not imposing penalties on the victims of trafficking in human beings for their involvement in unlawful activities, to the extent that they have been compelled to be involved.[60] – Observation of the VCFN's right to expeditious legal assistance and to revision of the legality of the deprivation of freedom within the shortest possible period. – The prohibition of torture or other cruel or inhuman treatment or punishment.

[60] Council of Europe Convention on Action against Trafficking in Human Beings (2005).

	– The prohibition of unlawful and arbitrary deprivation of freedom: the deprivation of freedom and the prison sentence must be in accordance with the law and be applied only as a measure of last resort and for the shortest possible period. – In case of detention, VCFNs are to be placed in detention facilities that are appropriate to their vulnerability and type and degree of disability. VCFNs must be enabled to have correspondence with their family, – Observation of the right of VCFNs to have their legal representative participate in all stages of the procedure. – Observation of the right of access of UNHCR representatives to detained VCFNs.
WHO:	• The MoI • The Public Prosecutor's Office • The MoH • The MoJ • UNHCR and other IOs • The MYLA and other CSOs
WHEN:	• Immediately after the deprivation of freedom of a VCFN. • In the course of the application of the detention measure.
HOW:	• The legal representative and guardian must be in contact with the VCFN for the purpose of protecting their rights. • The in-line institution that has implemented the measure is to ensure the protection of the rights of the VCFN in accordance with domestic and international regulations. • Prohibition of torture or other forms of inhuman treatment and torture, • In the course of the application of the measure, the Public Prosecutor's Office is to review the justification for continuing the measure, i.e. whether the continuation of the measure is necessary for the successful pursuance of the criminal procedure. • The UNHCR, the UN Committee against Torture, and the Ombudsman are to be ensured access to VCFNs.
SOP 6: MEASURE 4: Participation of VCFNs in a Criminal Procedure in the Capacity of a Witness/Victim	
WHAT	• According to the LCP, VCFNs may also participate in criminal procedures in the capacity of witnesses: – In a procedure against perpetrators of the crime of smuggling migrants and of the crime of trafficking in human beings. – In a procedure against perpetrators of other crimes prosecuted *ex officio*. • As victims / witnesses, VCFNs may participate in criminal procedures: – As a party damaged as a consequence of the perpetrated crime. – As a victim of the crime of trafficking in human beings. • VCFNs as victims/witnesses have the right to compensation of material and non-material damage as VHTs.
WHO:	• IMSWC/SWC/Guardian • MoJ / use of the institute of free legal assistance • Authorized legal representative (MYLA and other providers of legal assistance) • UNHCR and other IOs
WHEN:	• At all stages of a criminal procedure.
HOW:	• VCFNs are to appear as witnesses only in exceptional cases in which they are the only witnesses and there is no other material evidence in the procedure against the perpetrators. • In the case of a VCFNs who has been appointed a guardian, before the witness gives his/her testimony the guardian and the authorized legal representative are to prepare the witness in a manner and using a language the witness understands and that is appropriate to the witness's age and maturity to ensure the witness understands the significance of the procedure. Before giving their testimony, a VCFNs may invoke relevant provisions of the LCP[61] before the Public Prosecutor, before the judge in a

	preliminary procedure, or before the judge at the main hearing. • In cases in which a VCFN is a victims of a crime, the authorized legal representative institutes a procedure for damage compensation of the victim on grounds of consequences arising from the crime. • The authorized legal representative and the guardian participate together with the VCFN in the entire procedure in order to inform the VCFN and to protect his/her rights and interests.

PART C: ANNEXES
ANNEX 1: Questionnaire for Identification of VCFNs
ANNEX 2: Guidelines for Conducting Interviews with VCFNs
ANNEX 3: Preconditions and Skills for Successful Interviews with VCFNs
ANNEX 4: Indicators for Identification of Victims of Trafficking in Human Beings
ANNEX 5: Assessment of the Needs of and Services Required by Identified VCFNs
ANNEX 6: Domestic and International Legislation and EU Directives upon which these SOPs are Based
ANNEX 7: Initial Risk Assessment
ANNEX 8: Application for Issuance /Extension of Temporary Residence Permit
ANNEX 9: Asylum Application
ANNEX 10: Observance of Fundamental Principles by Service Providers
ANNEX 11: Decision Granting Temporary Residence
ANNEX 12: Report on the Receipt of a Verbal Asylum Application
ANNEX 13: List of In-Line Institutions and Persons Responsible for Processing VCFNs Envisaged in these SOPs for Processing VCFNs
ANNEX 14: Plan of Measures and Activities for Implementation of a Decision for the Repatriation of VCFNs
ANNEX 15: List of Sign Language Interpreters

[61] Article 54 of the LCP, Procedure for hearing vulnerable categories of witnesses.

ANNEX 1: QUESTIONNAIRE FOR IDENTIFICATION OF VCFNs	
• This Questionnaire is designed to help police officers of the MoI and service providers in the initial identification of VCFNs found upon entry into or within the territory of the Republic of Macedonia.	
1. Date of the interview:	Place:
2. Interview conducted by:	Organizational Unit:
3. Interpreter:	Interpreter's contact information:
➢ Before starting the interview, VCFNs need to be informed that the purpose of the interview is to facilitate the provision of the assistance and protection they need, with a focus on urgently required assistance. ➢ Information provided during the interview is confidential and may be shared only with the consent of VCFNs and will have no impact on the further procedure for regulation of the stay of VCFNs.	
REQUIRED INFORMATION	INFORMATION ACQUIRED FROM THE INTERVIEWED PERSON
1. Name: 2. Surname:	
3. Mother tongue: 4. Other languages the person can use:	
5. Gender:	male female
6. Date of birth: (day/month/year)	(note if the person is a minor below 18 years of age)
7. Place of birth:	City: State:
8. Nationality:	
9. Current place of residence:	City: State:
10. Does the person possess a travel document (TD) or other valid personal identification document? a) Number of TD---------- b) Date of issue---------- c) Date of expiry ---------- d) Place of issue---------- e) If the person does not possess a TD, what are the reasons for this?----------	Yes No a) b) c) d) e)
11. Children travelling accompanied by another person:	Information about the child: 1. Name and Surname: 2. Date of birth: 3. Gender: 4. Relation to the person accompanying the child/guardian: ---------- Information about the person accompanying the children/guardian: 1. Name and Surname: 2. Date of birth: 3. Gender: 4. Relation to the child:
12. Data about relatives:	1. Name and Surname: 2. Address: 3. Contact information:
13. Is the person currently experiencing any pain	1. Yes

or physical discomfort?	2. No 3. If yes, state the details:
13a. In the course of the journey from the country of origin to the moment of reception, has the person been subjected to: - psychological or physical violence? - any form of exploitation? - any form of gender-based violence?	If yes, state the form of violence, and when and where the person was subjected to it:
14. Is the person:	a) pregnant b) disabled (state the type and degree of disability) c) suffering from health conditions
15. Where did the person's journey start?	a) country b) region c) city/village
16. When did the person leave his/her country of origin? 16a. When did the person arrive in the Republic of Macedonia?	a) day/month/year b) day/month/year
17. How did the person travel?	a) moving across the countryside b) by waterways c) roads d) railway
18. Through which countries has the person travelled?	
19. The exact point of entry into the Republic of Macedonia	a) at an official border crossing b) at an illegal border crossing
20. Reason for travel:	a) does not know b) education c) work d) security reasons e) political reasons f) other (describe them) g) visiting friends/relatives h) marriage
21. Is the Republic of Macedonia the person's country of destination?	A) yes B) no
22. Are there any obstacles for the person to return to their country of origin? (if yes, state the reasons)	
23. Has the person previously filed an application in the Republic of Macedonia or in another country?	A) yes (which country and when?) B) no

STATEMENT:
I hereby agree that the information given during this interview may be used as necessary for my protection and for providing me with assistance.

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Name of the foreign national Signature: Date:

Additional comments of the interviewer:

ANNEX 2: GUIDELINES FOR CONDUCTING INTERVIEWS WITH VCFNs:	
➢ Interviewing VCFNs requires careful consideration and timely collection and verification of all facts in the case of the VCFN. ➢ At all times, priority is to be given to the needs, safety and welfare of VCFNs. ➢ VCFNs are to be interviewed in a sensitive manner, preferably by specialized personnel trained for work with VCFNs. ➢ There are a large number of basic guidelines that facilitate successful interviews, of which some of the most important are as follow:	
Protection of privacy:	• Interruptions during the interview should be reduced to a minimum.
Securing of the intimate area	• Respecting the personal integrity and dignity of the individual by the person conducting the interview, including prohibition for touching, hugging, or imposing any other close and direct contact which would signify violation of the intimacy of the VCFN.
Relaxing the interviewee:	• Emotions and stress have a large role in any type of interview. • The interviewer has the difficult task of conducting the interview with a person experiencing discomfort. • An interview that commences in a non-threatening situation can have a calming effect. • By avoiding negative feelings and strengthening positive feelings, the interviewer can more easily deal with the emotions expressed by the interviewee.
Defining the goal:	• The interviewer should ask the questions carefully, bearing in mind that the purpose is to collect information, and as much as possible basic information (for example to establish whether the person belongs to any of the categories of VCFN).
Good interviewing techniques:	• The manner in which questions are asked is equally important, i.e. as you would like such questions to be asked of yourself. • Use open questions, and not questions to which the interviewee can avoid providing the expected answer. • Make sure that the tone of your voice is not aggressive or sarcastic. • In addition, make sure that the wording you use in asking the questions can be easily understood; avoid unnecessarily complex and technical wording.
Leave the interviewee to speak by himself/herself:	• One of the greatest mistakes an interviewer can make is to speak too much. • The correct assessment of the person or the collection of information about the case depends on your allowing the interviewee to talk freely in a controlled situation. • The interviewer should control but not dominate the interview.
Be a good listener:	• A good interviewer must be a good listener. • Interviewers must discipline themselves to focus on what needs to be said and how to say it. • Interviewers should not browse upcoming questions or analyse the answers before the person has finished speaking. • Interviewers should not predict what answers they will receive.
Body language:	• Calm body language is very important in order to gain the trust of the person invited for an interview. • Be aware of your body language in conducting the interview in order to make sure that your body language does not express a threat or impatience but instead show encouragement for the interviewee.

Do not incite the answers given:	• The interviewer must not show his/her emotions and must mot mix his/her personal feelings with the interview. The interviewer must not show disgust if certain answers are repulsive or disbelief is some answers seem implausible.

