



CP(2019)10

**Report submitted by the authorities of North Macedonia
on measures taken to comply with
Committee of the Parties Recommendation
CP(2018)8 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Second evaluation round

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Dear Sir/Madam,

We would like to express our gratitude to you and the GRETA's team for perceiving and giving positive comments on the progress that the Republic of North Macedonia has recently made. We are aware that the efforts in this field should not remain at this level, and for that reason, we have implemented a series of activities that are of great importance to us and which in turn give positive results in the fight against trafficking in human beings. We have put trafficking in human beings one of the top priorities of the state that will contribute to the preservation of human dignity.

For this purpose, in the text below, in accordance with your recommendations, we give insight of the measures undertaken in 2018 and early 2019. They come as a result of continuous cooperation between state institutions, non-governmental sector and international organizations.

In the following period, several major and key activities are set in front of us, which will additionally contribute to strengthening the capacities for combating human trafficking, both at national and local level.

2. Recommends that the authorities of "Republic of North 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;

In order to strengthen the cooperation and **in order to identify the vulnerable categories of persons, including victims of trafficking**, in January 2018 a **Memorandum of Understanding** between the Ministry of Interior and the Ministry of Labor and Social Policy was concluded. **The Memorandum provides for the legal basis for the establishment of Mobile Teams for the identification of vulnerable categories of persons, including victims of trafficking in human beings.** Mobile teams are established in five cities throughout the country: Skopje, Kumanovo, Tetovo, Bitola and Gevgelija. They are **comprised of social worker, police officer and representative from the civil sector.** This multi-sectorial approach contributes to strengthening mutual coordination, expanding the network of social workers in order to proactively identify victims of trafficking through the active participation of representatives of civil society associations with experience in working with vulnerable categories, including victims of human trafficking.

Mobile teams are responsible for: identifying vulnerable categories, including victims of trafficking, initial referral and identification, early risk assessment, identification of the alleged victim as a victim of trafficking, providing information on the possibility of inclusion in the program for help and support.

In addition to the establishment of the Mobile Teams, a **National Unit for the Suppression of Smuggling of Migrants and Human Trafficking** has been established, as well. Representative from the National Unit participates in the work of the Mobile Teams, thus ensuring coordination and cooperation between these two structures.

- **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;**

Acting upon GRETA's recommendations for strengthening capacities of labor inspectors for identification of victims of trafficking for the purposes of labor exploitation, during the years 2017 and 2018, a number of activities were realized. In cooperation with the Office of the Council of Europe in Skopje, the project "**Horizontal Program for the Western Balkans and Turkey**" and the Action Plan for the implementation of the activities have been implemented since mid-2016, and a number of multidisciplinary trainings and workshops were organized.

The workshops covered **nearly 90% of labor inspectors from the country who have built capacity for detection and preliminary identification of victims of trafficking, as well as assistance to victims and their referrals.** At the same time, revised **pocket manuals** for labor inspectors were prepared. The manuals provide guidelines for easier recognition of trafficking for the purpose of labor exploitation. Within the project, in addition to the pocket manuals in March 2018, **primary training for labor inspectors** was held on how to deal with identifying victims of trafficking for the purpose of labor exploitation, as well as training for additional 20 trainers (train the trainers).

- **paying increased attention to detecting potential victims of trafficking among migrants and asylum seekers and securing access to interpretation to facilitate the process;**

One of the main tasks of the Mobile Teams is identifying vulnerable categories of persons. Given that potential victims of migrants and asylum seekers fall into the vulnerable group category, mobile teams help identifying potential victims of trafficking by identifying their identity, early risk assessment, identifying potential victim as a victim of trafficking in people, as well as providing information on the possibility of support programs.

In the period March-December 2018, the mobile teams initially contacted, informed and assisted 390 people (362 citizens of the Republic of North Macedonia and 28 foreign nationals), 100 citizens of the Republic of North Macedonia, 4 foreign nationals (65 are female and 39 male, of the total 79 are children and 25 adults) and 277 vulnerable categories of persons out of which 169 men (43%) and 221 women (57%).

