



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

**Recommendation CP(2018)8
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by “the former Yugoslav Republic of Macedonia”**

*adopted at the 22nd meeting of the Committee of the Parties
on 9 February 2018*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as “the Convention”), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by “the former Yugoslav Republic of Macedonia” on 27 May 2009;

Recalling Committee of the Parties’ Recommendation CP(2014)13 of 7 July 2014 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by “the former Yugoslav Republic of Macedonia” and the report of the national authorities on measures taken to comply with this recommendation, submitted on 8 July 2016;

Having examined the second report concerning the implementation of the Convention by “the former Yugoslav Republic of Macedonia” adopted by GRETA at its 30th meeting (20-24 November 2017), as well as the comments of the Government of “the former Yugoslav Republic of Macedonia” received on 31 January 2018;

1. Welcomes the progress made since the first round of evaluation in the following areas:
 - the further development of the legal and institutional framework for combating trafficking in human beings, including the enlargement of the composition of the National Commission for Combating Trafficking in Human Beings by adding representatives of the Employment Agency and the State Labour Inspectorate;
 - the increase in the number of local commissions for combating human trafficking;
 - the steps taken to provide training on human trafficking to relevant professionals and to expand the categories of staff targeted, in co-operation with NGOs and international organisations;

- the research carried out on different aspects of human trafficking, including on the application of the non-punishment provision, on child trafficking and on the setting up of a State compensation scheme;
- the efforts made to prevent human trafficking, including through awareness-raising activities and measures to address the particular vulnerability of children in street situations;
- the development of indicators for the identification of victims of trafficking in mixed migration flows and Standard Operating Procedures for dealing with unaccompanied and separated children, and the training provided to relevant professionals to promote the identification of possible victims of trafficking among asylum seekers;
- the efforts in the area of international legal co-operation in combating trafficking in human beings, including the conclusion of a co-operation agreement with Eurojust.

2. Recommends that the authorities of "the former Yugoslav Republic of Macedonia" take measures to address the following issues for immediate action identified in GRETA's report:

- ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:
 - promoting a multi-agency involvement in victim identification by formalising the role and input of specialised NGOs;
 - providing necessary human and financial resources to enable law enforcement officials, social workers, NGOs and other relevant actors to adopt a more proactive approach and increase their outreach work to identify victims of human trafficking;
 - increasing efforts to proactively identify victims of trafficking for the purpose of labour exploitation by reinforcing the role and training of labour inspectors, and providing the Labour Inspectorate with the tools and resources required to effectively prevent and combat trafficking in human beings;
 - paying increased attention to detecting potential victims of trafficking among migrants and asylum seekers and securing access to interpretation to facilitate the process;
- take steps to improve the assistance for victims of trafficking, and in particular to:
 - ensure that there are adequate financial and human resources for the assistance of presumed and formally identified victims of trafficking, including by specialised NGOs mandated to provide assistance;
 - provide adequate assistance measures, including accommodation, to presumed and formally identified male victims of trafficking;
 - strengthen support for the reintegration of victims of trafficking into society, by offering vocational training, assistance to find jobs and providing adequate resources to services assisting victims in their integration;
 - ensure that presumed foreign victims of trafficking are moved to the State shelter for victims of trafficking as soon as there are reasonable grounds to believe that they are victims of trafficking;
- take further steps to improve the identification of, and assistance to, child victims of trafficking, and in particular to:
 - ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of trafficking, by paying particular attention to children in street situations, Roma children and unaccompanied children;

- provide further training to stakeholders (police officers, social workers, health-care and education professionals) as well as guidance for the identification of child victims of trafficking;
- provide support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training;
- in line with the best interests of the child and the Council of Europe's Action Plan on protecting refugee and migrant children (2017-2019), seek alternatives to the detention of unaccompanied children;
- ensure long-term monitoring of the reintegration of child victims of trafficking;
- ensure that proper risk assessment is conducted before returning children to their parents, taking into account the best interests of the child;
- review the legislation in order to ensure that the recovery and reflection period provided for in Article 13 of the Convention is specifically defined in law, and that all possible victims of trafficking are offered a recovery and reflection period as well as all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period;
- take steps to facilitate and guarantee effective access to compensation to victims of trafficking, and in particular to:
 - ensure that all victims of human trafficking are systematically informed of their right to compensation and the procedure to be followed;
 - enable victims of trafficking to exercise their right to compensation by guaranteeing them effective access to legal aid, if necessary by reviewing the procedure for granting legal aid, and by building the capacity of legal practitioners to support victims to claim compensation;
 - set up a State compensation scheme accessible to victims of trafficking, regardless of their nationality and immigration status;
 - include victim compensation in training programmes for law enforcement officials, prosecutors, judges and lawyers;
- take additional measures to ensure compliance with the principle of non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, as contained in Article 26 of the Convention. Such measures should include the adoption of a specific legal provision and/or the development of guidance for police officers and prosecutors on the scope of the non-punishment provision, including with regard to administrative/civil law sanctions;
- take further measures to ensure that human trafficking cases are investigated proactively, prosecuted successfully and lead to effective, proportionate and dissuasive sanctions, in particular by:
 - identifying gaps in the investigation and prosecution of human trafficking cases;
 - securing adequate funding and sufficient staff for the investigative work of the police;
 - sensitising investigators, prosecutors and judges to the rights of victims of trafficking and developing further their specialisation in dealing with human trafficking cases and apply the provisions criminalising trafficking in human beings.

3. Requests the Government of "the former Yugoslav Republic of Macedonia" to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 9 February 2019.

4. Recommends that the Government of "the former Yugoslav Republic of Macedonia" take measures to implement the further conclusions of GRETA's second evaluation report.
5. Invites the Government of "the former Yugoslav Republic of Macedonia" to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.