ANNEX 3: PRECONDITIONS AND SKILLS FOR SUCCESSFUL INTERVIEWS WITH VCFNs:	
The successful interview and identification of VCFNs requires certain skills and the fulfilment of certain prerequisites:	
Urgency:	➢ Timely and successful identification means timely referral to the in-line institution that will provide the initially required assistance, healthcare, humanitarian assistance and safety.
Humane approach:	➢ Profiling and identification needs to be based on an individual approach that takes into consideration the individual features of each person and category separately. • In the transportation stage, upon reception/initial contact, VHTs used for sexual, labour or other type of exploitation always travel with the trafficker/member of the criminal group perpetrating the crime of trafficking in human beings. Therefore, in profiling these VCFNs one should bear in mind the fear that the VHT is experiencing, which requires that the VHT be accommodated in a safe location. • Children, as the most vulnerable category, require the most sensitive approach to be applied during the interview, which should always be conducted in a manner which ensures that: – Facilities are adjusted for work with children. – The interview is conducted by a person especially trained for work with children. – The interviewer is of the same gender as the interviewee. • Women and girls are often victims of sexual violence during their migration from the country of origin to the country of destination. This fact must be taken into consideration by the interviewer, who always must be a woman when women and girls are interviewed. The interviewer must establish a close protective relationship of trust in order to get sincere/genuine answers and information. • When interviewing pregnant women it is especially important to get information about the pregnancy (wanted pregnancy / resulting from violence / healthy pregnancy / pathological pregnancy) so that the most urgent needs for initial assistance and protection are established. In addition, any suspicions must be examined and eliminated as to whether the case at hand could be a possible case of trafficking, i.e. selling the child after birth with a view to the child's illegal adoption in the country of destination. • Persons with disabilities: knowledge about the type and degree of physical or mental disability is required in order to establish the needs for urgent initial assistance and protection. It is best if professionals are engaged based on their specialities (medical professionals: orthopaedics specialist or a surgeon to establish the degree of physical disability, a sign language interpreter, Braille readers/writers, neuropsychiatrist to establish the degree of mental disability), • The elderly: determining the age, health status and social anamnesis are the key indicators that help define the needs of the elderly. The elderly are vulnerable in terms of fearing the uncertainty of what the future might hold, especially if they are not accompanied by anyone. • LGBTI persons may be subjected to discrimination, physical violence and

	sexual harassment both in the country of origin and during the travel itself. Therefore, the interview should be conducted in a manner that respects their sexual orientation, which on its part helps determine their protection needs.
Skills:	➢ The interviewer is to be trained to use methodologies and techniques for interviewing VCFNs and needs to be trained about domestic and international legal instruments regarding the rights of VCFNs.
Interpreter/ Translator:	➢ An interpreter that speaks the mother tongue of the interviewed person is the best precondition for an efficient interview. However, it is not always possible to provide interpreters for the language spoken by the interviewee. It would be best to have a roster of interpreters. ➢ In the case of people with a physical disability (the deaf, persons with hearing impairments and blind persons), it is necessary to engage sign language interpreters or Braille readers / writers (see Annex 15[62]).
Appropriate environment:	➢ The facilities need to be equipped in an appropriate manner that creates an acceptable and pleasant environment for VCFNs in which they can communicate with the interviewer without being imposed to discrimination.

ANNEX 4: INDICATORS FOR THE IDENTIFICATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS



INDICATORS
FOR THE IDENTIFICATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS

Skopje, 2014

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2. Set of indicators for identification of victims of trafficking in human beings
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   3.1. General indicators for child-victims of trafficking in human beings
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INTRODUCTION:

Trafficking in human beings is a complex and multidimensional criminal and social problem that violates the fundamental human rights and freedoms of victims of trafficking in human beings. As a form of organized crime, trafficking in human beings violates constitutional and legal principles and standards of modern democratic societies.

[62] Annex 15: List of Sign Language Interpreters.

All institutions / organizations needs to dedicate greater attention to identifying and resolving the problem of trafficking in human beings at national, regional and international level, especially in light of the fact that the security of citizens is one of the fundamental needs and rights and an integral element of a quality life.

There is a need for defining indicators, although such practice, for identification of victims of trafficking in human beings, is already established and conducted by authorized and trained professionals in institutions or in civil society organizations on the basis of guidelines and using the identification form contained in these SOPs.[63]

The practical implementation of clear operative indicators, as a helpful tool/guide for successful and timely identification of victims, will assist in detecting crimes and facilitating appropriate and efficient criminal procedures, making relevant referrals, providing timely assistance and support to victims and enabling their inclusion in reintegration programmes.

Indicators for the identification of victims of trafficking in human beings are divided into two groups: direct indicators, intended for the identification of victims, and indirect indicators for the identification of potential victims. Direct indicators are divided into general and specific indicators according to the type of trafficking, but are different for adults and for children victims of trafficking in human beings.

1. IDENTIFICATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS
IDENTIFICATION is a process which uses a series of indicators to help acquire information (answers to interviews, material evidence, etc.) on the basis of which an assessment is made as to whether the person is a victim of trafficking in human beings.[64] Following the identification of victims, necessary measures are undertaken for ensuring their physical security, as well as measures to ensure their rights, safety, and access to relevant assistance and support.

The issue of indicators for identification and referral of victims of trafficking in human beings is regulated by Measure No. 5, 'Identification', in the Standard Operating Procedures.[65]

Indicators are 'indications/pointers/signs' that indicate possible trafficking in human beings and which are to be confirmed based on an analysis and assessment made of all gathered information, as well as based on the interview with and the behaviour of the person. Not all of the indicators stated below are present in every case of trafficking in human beings /children.

For several reasons (e.g. fear, physical/psychological trauma, etc.) it is often not possible to obtain comprehensive information immediately about the presence of direct indicators of trafficking in human beings (acts, means, purpose) that are necessary to identify a victim of trafficking in human beings. The identification is a long process consisting of several stages, and the victim is thus initially identified as a potential victim of trafficking in human beings.

How to use the indicators?
The set of indicators may be used a practical guide for assessment by official persons[66]/ organizations[67] that have contact with the victims or potential victims of trafficking in human beings.

One indicator can sometimes be transposed into one or several questions, while the answer could lead to a conclusion as to the existence or non-existence of a case of trafficking in human beings.

[63] SOPs: revised document adopted by the Government of the Republic of Macedonia in 2010, p. 68.
[64] A victim of a criminal offence refers to any person who has suffered some kind of damage as a consequence of the crime committed, including physical or mental injuries, emotional suffering, material loss or other violation or endangerment of the person's fundamental rights and freedoms. A child victim of a criminal offence refers to a juvenile under 18 years of age. Article 122 of the Criminal Code of the Republic of Macedonia.
[65] SOPs, revised document, adopted by the Government of the Republic of Macedonia in 2010.
[66] MoI-UTHBSM, MLSP-SWC.
[67] Civil society organizations, which identify potential victims of trafficking in human beings.

Using the indicators, it is necessary to collect information about the process of recruitment, transport, the means used in the abuse or exploitation of the person, working conditions, living conditions, violence, dependency, blackmail, personal freedom, fraud and payment (acts, means, purpose).
Only in the cases when children are involved, and in accordance with the Palermo Protocol, the existence of the means of coercion are not necessary in order to identify a case of trafficking in children.

The defined indicators can be amended and supplemented in light of the evolving *modus operandi*, i.e. the manner of recruitment and exploitation of victims by traffickers; hence the need to amend and upgrade the indicators.

2. DIVISION OF INDICATORS FOR THE IDENTIFICATION OF VICTIMS OF TRAFFICKING IN HUMAN BEINGS
Indicators for the identification of victims of trafficking in human beings are divided into:

- Direct indicators, which relate to the three elements contained in the definition of trafficking in human beings (with the exception of children for whom it is not necessary to establish indicators about the means used).

- Indirect indicators do not refer to the existence of the three elements of the definition of trafficking in human beings but are related to specific, incomplete, and combined information which is not sufficient to identify victims of trafficking in human beings.

In the case of potential victims of trafficking In human beings, the element that is most often missing is the element of duress or a lack of sufficient evidence. Potential victims of trafficking in human beings are identified using indirect indicators.[68] Potential victims are to have the same rights and receive the same treatment as identified victims of trafficking in human beings.

2.1. DIRECT INDICATORS FOR VICTIMS OF TRAFFICKING IN HUMAN BEINGS
The definition of 'trafficking in human beings'[69] can be divided into three major groups of elements according to the crime: the acts undertaken in the course of trafficking in human beings; the means used by the traffickers; and the purpose of the traffickers in human beings.

All three elements must be present and interlinked in order to establish a case of trafficking in human beings (except in the case of child victims / potential victims).

Acts		Means		Exploitation

[68] Potential victim of trafficking in human beings is: a person for whom there are indications that he/she is a victim of trafficking in human beings, but who has not been formally identified as such by in-line bodies or who has refused to be formally identified as such.
[69] According to the Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings.

• Recruitment • Enticement • Transportation • Transfer • Receipt • Harbouring • Selling/buying victims of trafficking in human beings.		• Threat against the life of the person, or against the life of a family member • Coercion • Abduction • Lies • Fraud (partial or full) • Deception • Use of force • Abuse of power • Giving or receiving payments • Abuse of the fact that a person is pregnant • Powerless/vulnerable • Has physical or mental disability		• All forms of sexual exploitation • Pornography • Forced labour or servitude • Slavery or similar practice • Forced marriage • Forced insemination • Illegal adoption • Begging • Perpetration of petty crimes • Unauthorized transplant of human body parts

Direct indicators are divided into:

- general indicators
- specific indicators

2.1.1. General indictors refer to factors that might indicate that persons are victims of trafficking in human beings. They are of a general character and are not applicable for all types of trafficking in human beings.

Age	The age range of persons who are suspected of being victims of trafficking in human beings depends on the type of exploitation. Children are especially vulnerable to trafficking in human beings. They can be exploited in the sex industry, in illegal labour markets, for forced marriages, begging and petty crimes, as domestic 'slaves', for adoption and for the transplant of body parts.
Gender	The predominant victims of trafficking in human beings for purposes of sexual exploitation are women and girls. Trafficking in human beings may for these purposes be considered as a form of gender-based violence. Victims of trafficking in human beings for the purposes of forced labour or labour exploitation include both men and women.
Location of origin, transit and destination	Victims come from developing countries or from countries in transition where possibilities are limited. Most often they are taken to developed countries for various purposes, although exploitation can also occur in the country of origin itself. The trend is that victims come from marginalized and vulnerable groups. Locations where victims have been found include: brothels, bars, nightclubs, call-girl agencies, private 'dance clubs', massage parlours and saunas, catering facilities, restaurants (the entertainment and hospitality industry), agriculture, livestock breeding or construction facilities, plantations, textile industry facilities, factories, mines, private homes/cleaning and maintenance services, etc.
Documents	Non-possession of personal identification documents, false identity or forged documents.
Transportation	The manner in which the victim has been transported /transferred.
Persons accompanying the victim	The victim is always accompanied by some person, which indicates control of the victim's transport.