In order to inform the vulnerable categories of people in the field, about the role and work of the mobile teams, an information flyer was developed and distributed in 6 languages (Macedonian, Albanian, Roma, English, Farsi and Arabic).

- **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 provided assistance;**

The work of the mobile teams and the support of the victims of trafficking in human beings and the potential victims of human trafficking has been further strengthened by the establishment of the **Fund for direct assistance** through which in the period March-December 2018, 40 people were supported, of which 9 identified victims of trafficking and 31 potential victims of trafficking.

Also, for the purpose of providing access of the Mobile Teams to all vulnerable categories in the field, in the target municipalities and the surrounding areas,, 5 vehicles were donated by the IOM (3 to the MLSP and 2 to the Ministry of Interior) within the framework of the EU project.

In the period March-December 2018, the mobile teams initially contacted, informed and assisted 390 people¹.

- **provide adequate assistance measures, including accommodation, to presumed and formally identified male victims of trafficking;**

The capacities of the Republic of North Macedonia for providing adequate assistance to victims of trafficking in human beings have not yet been adjusted for identified male victims of trafficking in human beings.

- **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;**

In addition to the existing Reintegration and Re-socialization Programs being currently implemented in accordance with the individual needs of the victims, in this period within the **IOM Project "Strengthening national capacities in the field of asylum, migration and trafficking in human beings"**, financed by the European Union , a Fund for direct assistance has been established that provides for psychological and medical assistance, provision of food and other assistance to victims, as well as access to resocialization and reintegration.

This Fund is used by the Mobile teams for identification, protection and reintegration of victims of trafficking for potentials and victims of trafficking. In the next period, efforts will be made to provide for the sustainability of the functioning of the Mobile teams and this good practice of having the means for victim's reintegration support.

- **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;**

Pursuant to the Law on Foreigners, Article 121, a foreigner for whom there are grounds of suspicion that s/he is a victim of a criminal act "Trafficking in human beings" determined by the Criminal Code is given a recovery and reflection a period for up to two months, for the purpose of providing protection and assistance in recovering and avoiding the influence of the perpetrators of the criminal offense "Trafficking in Human Beings".

The foreigner during the recovery and reflection period shall be placed in a separate room in the Reception Center for Foreigners of the Ministry of Interior, and upon the approval of a temporary residence, in accordance with this Law, the victim is accommodated at the **Center for Victims of Trafficking in Persons at the Ministry of Labor and Social Policy**. The Ministry of Interior approves the temporary residence permit as soon as possible, and not longer than 5 days.

¹ Of whom 9 victims of trafficking and 104 potential VOT

- 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;**

See the answer referring to the competencies of the Mobile Teams, since they are also responsible for this category of persons. In addition, see the answer to the question of promoting multi-agency involvement in identifying victims by formalizing their role and the input of specialized NGOs.

- **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;**

Trainings of the key actors of the identification process (police officers, social workers, education staff, etc.) are conducted continuously. For this purpose, only part of the trainings that were realized in 2018 and 2019 will be mentioned:

Trainings in 2018

Aiming at strengthening the capacities and establish mechanisms for identification and protection of vulnerable groups, combating trafficking in human beings and illegal migration, during the year 2018, the **Ministry of Labor and Social Policy implemented:**

-Two training courses for 54 students at the Institute for Social Work and Social Policy with the aim of building cadres that will be part of the system that will deal with the phenomenon of human trafficking in the future, thus prepare the to be ready and to work in practice.

-2 two-day advanced training for 60 social workers on the topic "Trafficking in human beings - direct work with trafficking victims, conducting interviews, procedures and procedures for providing services to victims of trafficking." The trainings are conducted by international experts from Serbia.

During 2018 and 2019, the members of the Mobile Teams and the National Unit attended a number of joint trainings in order to coordinate actions and activities aimed at protecting the victims' rights;

Training for police officers is continuously conducted in order to better identify victims of trafficking.