Physical appearance	Physical injuries, broken bones, bruises, infections, dark bags around the eyes, certain tattoos on the body of the victim, inappropriate clothes and heavy makeup.

Indicators related to the behaviour of victims of trafficking in human beings

- ☐ The person is afraid to talk
- ☐ The person has been instructed what to say
- ☐ The person gives contradictory, incomplete and untrue information
- ☐ The person tries to escape
- ☐ The person stays away from the group of people in the facility where there has been a raid/inspection
- ☐ The person believes that he/she is being watched and followed
- ☐ The person allows others to speak on her/his behalf
- ☐ The person shows fear and anxiety
- ☐ The person reacts with rage, sudden onsets of anger and aggressiveness
- ☐ There are evident sudden changes in the behaviour of the person
- ☐ The person behaves in a deviant manner
- ☐ The person shows disorientation, confusion, or has phobias or panic attacks
- ☐ The person complains of sleeping disorders
- ☐ The person shows signs of depression
- ☐ The person shows signs of alcohol, drug or medication addiction
- ☐ The person does not trust authorities and refuses to cooperate
- ☐ The person is afraid that his/her status as a foreign national might be discovered
- ☐ The person protects the trafficker and his/her associates

Indicators related to the environment of victims of trafficking in human beings

- ☐ The people in the victim's environment (parents, relatives, friends, neighbours) suspect that he/she is a victim of trafficking in human beings
- ☐ The person is isolated and does not show any attachment to their home
- ☐ The person has been discovered in a facility normally used for a certain type of exploitation
- ☐ The person has many new contacts and benefits from them (clothes, expensive mobile phones)
- ☐ The persons is in contact with persons who are suspected of being linked to trafficking in human beings
- ☐ The place where the person is staying has special security systems (cameras, hiding places, bunkers, security)
- ☐ The person often travels and changes location
- ☐ The person acts in accordance with instructions he/she receives from someone else
- ☐ The person has stayed in the country longer than the allowed period for stay/ unregulated stay

Indicators related to certain unlawful acts:

Personal freedom

- ☐ The person's movement is limited
- ☐ The person is kept in isolation and under control
- ☐ The person moves accompanied by some other persons
- ☐ The person has limited contacts with their family and with other people outside their immediate environment
- ☐ The person is forbidden to leave the place where she/he works/stays
- ☐ The person is obliged to regularly contact the trafficker by phone
- ☐ All telephone contacts of the person are controlled and monitored

Payments

- ☐ The person receives/does not receive financial means or does not dispose with the same freely
- ☐ The person is paid less compared to other people working in the same establishment

- ☐ The debt of the person is continually increasing for various reasons
- ☐ The person repays the trafficker for travel, clothes, food, accommodation and similar costs
- ☐ The person is forced to work to pay off a certain amount of money per day or per week
- ☐ There are indications that the person has been bought or sol

Conditions for work

- ☐ The conditions for work of the person are in contravention of the conditions set forth in law (e.g., no employment contract, dangerous working conditions, no right to rest, no healthcare, etc.)
- ☐ The person has no possibility to negotiate the conditions for work
- ☐ Previously agreed upon conditions for work are not respected
- ☐ The person works under the threat of force or under duress
- ☐ The person works on the basis of a number of false promises

Conditions of stay

- ☐ The person is forced to live in the place where she/he works
- ☐ The person lives in conditions of bad hygiene with many people in small spaces
- ☐ The person pays high amounts for poor living conditions
- ☐ The person does not have access to any media outlets
- ☐ The person has no personal belongings
- ☐ The person hides from/avoids from official persons

Violence

- ☐ The person is subjected to various forms of violence
- ☐ The person has visible signs of violence having been inflicted on them
- ☐ The person is 'disciplined' with punishments
- ☐ The person must witness violence against other people in order that he/she 'learns her/his lesson'
- ☐ There are threats of violence against members of the person's family
- ☐ If the person resists, coercion and force are used against her/him
- ☐ The person is denied food and water

Dependence

- ☐ The person cannot communicate because she/he does not speak the language used in the given environment
- ☐ The person does not know the address of the place they work and live
- ☐ The person is dependent on traffickers for food, a place to stay, clothes, etc.

Blackmail

- ☐ The person is blackmailed with confiscated personal identification documents
- ☐ The person is blackmailed with the fact that her/his stay is not regulated
- ☐ The family of the person is blackmailed and intimidated
- ☐ The person is blackmailed by traffickers with the threat that information about the person will be made public that could damage their reputation or the reputation of their family
- ☐ The person is blackmailed with the threat that the authorities will be informed about illegal activities in which she/he has been involved

Recruitment

- ☐ The person has been recruited by an intermediary company in another country, or by a model agency, tour operator, dating agency, etc.
- ☐ The actual recruitment is done through a friend, partner, relative , member of the family or an acquaintance
- ☐ The person has been recruited though the conclusion of a fake marriage/ marriage of convenience
- ☐ The person has been kidnapped or abducted
- ☐ The person has been recruited via social networks

Deception

- ☐ Deception by promises of a high income

☐ Deception about the conditions of work
☐ Deception by promising a 'loving relationship'
☐ Deception by promising marriage

2.1.2. Specific indicators for certain types of exploitation of victims of trafficking in human beings:

SEXUAL EXPLOITATION

☐ Victims are most often women under 30 years of age
☐ Victims are moved to different buildings/facilities and locations
☐ Victims are found in nightclubs/hospitality industry facilities/individual facilities where they offer sexual services
☐ Victims have certain tattoos or other marks which indicate that they are the 'property' of traffickers
☐ Victims sleep in nightclubs/hospitality industry facilities where they provide sexual services
☐ Victims live and travel in groups, although they do not speak the same language
☐ Victims have only a few pieces of clothing and most of their clothes are intended for the performance of 'sexual work'
☐ Victims use slang or know profanities in the local language
☐ Victims are not allowed to refuse unprotected sex and/or violent sex,
☐ Victims do not have the right to stop working as prostitutes when they want to stop
☐ Victims are frequently pregnant and often have abortions
☐ Victims are prohibited from getting to know and become close with their 'clients'
☐ Victims have health problems caused by sexual abuse
☐ Victims often suffer from sexually transmitted diseases/infections

LABOUR EXPLOITATION

Victims of trafficking in human beings for purposes of labour exploitation typically work in the following areas: in livestock breeding farms/sheepfolds, agriculture or construction works, plantations, the textile industry, factories, plants, mines, private homes / cleaning and maintenance services, massage parlours, nightclubs, hospitality industry facilities, etc.

☐ They perform humiliating, dirty and dangerous work without proper protective equipment
☐ They are controlled in their jobs with video surveillance cameras
☐ They are held, locked up and isolated in remote locations without any transportation links
☐ They are not allowed to move freely
☐ They work long hours and days without any breaks, without days off, without the right to sick leave, contrary to conditions set forth in the national legislation, without the right to complain
☐ They are disciplined with (physical or pecuniary) punishments
☐ Their employer keeps their personal identification documents
☐ The employer does not possess any proper records or documents about their employment
☐ They are deceived about the legality of their work
☐ The employer is not able to submit any records about the payment of salaries to workers
☐ The employer does not provide any information about health and safety at work
☐ There are indications of violation of labour laws and laws on protection at work
☐ There are cases of chronic diseases as a result of forced labour
☐ The victims believe that they must work against their will
☐ They are afraid that their unregulated status in the country will be discovered

BEGGING AND PETTY CRIMES

Persons of different ages, especially children or adults, persons with disabilities, foreign nationals beg on the streets or perpetrate petty crimes.

☐ The victim is part of a group engaged in begging, pickpocketing and other forms of petty crime (they participate in certain activities of organized criminal groups)
☐ The victim is forced to perpetrate thefts if he/she does not bring in sufficient amounts of money by

begging
- ☐ The victim is punished if they do not secure or steal sufficient amounts of money
- ☐ They move in groups when using public transport to move to other countries/places where they engage in begging and theft
- ☐ The victim has information about other persons involved in similar crimes in another country/place.

DOMESTIC SERVITUDE

- ☐ The victims live with the families that exploit them
- ☐ They eat their food separately from the family members
- ☐ They eat leftovers,
- ☐ They do not have private space and they sleep in an inappropriate room
- ☐ They never leave the house alone and do not communicate with anyone from the community
- ☐ They are subjected to offences, ill-treatment, threats and violence

3. INDICATORS FOR CHILD-VICTIMS[70] OF TRAFFICKING IN HUMAN BEINGS

3.1. General indicators for the identification of child-victims of trafficking in human beings

- ☐ They have no contacts with their parents or guardians
- ☐ They do not possess any personal identification documents or possess forged documents
- ☐ They travel without being accompanied by a parent/guardian
- ☐ The adults with whom they live have their documents and the consent of their parents
- ☐ They lie about their age or do not know how old they are
- ☐ They do not attend school and cannot read or write
- ☐ They are neglected, hungry and shabbily or inappropriately dressed
- ☐ They do not have any healthcare
- ☐ They try to escape from official persons
- ☐ They seem scared, shy, exhausted and/or confused and show signs of physical and mental abuse
- ☐ They have evident changes in mood and exhibit behaviour that is not appropriate for their age
- ☐ They have old and new bruises on various parts of their body
- ☐ They do not have any friends
- ☐ They do not have time for playing
- ☐ They do not have freedom of movement
- ☐ They live in substandard conditions
- ☐ Their transport to the country/region of destination has been paid for by other persons to whom they must pay back the money in the form of free labour
- ☐ They do not have any money, or alternatively have large sums of money
- ☐ There are indications that they have been sold / bought

3.2. Specific indicators for the identification of child-victims of trafficking in human beings:

SEXUAL EXPLOITATION

- ☐ Child-victims of sexual exploitation are most often females
- ☐ They are accompanied by persons who control them
- ☐ There is information that they have had unprotected and /or violent sex,
- ☐ They refuse to speak about the fact that they are sexually exploited

LABOUR EXPLOITATION

Child–victims of trafficking in human beings for purposes of labour exploitation usually work in the following areas: livestock-breeding farms / sheepfolds, agricultural jobs, massage parlours, nightclubs, hospitality industry facilities, factories, plants, mines, plantations, etc.