Trainings in 2019

In the period from 25-26 February 2019, **specialized training for working with children victims of trafficking in human beings with a focus on interview and treatment of traumas**, intended for psychologists and social workers including staff working in the small group homes, will be carried out.

In addition to the trainings, the Office of the Council of Europe, at the request of the Ministry of Labor and Social Policy, has developed **Indicators for Identifying Children / Students Potential Victims of Trafficking for Labor Exploitation for Educational Personnel**. The aim is to raise awareness among teachers, professional services and other relevant educational staff and school staff (psychological-pedagogical service) about the phenomenon of trafficking in children in schools, with a special focus on trafficking for labor exploitation of children.

The OSCE Mission also helped in the development of **educational materials - Manual and Practicum for Protecting Students of Trafficking in persons (in Macedonian and**

Albanian language), which are intended for use in the educational system. The material was originally developed by UNITAS Foundation Serbia and it is fully adapted to our applicable legislation, procedures and institutional framework, approved by the Development Bureau / Ministry for Education and Science.

- **provide support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training;**

All services are according to the individual needs of victims of trafficking including children. In the Center for Trafficking Victims and Victims of Sexual Violence with the support of IOM, 2 persons, psychologist and social worker are engaged in providing assistance and support to victims of trafficking in human beings.

- **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;**

In accordance with the Standard Operating Procedures for the Treatment of Unaccompanied Children, these children are assigned a guardian and they are placed in the Safe House.

- **ensure long-term monitoring of the reintegration of child victims of trafficking;**

The monitoring of the reintegration process is in line with the program for up to six months, but if it is necessary, they are followed by an expert team from the Center for Social Work.

- **ensure that proper risk assessment is conducted before returning children to their parents, taking into account the best interests of the child;**

The risk assessment is an integral part of the SOP and it is implemented in mutual cooperation and in coordination with the competent state institutions or other countries. In December 2018 with the support of the IOM, a revision of the Standard Operating Procedures for dealing with victims of trafficking was finalized. When applying the SOP for the treatment of child victims, it is envisaged to implement and provide minimum standards and principles in accordance with the Guidelines for the Protection of the Rights of Child Victims of THB in the Republic of North Macedonia:

- Respecting rights of the child;
- The best interest of the child;
- Right to non-discrimination;
- The right to information;
- Right to confidentiality;
- Right to protection;
- Right to the opinion of the child;
- Non-refoulement principle;
- Appropriate and safe accommodation;
- Education and health care.

- **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;**

Article 13 of the Convention on Action against Trafficking in Human Beings is implemented in the **Law on Foreigners**, which explicitly stipulates that a foreigner for whom there are grounds for suspicion that s/he is a victim of a criminal act "Trafficking in Human Beings" established by the Criminal Code is allowed a **period of recovery and reflection for a period of up to two months** for the purpose of providing protection and assistance in the recovery and avoiding the influence of the perpetrators of the criminal offense - Trafficking in Human Beings.

A significant difference introduced with the new Law on Foreigners is that during the period of recovery and reflection, victims of trafficking in human beings have the right to adequate and safe accommodation, medical and psycho-social assistance, material assistance, translation and interpretation, as well as legal assistance during the criminal or other proceedings in which victims of trafficking exercises their rights determined by law.

- **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;**

In order to take steps to secure and guarantee effective access to a compensation fund for victims of trafficking in human beings, several analyzes and surveys have been made in the past period and draft Law was prepared regarding the type of fund that would be most appropriate to establish - a special fund for victims of trafficking in human beings or a compensation fund for victims of crime.

Within the framework of the **project "Horizontal Facility for Western Balkans and Turkey"** and the cooperation of the Ministry of Justice and Council of Europe, in November 2017, the **International Seminar on Good Practices for the Establishment of a State Compensatory Scheme accessible to victims on trafficking in human beings** was held. The seminar gave a good opportunity to recognize the country's priorities and needs in order to establish an efficient state scheme for compensation of material and non-material damage sustained by victims of trafficking in human beings. In the context of the National Strategy for Combating Trafficking in Human Beings and Illegal Migration 2017 - 2018, the main goal of the seminar was to identify the key issues and success factors which are necessary in establishing a state compensation mechanism.