- ☐ Their movement is controlled by other persons

[70] A child-victim of trafficking in human beings is a victim below 18 years of age.

- ☐ They perform jobs inappropriate for their age and in inappropriate conditions, with long working hours, without breaks or free time, and without application of labour legislation
- ☐ They are disciplined with physical/pecuniary punishments
- ☐ They have limited number of meals and their movement is limited
- ☐ The equipment and tools for their work are adjusted for use by children
- ☐ Victims show fear and anxiety and are submissive and/or scared
- ☐ They have been threatened with being reported to the authorities

BEGGING AND PETTY CRIME

Child-victims of trafficking in human beings for purposes of begging and petty crime are of different ages, often including children with development impairments, unaccompanied children and child-foreign nationals.

- ☐ The children have physical injuries that might have been intentionally inflicted
- ☐ They persistently beg, regardless of weather conditions
- ☐ They are constantly monitored/controlled at a certain distance by other people
- ☐ They are forced to perpetrate thefts if they do not collect enough money by begging
- ☐ They are punished if they do not 'bring in' or steal sufficient amounts of money
- ☐ They live and travel with adults who are not their parents
- ☐ They are amongst a large group of children who have the same guardian/adult accompanying them
- ☐ They are engaged in drug dealing and trafficking,
- ☐ There are indications of their having been involved in similar crimes in another country/place
- ☐ There are claims that the child was accidentally "found", unaccompanied, by adults who are of the same nationality or ethnic affiliation

DOMESTIC SERVITUDE

- ☐ The victims live with the families that exploit them
- ☐ They are engaged to perform inappropriate jobs
- ☐ They eat their food separately from the family members
- ☐ They eat leftovers
- ☐ They do not have private space and sleep in an inappropriate place
- ☐ They never leave the house alone and do not communicate with anyone from the community
- ☐ They are subjected to offences, ill-treatment, threats and violence
- ☐ They are disciplined with physical punishments

FORCED MARRIAGES

- ☐ The recruitment of children through their parents, relatives and other persons for the "conclusion of a marriage" abroad
- ☐ False and deceptive promises of a good and comfortable life
- ☐ Organizing "weddings" without the presence of the boy-groom
- ☐ The victims are subjected to several types of exploitation, especially sexual exploitation, forced begging, perpetration of thefts and servitude
- ☐ Physical and psychological violence is perpetrated against them by members of the family

ADOPTION

- ☐ Non-possession of a birth certificate
- ☐ Non-possession of any documents that would prove a monitored pregnancy
- ☐ Delivering a baby using someone else's health insurance card
- ☐ Indications of the arranged sale of a child
- ☐ The mother falsely claims that the baby has died

ANNEX 5: ASSESSMENT OF THE NEEDS AND OF SERVICES REQUIRED BY IDENTIFIED VCFNs		
Type of vulnerable category of foreign nationals	Type of needs/services:	Service provider:
Victims of trafficking in human beings:	<u>Urgent basic needs:</u> • Safety and security • Accommodation at a Centre for VHTs • Healthcare: urgent medical treatment for acute health conditions • Food, drink, clothes, personal needs, • Means for maintaining personal hygiene • Legal assistance: legal advice and procedure for regulating their stay on humanitarian grounds[71] <u>Mid-term needs:</u> • Healthcare: active medical care and psychological assistance and support • Skills-development and recreation • Finding and informing their family • Legal assistance, i.e. legal representation in courts when VCFNs are victims/witnesses in a procedure against perpetrators • Legal assistance, i.e. legal representation of VCFNs in courts in their capacity as a damaged party in a procedure for non-material damage compensation <u>Long-term needs:</u> • Continuation of urgent and mid-term needs • Inclusion in the education process • Learning languages (Macedonian and foreign languages) • Economic empowerment and independence • Sustainable/lasting solutions: voluntary repatriation, resettlement, regulation of long-term residence or reintegration	MoI MLSP/NRM MoH/RCRM MLSP/CSOs MLSP/IOs/CSOs MoJ/CSOs MoH/RCRM PIIMSWC/CSOs MoI/IOs/CSOs MoJ/CSOs MoJ/CSOs MLSP/IOs/CSOs MES MES/CSOs MES/CSOs MLSP/IOs/CSOs MLSP/MoI/IOM/ other IOs/ CSOs
Women and girls:	<u>Urgent basic needs:</u> • Safety and security, • Accommodation at PTC, RCFN, RCAS • Food, drinks, clothes, personal needs • Healthcare: urgent medical treatment for acute and chronic health conditions, gynaecological check-up • Means for maintenance of personal	MoI MoI/MLSP MLSP/RCRM/ IOs/CSOs MoH/RCRM

[71] Article 81 of the LF.

	hygiene • Psychological and social assistance and support • Legal assistance: legal advice and procedure for regulation of the stay on grounds of filing an asylum application if the person is an asylum seeker <u>Mid-term needs:</u> • Healthcare: active medical care and psychological and social assistance and support • Skills-development and recreation • Finding and informing their families • Legal assistance in the asylum procedure <u>Long-term needs:</u> • Continuation of urgent and mid-term needs • Inclusion in the education process • Learning languages (Macedonian and foreign languages) • Economic empowerment and independence • Sustainable/lasting solutions: voluntary repatriation, resettlement, regulation of long-term residence or reintegration	MLSP/RCRM/ IOs/CSOs MLSP/RCRM/ IOs/CSOs MoJ/UNHCR/MYLA and other CSOs MoH/RCRM PIIMSWC/CSOs MoI/MLSP/IOs/CSOs MoJ/UNHCR/MYLA and other CSOs MES MES MLSP/IOs/CSOs MLSP/MoI/IOM/IOs/CSOs
Single parents with children:	<u>Urgent basic needs:</u> • Safety and security • Accommodation at PTC, RCFN, RCAS, • Food, drink, clothes, personal needs, • Healthcare: urgent medical treatment for acute and chronic health conditions of the mother and of the children and gynaecological check-up for the mother • Means for maintenance of personal hygiene • Psychological and social assistance and support • Legal assistance: legal advice and procedure for regulation of their stay on the grounds of filing an asylum application if the person is an asylum seeker <u>Mid-term needs:</u> • Finding the most appropriate solution for accommodation in accordance with legislative provisions under the competences of the MLSP • Healthcare: active medical care and psychological and social assistance and support	MoI MoI/MLSP MLSP/RCRM/ IOs/CSOs MoH/MLSP/RCRM/IOs/CSOs MLSP/RCRM/ IOs/CSOs MLSP/RCRM/ IOs/CSOs MoJ/UNHCR/MYLA and other CSOs MLSP MoH/CSOs/IOs

	• Building skills and recreation needs • Finding and informing their families • Legal assistance in the asylum procedure if the persons are asylum seekers • Procedure for registering their children if they have not been registered. <u>Long-term needs:</u> • Continuation of urgent and mid-term needs • Inclusion in the education process • Learning languages (Macedonian and foreign languages) • Economic empowerment and independence • Sustainable/lasting solutions: voluntary repatriation, resettlement, regulation of long-term residence or reintegration	MLSP/SWC/CSOs/IOs MoI/MFA/MLSP/IOs/CSOs MoJ/UNHCR/MYLA and other CSOs MoI/MLSP/MoJ MES MES MLSP/IOs/CSOs MLSP/MoI/IOM/IOs/CSOs
Pregnant women:	<u>Urgent basic needs:</u> • Safety and security, • Accommodation at PTC, RCFN, RCAS, • Food, drink, clothes, personal needs • Healthcare: urgent medical treatment for acute and chronic health conditions, gynaecological check-up • Accompanying the person to the point of exit from the Republic of Macedonia if the person is handed over to another country • Means for maintenance of personal hygiene • Psychological and social assistance and support • Legal assistance: legal advice and procedure for regulation of their stay on the grounds of filing an asylum application if the person is an asylum seeker. <u>Mid-term needs:</u> • Finding the most appropriate solution for accommodation in accordance with the needs and legislative provisions under the competences of the MLSP • Healthcare: active medical care, monitoring the pregnancy, and psychological and social assistance and support • Building skills and recreation • Finding and informing their families • Legal assistance in the asylum procedure	MoI MoI/MLSP MLSP/RCRM/ IOs/CSOs MoH/MLSP/RCRM/IOs/CSOs MoH/RCRM/CSOs/IOs MLSP/RCRM/ IOs/CSOs MLSP/RCRM/ IOs/CSOs MoJ/UNHCR/MYLA and other CSOs MLSP/IOs/CSOs MoH/CSOs/IOs MLSP/SWC/CSOs/IOs MoI/MFA/MLSP/IOs/CSOs

	if the persons are asylum seekers. <u>Long-term needs:</u> • Continuation of urgent and mid-term needs • Inclusion in the education process • Learning languages (Macedonian and foreign languages) • Economic empowerment and independence • Sustainable/lasting solutions: voluntary repatriation, resettlement, regulation of long-term residence or reintegration	MoJ/UNHCR/MYLA and other CSOs MES MES MLSP/IOs/CSOs MLSP/MoI/IOM/IOs/CSOs
The elderly:	<u>Urgent basic needs:</u> • Safety and security, • Accommodation at PTC, RCFN, RCAS, • Food, drink, clothes, personal needs, • Healthcare: urgent medical treatment of acute and chronic health conditions, required medicines, dialysis • Hygiene packages for women and for men • Catheters (for men and for women) • Provision of disability aids (if required) • Accompanying the person to the point of exit from the Republic of Macedonia if the person is handed over to another country • Means for maintenance of personal hygiene • Psychological and social assistance and support • Legal assistance: legal advice and procedure for regulation of their stay on the grounds of filing an asylum application if the person is an asylum seeker <u>Mid-term needs:</u> • Finding the most appropriate solution for accommodation in line with the needs and legislative provisions under the competences of the MLSP • Healthcare: active medical care and psychological and social assistance and support • Building skills and recreation • Finding and informing their families • Legal assistance in the asylum procedure if the persons are asylum seekers.	 MoI MoI/MLSP MLSP/RCRM/ IOs/CSOs MoH/MLSP/RCRM/IOs/CSOs MLSP/RCRM/ IOs/CSOs MLSP/RCRM/ IOs/CSOs MLSP/RCRM/ IOs/CSOs MoI/MLSP/RCRM/IOs/CSOs MLSP/RCRM/ IOs/CSOs MoJ/UNHCR/MYLA and other CSOs MLSP/IOs/CSOs MoH/CSOs/IOs MLSP/SWC/CSOs/IOs MoI/MFA/MLSP/IOs/CSOs

	Long-term needs: • Continuation of urgent and mid-term needs • Sustainable/lasting solutions: voluntary repatriation, resettlement, regulation of long-term residence or reintegration.	MoJ/UNHCR/MYLA and other CSOs MLSP/MoI/IOM/IOs/CSOs
Persons with physical disabilities:	Urgent basic needs: • Safety and security, • Accommodation at PTC, RCFN, RCAS, in facilities with standard design • Food, drinks, clothes, personal needs, • Healthcare: urgent medical treatment of acute and chronic health conditions, required medicines, dialysis • Hygiene packages for women and for men, male/female catheters • Sign language interpreter • Provisions of disability aids • Accompanying the person to the point of exit from the Republic of Macedonia if the person is handed over to another country • Toilets adjusted to the needs of persons with physical disabilities • Means for maintenance of personal hygiene • Psychological and social assistance and support • Legal assistance: legal advice and procedure for regulation of their stay on grounds of filing an asylum application if the person is an asylum seeker • Right to a sign language interpreter[72] Mid-term needs: • Finding the most appropriate solution for accommodation in accordance with the needs and legislative provisions under the competences of the MLSP • Healthcare: active medical care, monitoring of pregnancy, and psychological and social assistance and	MoI MoI/MLSP MLSP/RCRM/ IOs/CSOs MoH/MLSP/RCRM/IOs/CSOs MLSP/RCRM/ IOs/CSOs National Association of the Deaf and of Persons with Hearing Impairments MLSP/RCRM/ IOs/CSOs MoI/MLSP/RCRM/IOs/CSOs MLSP/RCRM/ IOs/CSOs MLSP/RCRM/ IOs/CSOs MLSP/RCRM/ IOs/CSOs MoJ/UNHCR/MYLA and other CSOs National Association of the Deaf and of Persons with Hearing Impairments MLSP/IOs/CSOs MoH/CSOs/IOs

[72] Annex 15: List of Sign Language Interpreters.

	support • Building skills and recreation • Finding and informing their families • Legal assistance in the asylum procedure if the persons are asylum seekers <u>Long-term needs:</u> • Continuation of urgent and mid-term needs • Sustainable/lasting solutions: voluntary repatriation, resettlement, regulation of long-term residence or reintegration	MLSP/SWC/CSOs/IOs MoI/MFA/MLSP/IOs/CSOs MoJ/UNHCR/MYLA and other CSOs MLSP/MoI/IOM/IOs/CSOs
Persons with mental disabilities:	<u>Urgent basic needs:</u> • Safety and security • Provisional accommodation at PTC, RCFN, RCAS • Food, drink, clothes, personal needs • Healthcare: urgent medical treatment of acute and chronic health conditions, psycho-therapy, required medicines, dialysis • Provision of disability aids (if required) • Accompanying the person to the point of exit from the Republic of Macedonia if the person is handed over to another country • Means for maintenance of personal hygiene • Psychological and social assistance and support • Appointment of a guardian and undertaking of a procedure for the regulation of their stay on the grounds of filing an asylum application <u>Mid-term needs:</u> • Finding the most appropriate solution for accommodation in accordance with the needs and legislative provisions under the competences of the MLSP for this category • Healthcare: active medical care and psychological and social assistance and support • Building skills and recreation • Finding and informing their families • Legal assistance in the asylum procedure if the persons are asylum seekers. <u>Long-term needs:</u> • Continuation of urgent and mid-term needs	MoI MoI/MLSP MLSP/RCRM/ IOs/CSOs MoH/MLSP/RCRM/IOs/CSOs MLSP/RCRM/ IOs/CSOs MoI/MLSP/RCRM/IOs/CSOs MLSP/RCRM/ IOs/CSOs MLSP/RCRM/ IOs/CSOs MLSP/UNHCR/CSOs MLSP/IOs/CSOs MoH/MLSP/RCRM/IO's/CSO's MLSP/IOs/CSOs MoI/MLSP/RCRM/IOs/CSOs MLSP/UNHCR/ MYLA/ IOs/CSOs

	• Sustainable/lasting solutions: voluntary repatriation, resettlement, regulation of long-term residence or reintegration.	MLSP/MoI/IOM/IOs/CSOs
LGBTI persons:	<u>Urgent basic needs:</u> • Safety and security, • Accommodation at PTC, RCFN, RCAS, • Food, drink, clothes, personal needs, • Healthcare: urgent medical treatment of acute and chronic health conditions, required medicines • Means for maintenance of personal hygiene • Psychological and social assistance and support focused on protection against discrimination • Legal assistance: legal advice and procedure for regulation of the stay on the grounds of filing an asylum application if the person is an asylum seeker. <u>Mid-term needs:</u> • Finding the most appropriate solution for accommodation in accordance with the needs and legislative provisions under the competences of the MLSP • Healthcare: active medical care and psychological and social assistance and support • Building skills and recreation • Finding and informing their families • Legal assistance in the asylum procedure if the persons are asylum seekers. <u>Long-term needs:</u> • Continuation of urgent and mid-term needs • Sustainable/lasting solutions: voluntary repatriation, resettlement, regulation of long-term residence or reintegration	MoI MoI/MLSP MLSP/RCRM/ IOs/CSOs MoH/MLSP/RCRM/IOs/CSOs MLSP/RCRM/ IOs/CSOs MLSP/RCRM/ IOs/CSOs MoJ/MYLA/UNHCR/other IOs/CSOs MLSP/IOs/CSOs MoH/MLSP/RCRM/IOs/CSOs MLSP/MES/CSOs/MoI/MFA/CSOs/IOs MoJ/MYLA/UNHCR and other IOs/CSOs MLSP/MoI/IOM/UNHCR/CSOs/IOs

ANNEX 6: DOMESTIC AND INTERNATIONAL LEGISLATION AND EU DIRECTIVES UPON WHICH THESE SOPS ARE BASED

International Instruments, Directives and Recommendations:

- UN Convention on the Rights of Persons with Disabilities
- Convention on the Elimination of All Forms of Discrimination against Women
- UN Convention on the Rights of the Child, 1989
- Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 2000
- 1951 Convention relating to the Status of Refugees and its (1967) Protocol
- Treatment of Unaccompanied and Separated Children Outside their Country of Origin, 2005

- United Nations Convention against Transnational Organized Crime and The Protocols Thereto, 2000, and the Palermo Protocols
- European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1987
- European Convention on the Exercise of Children's Rights, 1996
- Council of Europe Convention on Action against Trafficking in Human Beings, 2005
- Charter of Fundamental Rights of the European Union, 2000
- Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on Common Standards And Procedures In Member States For Returning Illegally Staying Third-Country Nationals
- Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification
- Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers
- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection
- Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted
- Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection
- Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection
- EU Directives Nos. 43, 78 and 113
- Decision of the Council (17024/09) of 2 December 2009, The Stockholm Programme - An open and secure Europe serving and protecting the citizens

Domestic Laws and Secondary Legislation:

- Law on Foreigners
- Law on Asylum and Temporary Protection (Official Gazette Nos. 49/2003, 152/2015)
- Law on the Family
- Law on Social Protection
- Law on the Protection of Children
- Law on Witness Protection
- Law on General Administrative Procedure
- Law on the Employment of Foreigners
- Criminal Code
- Law on Criminal Procedure
- Rulebook on the House Rules of the Reception Centre for Foreign Nationals (Official Gazette of RM, Nos. 6/2007, 53/2009)
- Rulebook on Foreign Nationals
- Decision on the establishment of a public institution for the accommodation of asylum seekers
- Standard Operating Procedures for the Processing of Victims of Trafficking in Human Beings, National Commission for the Fight against Trafficking in Human Beings and Illegal Migration (2008)

ANNEX 7: INITIAL RISK ASSESSMENT

A. Initial Assessment of the Health Status:

1	Physical conditions and signs of violence: • Previous • Sustained while travelling • Visible signs of physical violence
2	Psychological condition: • Insomnia • Stress-fear-anxiety • Depression
3	Health Status - findings: • Current health status following initial medical check-up • Communicable diseases the person has suffered • Chronic diseases • Psychological disorders • Mental and psychiatric disorders (enclosed document)

B. Initial Security Risk Assessment (findings of the MoI, the OU which has received the VCFN)

1	Current security assessment
2	Previous threats to security
3	Specific persons that could cause problems
4	Concerns about the security of the family members or of friends
5	Different locations for the person
6	Other

ANNEX 8: APPLICATION FOR THE ISSUANCE /EXTENSION OF A TEMPORARY RESIDENCE PERMIT

Образец бр.2

Назив на органот до кој барањето се поднесува Приемен штембил
Name of the receiving authority / Stamp of receipt

_____

БАРАЊЕ ЗА ИЗДАВАЊЕ / **ПРОДОЛЖУВАЊЕ** НА **ДОЗВОЛА** ЗА
ПРИВРЕМЕН ПРЕСТОЈ
APPLICATION FOR THE ISSUE / EXTENSION OF A TEMPORARY RESIDENCE PERMIT

прво издавање
First issue
продолжување
Extension
1. Презиме _____
Surname
2. Поранешно, односно родено презиме _____
Previous surname or name given at birth
3. Име _____
Name
4. Пол машко женско
sex: male / female
5. Име на родителите: татко _____ мајка _____
Names of parents: father; mother
6. Датум, место и држава на раѓање _____ , _____ , _____
Date, place, and country of birth
7. Државјанство _____ 8. Занимање _____
Nationality / Profession
9. Брачна состојба неженет/немажена оженет/мажена вдовец/вдовица разведен/разведена
Marital status: single / married / widowed / divorced
10. Адреса во Република Македонија _____
Address in the Republic of Macedonia
11. Адреса во странство _____
Address abroad
12. За кои цели се бара дозволата за привремен престој и за кое време
The reasons for which a temporary residence permit is requested and the period for which it is requested
13. Податоци за лицето врз основа на чиј статус во Република Македонија се бара дозвола за привремен престој:
Information and data about the person on the basis of whose status in the Republic of Macedonia the temporary residence permit is requested
а) Презиме и име _____
Surname and name
б) Датум, место и држава на раѓање _____ , _____ , _____
Date, place, and country of birth
в) Државјанство _____
Nationality
г) Статус на членот на семејната заедница
Status of the family member
семејна заедница датум на склучување на бракот _____
Family union: date of contract of marriage
семејни односи _____
Family relationship
д) Дали странецот врз основа на чиј статус се бара дозвола за привремзн престој има друг регистриран брачен другар со кој веќе живее во Република Македонмја
Does the person based on whose status in the Republic of Macedonia the temporary residence permit is requested have another registered spouse with whom s/he already lives in the Republic of Macedonia
да не
Yes No
ѓ) Дали родителското право на детето за кого се бара издавање на дозвола за привремен престој е поделено?
Is the parental right to the child for whom temporary residence permit is requested a shared right?
да не
Yes / No
е) Податоци од патната исправа на македонскиот државјанин/странец кој има регулиран статус во Република Македонија:
Data from the passport of the Macedonian citizen/foreigner who has a regulated status in the Republic of Macedonia:
Број на патна исправа _____ ; Датум на издавање _____ ; Со рок на важност до _____
Passport number / Date of issue / Valid until
ж) Адреса на македонскиот државјанин/странец во Република Македонија
Address of the Macedonian citizen/foreigner in the Republic of Macedonia

_____

Пријавен од: _____
Registered from
з) Во случај на непостоење н.а заедничка адреса на живеење, Ве молиме да ги наведете причините
If the same address is not used, please specify the reasons
ѕ) Податоци за законскиот престој на странецот врз осиова на чиј статус се бара дозвола за привремен престој
Information regarding the legal status of the foreigner based on whose status in the Republic of Macedonia the temporary residence permit is requested
и) Податоци за постоење на средства за издржување на странецот врз основа на чиј статус се бара дозвола за привремен престој
Information regarding the subsistence means of the foreigner based on whose status in the Republic of Macedonia the temporary residence permit is requested
ј) Податоци за здравствено осигурување на странецот врз основа на чиј статус се бара дозвола за привремен престој
Information regarding the health insurance of the foreigner based on whose status in the Republic of Macedonia the temporary residence permit is requested
14. Патна исправа на подносителот _____

Travel document of the applicant
Надлежен орган кој ја издал патната исправа _____
The competent issuing authority
Место и датум на издавање _____
Place and date of issue
Број _____ Исправата важи до _____
Number / Document valid until
15.Рок на важење на последната издадена_____
Period of validity of the last issued
дозвола за привремен престој дозволата се бара по прв пат
Temporary residence permit / first residence permit requested
16. Датум на влез во Република Македонија _____
Date of entry into the Republic of Macedonia
а) обврска за поседување виза: да не ; б) виза број _____
Visa requirement: Yes / No (b)visa number
важи до _____ Орган кој ја издал визата _____
Valid until / issued by
17. Податоци за поседување за средства на издржување на подносителот на барањето
Information regarding the subsistence means of the applicant
18. Податоци за обезбедено сместување во Република Македонија или дека има средства за сместување
Information regarding accommodation in the Republic of Macedonia or possession of means for accommodation
19. Податоци за здравствено осигурување
Information regarding health insurance
20. Податоци дека ги исполнува условите за дозвола за привремен престој заради различни причини согласно Законот за странците ("Службен весник на Република Македонија" бр. 35/06 и 66/2007)
Information on fulfilment of conditions provided for separate types of temporary residence permit in accordance with the Law on Aliens (Official Gazette of the Republic of Macedonia' Nos.35/06 and 66/2007)
21. Кон барањето ги приложувам следните документи:
Documents enclosed:
22. Вид на образование _____
Type of education
23. Предвидено траење на пресојот: од: _____ до: _____
Period of intended stay: from to
24. Причина за поднесување на барањето Reasons for application
25. Завршна изјава
Final statement
а) Со ова потврдувам дека сите податоци наведени во точките 1-24 се целосни, вистинити и одговараат на податоците во приложените документи. Потврдите кои се на друг јазик приложени се на македонскипревод.
I hereby confirm that all information given under items 1-24 is complete, true and corresponds to the data contained in the documents attached. Certificates made in a foreign language are attached in their Macedonian translation.
б) Со ова се обврзувам дека секоја промена на личните податоците пред влезот во Република Македонија ќе ги доставам на надлежните органи во Република Македонија, преку дипломатското, односно конзуларно преставништво на Република Македонија.
I hereby undertake to communicate any change of my personal data to the competent Macedonian authorities through diplomatic or consular missions of the Republic of Macedonia before entering the Republic of Macedonia.
в) Известен сум дека моите лични податоци со цел составување на записник и архивирање ќе бидат информатички обработени.
I take note that my personal data are electronically processed for the purpose of taking records and filing.
г) Известен сум дека заради непотполни или неточни податоци моето барање може да биде одбиено.
I have been advised that my application may be refused on account of incomplete and inaccurate data.
Во _____, на ден_____.
In on
Потпис на подносителот на барањето:
Signature of the applicant
_____
Место за фотографија
3 x 3,5 см
Photo
Пополнува службеното лице на органот до кого е поднесено барањето
To be filled out by the official person of the receiving authority
Како е решено барањето _____
The resolution is
Број на решението за дозволување на привремен престој _____
Number of decision on grant of temporary residence
До кој датум е одобрен привремениот престој _____
The period of temporary residence is granted until
Датум на издавање /продолжување на дозволата за привремен престој _____
Data of issue/extension of the temporary residence permit
Место за административна такса
Administrative tax
_____
Потпис на службено лице
Signature of authorized official

ANNEX 9: ASYLUM APPLICATION

Образец бр.2
Form no.2

РЕПУБЛИКА МАКЕДОНИЈА
МИНИСТЕРСТВО ЗА ВНАТРЕШНИ РАБОТИ

REPUBLIC OF MACEDONIA
MINISTRY OF INTERNAL AFFAIRS

Ул. "Димче Мирчев" б.б. 1000 Скопје *телефон/* phone *2 314 2368*
Dimče Mirčev b.b., 1000 Skopje *факс/* fax *2 314 3408*

БАРАЊЕ ЗА ПРИЗНАВАЊЕ ПРАВО НА АЗИЛ

APPLICATION FOR RECOGNITION OF THE RIGHT TO ASYLUM *Согласно*

Закон за азил и привремена заштита (Сл.Весник на Р.Македонија бр.49/2003) According to the Lawon Asylum and Temporary Protection (Official Gazette ofthe Republic of Macedonia no.49/2003)

Место за заверка на барањето



Одделение за азил
Section for Asylum

ВНИМАТЕЛНО ПРОЧИТАЈТЕ ! **READ CAREFULLY !**

УПАТСТВО ЗА ПОПОЛНУВАЊЕ НА БАРАЊЕТО ЗА ПРИЗНАВАЊЕ ПРАВО НА АЗИЛ:
Instructions for filling in the application for recognition of the right to asylum:

Пополнување на формуларот/ Filling in the Form

Со поднесувањето на овој формулар, Вие барате признавање право на азил во Република Македонија, односно барате дозвола за престој во Република Македонија како бегалец. Ако сте придружувани од брачен другар или деца постари од 18 години, потребно е и тие сами да пополнат посебен формулар. Ве молиме користете печатни букви. При тоа не смеете да користите молив. Ако имате потреба да напишете повеќе податоци од обезбедениот простор во формуларот, ве молиме продолжете на опачината од страната или додадете страни.

By submitting this form you are seeking recognition of the right to asylum in the Republic of Macedonia, respectively seeking residence permit in the Republic of Macedonia as a refugee. If your spouse or children over 18 years of age accompany you, it is necessary for them to fill in a separate form as well. Please print. Do not use pencil. If you need to write more information and the space provided in the form is not sufficient, please continue writing on the reverse side of the sheet or use extra sheets.

Која е целта на формуларот/ What is the purpose of this Form?

Податоците кои ќе ги дадете во овој формулар ќе ја сочинуваат основата за решавање по Вашето барање за признавање право на азил. Во Ваш интерес е да одговорите на сите прашања што е можно повистинито и поцелосно и да дадете што е можно подетални причини поради кои верувате дека сте во опасност од прогонување во Вашата земја. Со давање невистинити податоци ризикувате Вашето барање да биде одбиено. Информациите кои ќе ги дадете ќе бидат чувани како тајна. Ниедна информација нема да биде достапна до властите на Вашата земја на потекло (член 22 од Законот за азил и привремена заштита).

The data, which you provide in this form, will constitute the basis for deciding upon your request for recognition of the right to asylum. It is in your interest to reply to all questions as truthfully and completely as possible and to provide as many detailed reasons for which you believe you are in danger of persecution in your country. By giving false information you are running the risk of having your application rejected. The information you provide will be kept confidential. None of the information will be made available to the authorities of your country of origin (Article 22 of the Law on Asylum and Temporary Protection).

Доказен материјал/ Documentary Evidence

Ако поседувате документи од значење за информациите кои сте ги дале во овој формулар, важно е истите да ги приложите со ова барање. Потребно е кон барањето да ги приложите сите лични исправи кои ги поседувате, а особено патена исправа, лична карта или друг документ за идентификација (член 20 од Законот за азил и привремена заштита). Со недоставување на документи од значење и лични исправи кои ги поседувате, ризикувате Вашето барање да биде одбиено. При поднесувањето на барањето Одделението за азил ќе Ви издаде Идентификациона исправа за барател на азил со важност до завршување на постапката поведена по Вашето барање.

If you are in possession of documents relevant to the data which you have provided in this form, it is important that you enclose them to this application. You are required to enclose all personal documents that you possess, in particular travel document, identity card, driving license or other identification document (Article 20 of the Law on Asylum and Temporary Protection). If you do not submit the relevant document and personal documents that you possess you run the risk of having your application rejected. Once you have submitted your application the Section for Asylum will issue you an identity document valid until the procedure initiated upon your application has ended.

Разговор во врска со азилот/ Interview in relation to asylum

По поднесувањето на барањето ќе бидете повикани на разговор од страна на Одделението за азил. Целта на разговорот е да се разјаснат сите информации кои се потребни за решавање по барањето. Многу е важно да дојдете на разговорот на кој ќе бидете повикани. Во случај да не можете до дојдете, потребно е однапред да го известите Одделението за азил. Во случај да не се појавите на закажаниот разговор, Вашето барање нема да биде разгледано и Вие ќе морате да ја напуштите Република Македонија .

After submission of the application you will be summoned to an interview by the Section for asylum. The purpose of the interview is to clarify all information necessary to decide on the application. It is very important to come to the interview that you have been invited for. Should you not be in position to attend you should inform the Section of asylum in advance. Should you not appear for the interview scheduled your application will not be examined and you will have to leave the Republic of Macedonia.

Образец бр. 1
Form no. 1

1. Презиме *Surname*	**2. Име** *Name*	фотографија *Photo*
3. Презиме пред склучување на брак *Maiden name*	**4. Татково име / име на мајката** *Father's name/ name of the mother*	

5. Дата на раѓање *Date of birth*	**6. Место на раѓање** *Place of birth*		
7. Држава на раѓање *Country of birth*	**8. Пол** *Sex*	**М/** *m*	**Ж/** *f*
9. Државјанство *Citizenship* **а)** _____ **б)** _____	**10. Етничка припадност** *Ethnic origin*		
	11. Вероисповест *Religion*		
12. Брачна состојба *Marital status*	**13. Презиме и име на брачниот другар** *Surname and name of the spouse*		
14. Документи за идентификација *Identity Documents* **а) национален пасош/** *national passport* _____ **б) лична карта/** *idetification document* _____ **в) возачка дозвола/** *driving license* _____ **г) друго/** *other* _____	**15. Мајчин и други јазици кои ги зборува** *Mother tongue (other languages knowledge)* _____ **а)** _____ **б)** _____ **в)** _____		

16. Завршено образование *Education completed*	**Назив на установата** *Name of the Institution*	**Каде (град/место)** *Where (City/ place)*	**Која година** *Year*
а) основно/ *primary education*			
б) средно/ *secondary education*			
г) вишо/ *associate degree*			
д) високо/ *bachelor's degree*			

17. Вработувања - *Employement*

Од *From*	**До** *To*	**Работно место и фирма** *Post and Company*	**Град/ Држава** *City/ State*
а) _____	_____		
б) _____	_____		
в) _____	_____		
г) _____	_____		

18. Адреса во земјата на потекло и надвор од неа во последните 10 години
Address in the country of origin and outside it in the last 10 years

Од *From*	**До** *To*	**улица и број** *Street and number*	**Град/ Држава** *City/ State*
а) _____	_____		
б) _____	_____		
в) _____	_____		
г) _____	_____		

19. Сегашна адреса на престојување во Република Македонија
Current address of place of residence in the Republic of Macedonia

а) **приватно сместување**/ *private accomodation*
Град/ *City* _____
Улица/ *Street* _____
Број/ *number* _____ **тел**./*phone* _____

б) **колективен/прифатен центар**
Collective/ Reception Centre _____

в) **друго (хотел, камп, мотел)**/ *other (hotel, camp, motel)*
_____

20. Роднини во Република Македонија
Relatives in the Republic of Macedonia

а) **Презиме и име**/ *Surname and name* _____
сродство со барателот/ *Relationshipwith the applicant* _____
адреса на живеење/ *Address of living* _____
државјанство/ *Surname and name* _____ **тел**./*phone* _____

б) **Презиме и име**/ *Surname and name* _____
сродство со барателот/ *Relationshipwith the applicant* _____
адреса на живеење/ *Address of living* _____
државјанство/ *Surname and name* _____ **тел**./*phone* _____

21. Воена служба
Military service

а) **година на служење**/ *year of service* _____
б) **род**/ *section of service* _____
в) **место на служење**/ *place of serving* _____

22. Политичка активност
Political activities

а) **политичка партија**/ *political party* _____
б) **функција**/ *function* _____
в) **друго**/ *other* _____

23. Членови на семејство кои го придружуваат барателот на право на азил
Family members accompanying the asylum seeker

	Презиме *Surname*	Име *Name*	Дата на раѓање *Date of birth*	Место на раѓање *Place of birth*	Сродство/ Пол *Relationship/ sex*
а)					
б)					
в)					
г)					
д)					
ѓ)					
е)					

24. Членови на потесно семејство кои живеат во матичната држава или во странство
Members of nuclear family who live in the country of origin or abroad

	Презиме *Surname*	Име *Name*	Место/ Држава во која живеат *Place / Country*	Сродство/ Пол *Relationship/ sex*
а)				
б)				
в)				
г)				
д)				

25. Дали некогаш сте поднеле барање за признавање право на азил
Have you ever applied for recognition of the right to asylum?

	Држава *Country*	Дата на поднесување *Date of submission*	Вид на одлука *Decision*
а)			
б)			
в)			

26. Податоци за начинот на доаѓање во Република Македонија
Manner of arrival in the Republic of Macedonia

а) **дата на доаѓање**/ *date of arrival* _____
б) **начин**/ *manner* _____
в) **граничен премин**/ *border point* _____
г) **превозно средство**/ *transportation means* _____

27. Податоци за престојот пред поднесување на барањето
Residence status prior to submission of the application

а) **Легален**/ *Legal*
Привремен/ *Temporary*
Постојан/ *Permanent*
Привремена заштита/ *Temporary protection*

б) **Друго**/ *Other*

28. Причините поради кои барате право на азил

Reasons for which you are seeking the right to asylum

(доколку определениот простор не е доволен за да ги наведете сите причини и настани кои Ве натерале да ја напуштите својата држава и да барате право на азил во Република Македонија може да користите празни листови и да ги приложите кон барањето).

(you may use additional blank sheets of paper and to enclose them to the application if the space provided is not sufficient for you to state all reasons and events which forced you to leave your state and seek the right to asylum in the Republic of Macedonia)

Информациите наведени во ова барање за признавање право на азил се вистинити. Запознат/запознаена сум дека со давање невистинити податоци, недоставување на документи и лични исправи моето барање нема да биде земено во постапка.

The information stated in this application for recognition of the right to asylum are truthful. I am aware that by knowingly giving false information, not presenting relevant documents and personal documents I run the risk of my application not being processed.

Барател на право на азил *Asylum seeker* _____ Потпис/ *Signature* **Дата** *Date* _____

Потврдувам дека му асистирав на горе потпишаното лице да го потполни барањево за признавање право на азил и дека сите наведени податоци се базираат врз информации добиени од негова страна. Потполнетото барање му/и е прочитано на неговиот/нејзиниот мајчин јазик пред да биде потпишано од негова/нејзина страна.

I hereby confirm that I assisted the above-signed individual to fill-in this application for recognition of the right to asylum and that the information mentioned above are given by him. The filled-in application has been read out to him/her in his/her mother tonguebefore he/she has signed it.

Законски застапник или полномошник *Legal guardian or proxy* _____ Потпис/ *Signature* **Дата** *Date* _____

ANNEX 10: OBSERVANCE OF FUNDAMENTAL PRINCIPLES BY SERVICE PROVIDERS	
➢ The guiding principles in the provision of protection services are explained below with a view to be used for guidance by responsible persons at in-line institutions, including CSOs/IOs as service providers, when ensuring initial assistance.	
Principle	Content
Respect for rights:	➢ VCFNs in need of protection are to be guaranteed respect for their human rights in accordance with international instruments and national laws and standards. ➢ VCFNs in need of protection are not to be kept in prisons in cases in which alternative measures can be used.
Security and safety:	➢ The country's security and the safety and protection of foreign nationals and of service providers are of paramount importance. ➢ Whenever possible, safe shelters are to be provided, as well as safe provisional environment for VCFNs who are in need of protection. ➢ Measures are to be undertaken to ensure that the working environment for personnel is safe and secure.
Confidentiality:	➢ Confidentiality is to be ensured at all times. ➢ All information and documents relating to VCFNs are confidential and are to be treated as such. ➢ Information, including databases, are always to be kept in a secured place. ➢ Information is to be shared only on a 'need to know' basis. With the exception of cases in which the safety of VCFNs is threatened, service providers must not disclose any information relating to VCFNs without their consent, unless the national legislation imposes a legal obligation for the disclosure of information.
Information:	➢ Everyone has the right to be informed in a language they understand, including to be informed about their rights, available services, accessibility of services, potential risks and consequences of accepting services and consequences of refusing services, so that an informed decision can be made. ➢ Children are to be informed about their rights in a comprehensible and friendly manner.
Consent:	➢ All services are to be provided based on the full and informed consent of VCFNs whenever possible. ➢ VCFNs have the right to be fully involved in all stages of the decision-making process regarding their cases, ➢ VCFNs may participate in assistance programmes only on a voluntary basis and only based on their free and informed consent.
Non-discrimination and impartiality:	➢ When the needs of vulnerable categories of foreign nationals are addressed, service providers are to ensure non-discrimination and impartiality in all their interactions with VCFNs. ➢ VCFNs are not to be discriminated against by service providers on grounds of their gender, race, nationality, ethnic affiliation, age or religion.
Approach based on the best interests VCFNs:	➢ The needs of each person belonging to any of the vulnerable categories in need of assistance and protection are to be taken into consideration when providing services. ➢ This principle must be observed at all stages of service provision.
Best interests of the child:	➢ In the case of children, as a category of vulnerable foreign nationals, the best interests of the child must be given the highest priority and must be taken into consideration in all activities intended for children, including short and long-term measures. ➢ Determining the best interests of the child must be present in all stages of the preparation of any decision about the child. ➢ This commitment demands a clear and comprehensive assessment of the

	identity of the child, including the child's nationality, education, ethnic, cultural and linguistic origin, especially any weaknesses and the need for protection.
Quality assurance:	➢ Services are to be provided by trained and experienced professional service providers. ➢ In all cases, services are to be provided through the cooperation of all stakeholders in an interdisciplinary manner that will ensure the best possible care for VCFNs.

ANNEX 11: DECISION GRANTING TEMPORARY RESIDENCE

РЕПУБЛИКА МАКЕДОНИЈА **Образец бр.3**
МИНИСТЕРСТВО ЗА ВНАТРЕШНИ РАБОТИ
THE REPUBLIC OF MACEDONIA
MINISTRY OF INTERNAL AFFAIRS
Орг. единица _____
Organizational unit
Број _____
No.
Место и датум _____
Place and date:
Врз основа на член 54 став 1 од Законот за странците ("Службен весник на Република Македонија" бр.35/2006 и 66/2007)
Министерството за внатрешни работи _____на ден _____година
(надлежна организациона единица)
донесе:
Pursuant to Article 54 paragraph 1 of the Law on Aliens (Official Gazette of the Republic of Macedonia, nos.35/2006 and 66/2007) the Ministry of Internal Affairs _____ on _____
(competent organizational unit)
brought the following:

РЕШЕНИЕ ЗА ДОЗВОЛУВАЊЕ НА **ПРИВРЕМЕН ПРЕСТОЈ**
DECISION ON GRANT OF TEMPORARY RESIDENCE

На лицето
The following person.
Презиме _____ Име _____
Surname /Name
Дата на раѓање _____ Место на раѓање _____Пол _____
Date of birth /Place of birth / Sex
Државјанство _____ Престојува во _____
Nationality / Resident in
Адреса на лицето во странство _____
Address
Вид на документ за идентификација _____ број _____
Type of identification / Document number
Издаден во _____ на _____
Issued at / on
Со рок на важност до _____.
Valid until
МУ СЕ ДОЗВОЛУВА ПРИВРЕМЕН ПРЕСТОЈ ВО РЕПУБЛИКА МАКЕДОНИЈА
HAS BEEN GRANTED TEMPORARY RESIDENCE IN THE REPUBLIC OF MACEDONIA
заради _____
for the purpose of
во трање од _____ месеци.
for a period of months
По спроведена постапка утврдено е дека се исполнети условите за издавање на дозвола за привремен престој, согласно член 50 од Законот за странците ("Службен весник на Република Македонија" бр.35/2006 и 66/2007).
The procedure conducted has shown that the conditions for the issue of a temporary residence permit in accordance with Article 50 of the Law on Aliens (Official Gazette of the Republic of Macedonia, nos. 35/2006 and 66/2007) are fulfilled.
Именуваниот се известува дека е должен во рок сд пет дена од денот на влегувањето во Република Македонија да се јави во Министерството за внатрешни работи. кое во рок од 25 дена од денот на неговото јавување ќе му издаде дозвола за привремен престој.
The person concerned is advised that s/he is obliged to report him/herself to the Ministry of Internal Affairs within five days as from the date of entry into the Republic of Macedonia, where the Ministry shall issue the foreigner a temporary residence permit within 25 (twenty-five) days as from the date of reporting.
М.П. Потпис на службено лице
L.S. Signature of authorized official

ANNEX 12: REPORT ON THE RECEIPT OF A VERBAL ASYLUM APPLICATION

Form No. 4

Ministry of the Interior

_____

No. _____

_____ year

REPORT ON RECEIPT OF A VERBAL ASYLUM APPLICATION

_____

Name → → → → → Surname

_____

Date of birth → → → → → Gender

_____

Country and place of birth → → → Nationality

_____

Country from where the person came to the Republic of Macedonia → → → Date of entry in the Republic of Macedonia

_____

Documents and other items that the person handed over:

_____

_____

_____

Documents and other items found during the search of the person:

_____

_____

_____

Persons accompanying the asylum applicant:

1. _____ relation _____
2. _____ relation _____
3. _____ relation _____
4. _____ relation _____
5. _____ relation _____

_____ → → → → _____

Authorized official person ..... place for a seal ..... Signature of the applicant

ANNEX 13:
LIST OF IN-LINE INSTITUTIONS AND PERSONS RESPONSIBLE FOR PROCESSING VCFNs ENVISAGED IN THESE SOPS FOR PROCESSING VCFNs

Ord. No.	In-Line Institution/CSOs/IOs	Responsible person	Contact e-mail address:	Contact telephone number:
1	MoI/CSD	Lidija Velkovska, Police Advisor, Nikola Mirchevski, Senior Police Advisor, Zoran Dimovski, Police Advisor	Lidija_velkovska@moi.gov.mk nikola_mircevski@moi.gov.mk zoran_dimovski@moi.gov.mk	010/387967 070/358187 071/268561
2	MoI/ DBAM/Section for Foreign Nationals and Readmission	Goce Strasheski, Police Advisor, Mijalche Gelev, Police Advisor	*goce_straseski@moi.gov.mk* mijalce_gelev@moi.gov.mk	070/305166 070/351091
3	MoI/RC so BA – North/SCBCMFNR	Zoran Georgiev, Head of SCBCMFNR, Anita Galevska, Chief Inspector-Head of SFNR/Skopje Alberto Gucev, Inspector/SFNR/ Skopje Biljana Stoimenovska, Inspector/ SFNR/Skopje Zoran Markovic, Inspector/SCBC	zoran_gjorgiev@moi.gov.mk anita_galevska@moi.gov.mk alberto_gucev@moi.gov.mk biljana_stoimenovska@moi.gov.mk zoran_markovik@moi.gov.mk	071/211909 071/293363 071/248535 071/322840 070/228831
4	MoI/RC for BA-North/ Reception Centre for Foreign Nationals	Petar Sarevski, Head of the RCFN	psarevski@yahoo.com	070/276022
5	MoI/RC for BA-South/SCBCMFNR	Jane Tolev, Inspector/ SCBCMFNR, Vanco Pop-Ivanov, Inspector/SCBCMFNR/Gevgelija,	jane_tolev@moi.gov.mk vanco_pop-ivanov@moi.gov.mk	071/288254 071/211921

		Kliment Kovanceliev, Inspector/ UCBCMFNR/ Gevgelija	kliment_kovanceliev@moi.gov.mk	071/289376
6	MoI/CSD/Asylum Sector	Bratka Dejanoska Milchevska, Head of the AS. Nevenka Shishkovska-Nikolovska, Senior Advisor Vesna Lukanovska, Senior Advisor Elisaveta Jovanovik Suzana Petrushevska	bratka_dejanoska@moi.gov.mk nevenka_siskovska-nikolovska@moi.gov.mk vesna_lukanovska@moi.gov.mk elisaveta_jovanovik@moi.gov.mk suzana_petrushevska@moi.gov.mk	070/245229 071/297016 071/237686 070/777897 071/700709
7	MoI/BPS/CPS/DSOCSFC/UTHBMS	Ljupco Markudov, Head of UTHBSM Blagica Petkovska, Chief Inspector/ UTHBSM	ljupco_markudov@moi.gov.mk blagica_petkovska@moi.gov.mk	070/383896 070/323259
8	MLSP/Unit for Asylum, Migration and Humanitarian Assistance	Dejan Ivkovski, Head of the UAMHA	divkovski@mtsp.gov.mk	075/358172
9	MLSP-Reception Centre for Asylum Seekers/Vizbegovo	Zoran Apostolovski, Head of the Professional Work Service	apostolovskizoran@yahoo.com	070/700838
10	PIIMSWC Skopje	Natasa Stanoevik, Social Worker Kristina Kolevska, lawyer Marta Nikolovska, psychologist Darko Andonovski, lawyer	natasastanojevic1971@yahoo.com k_kolevska@yahoo.com marta.m.nikolovska@gmail.com	076/486074 070/210957 076/433-643 071/645-922
11	MLSP/NRM	Svetlana Cvetkovska	scvetkovska@mtsp.gov.mk	076/456-795
12	Red Cross of the City of Skopje	Ema Tomljenovic	skopje.centerck@redcross.org.mk	070/441009
13	Crisis Management Centre of	Dushko Petrovski,	dusko.petrovski@cuk.gov.mk	070/410750

	the Republic of Macedonia	Head of Sector for Operations and Coordination	situacionen.centar@cuk.gov.mk	070/390698
14	Office of the Ombudsman of the Republic of Macedonia	Snezana Teodosievska, Martin Duvnjak	stjordanoska@ombudsman.mk macduvnjak@gmail.com	075/262-177 071/489-828

ANNEX 14: PLAN OF MEASURES AND ACTIVITIES FOR THE IMPLEMENTATION OF THE DECISION FOR REPATRIATION OF VCFNs:

Type of measure	Activity	Institution to undertake activities	Time Frame
Security assessment of risks to the life and safety of VCFNs in the country of return, and risks of discrimination against VCFNs in the country of return	1. Analysis of the situation in the country of origin, or in a third country to which VCFNs are returning, 2. Informing VCFNs about the situation in the country/third country of return	MoI IOM (only in cases of voluntary return)	1. Before a Decision for repatriation, 2. Before departure
Health status assessment, prognosis, medical aids	1. Medical check-ups 2. Neuropsychiatric assessment/prognosis for persons with mental disabilities 3. Gynaecological check-ups for pregnant women 4. Provision of medical aids (catheters, medicines, for chronic diseases, disability aids)	MoH MoH MoH MoH	 - Following a Decision for repatriation - Until the departure
Need to accompany VCFNs	1. Determining VCFNs who need to be accompanied, in light of the type and degree of disability and risk.	MoH	 - Following a Decision for repatriation - Until the departure
Choosing the transportation, travel route,	1. The best means of transport is to be selected on the basis of the assessment of the VCFN's vulnerability and of the type and degree of any disability. 2. The security assessment will determine the travel route.	MoH, MoI, IOM (only in cases of voluntary return) MoI	 -Following a Decision for repatriation - Until the departure
Ensuring required funds for personal needs during transportation	1. In light of the chosen travel route, the means of transportation, and the duration of travel, an	MLSP/SWC/IMSWC IOM (only in cases of voluntary return)	Following a Decision for repatriation

	assessment is made and necessary funds are provided for the journey.		- Until the departure
Provision of travel documents for persons who do not possess personal identification and travel documents	1. travel documents are issued depending on the status that VCFNs have been granted in the Republic of Macedonia and considering the legal grounds (LF, LATP). As a measure of last resort, possibilities offered by the RCRM are to be used.	MOI/CSD/AS, MoI/RC for BA-North/SCBCMFNR	Following a Decision for repatriation - Until the departure

ANNEX 15: LIST OF SIGN LANGUAGE INTERPRETERS

NATIONAL ASSOCIATION OF THE DEAF AND OF PERSONS WITH HEARING IMPAIRMENTS

LIST OF SIGN LANGUAGE INTERPRETERS IN THE REPUBLIC OF MACEDONIA

Ordinal No.	Serial No. of the Certificate				Name and Surname	City
1	S	1	001	09	Violeta Apostolovska	Skopje
2	S	1	002	09	Marija Basheska-Stojanovska	Skopje
3	S	1	003	09	Viktorija Volak	Skopje
4	S	1	004	09	Sonja Kimova	Skopje
5	S	1	005	09	Spiro Ristovski	Skopje
6	S	1	006	09	Olga Ristovska	Skopje
7	S	1	007	09	Dragica Malincheska	Skopje
8	S	1	008	09	Katerina Bozinovska	Skopje
9	S	1	009	09	Katerina Stevanovska	Prilep
10	S	1	010	09	Liza Stojanovska	Bitola
11	S	1	011	09	Ana Zlateska	Bitola
12	S	1	012	09	Anka Gogieska	Skopje

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