On the initiative of the National Commission for Combating Trafficking in Human Beings and Illegal Migration on June 8, 2018 in Skopje a **Workshop was held to exchange experiences for**

exercising the right to compensation of victims of trafficking in human beings. The workshop was attended by representatives of the National Commission and the Secretariat, as well as members of the Working Group responsible for amending the Criminal Code of the Republic of North Macedonia and a delegation from Kosovo that worked on drafting the Kosovo model for regulating this issue. During the workshop a discussion was developed about defining the Macedonian model with which this vulnerable category of people would receive appropriate treatment.

- **include victim compensation in training programmes for law enforcement officials, prosecutors, judges and lawyers;**

The Academy for Judges and Public Prosecutors "Pavel Shatev" in the past period conducted one **counselling on the topic: Trafficking in human beings / latest forms / labour exploitation.** The consultation was intended for judges from criminal departments and public prosecutors from all appellate areas, as well as representatives from the Ministry of Internal Affairs. A total of 15 participants participated, including seven judges, five public prosecutors, two court associates and one public prosecutor's assistant.

- 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;

In order to comply with Article 26 of the Convention, on **31 December 2018 the Criminal Code was amended in order to incorporate the principle of non-punishment of victims of trafficking in human beings.** Therefore, Article 418 of the Criminal Code explicitly states that the victim of trafficking in human beings who was forced to commit a criminal or other offense during the time of victimization, which is directly related to her position of victim, will not be punished. The same provision is foreseen for a child victim of trafficking.

What follows is the elaboration of Instructions on the application of the principle for judges and public prosecutors and additional training.

- 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;**

In order to overcome the shortcomings in investigating and prosecuting trafficking offenses in March 2018, the National Unit for the Suppression of Smuggling of Migrants and Human Trafficking was established. The National Unit is formed to act in the direction of improving and strengthening national capacities to combat trafficking in human beings and smuggling of migrants. **The goal of the National Unit** is to find new modes to improve the effectiveness of national authorities in combating trafficking in human beings, through a multidisciplinary approach.

The National Unit is headed by a Public Prosecutor from the Basic public prosecutor's office for prosecuting organized crime and corruption, and about 50 representatives from the Ministry of Internal Affairs. It is a fact that the National Unit is managed by a Public Prosecutor, who is competent to conduct the investigation of the criminal act trafficking and further prosecution of the

perpetrators. Such co-ordination between the prosecution and the police has proved successful in terms of an increased number of identified victims of trafficking (9 in 2018 and 1 in 2019).

In addition, in 2018, the National Unit for Suppression of Smuggling of Migrants and Human Trafficking (National Unit) filed 6 criminal charges for committing a criminal act "Trafficking in children" article 418-d of the Criminal Code, against 17 persons. Acting upon the filed criminal charges, the Prosecution established 4 cases. After the indictment for 4 persons (2 women and 2 men), first-instance convictions were passed (13 and 12 years in prison), and the main hearing is ongoing for 2 persons.

- **securing adequate funding and sufficient staff for the investigative work of the police;**

The National Unit is financed from the budget of the Public Prosecutor's Office and the budget of the Ministry of Interior, as well as from the funds and donations of international organizations. The working premises of the National Unit were provided by the Ministry of the Interior.

With the support of the project "Strengthening national capacities in the field of asylum, migration and human trafficking" of IOM and financed by the European Union, the National Unit received 2 vehicles.

During 2018, **the OSCE Mission has technically and institutionally supported the Ministry of Interior in the fight against trafficking in human beings and illegal migration, and in particular the Task Force.** In this direction, **desktop computers** were donated for the needs of all the inspectors of the central office of the National Unit, as well as in the detached offices in the Sectors for Internal Affairs (SIA) in the country. It was also agreed to provide office equipment for the smooth functioning of the detached office in SIA Tetovo.

- **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.**

The Office of the Council of Europe in Skopje, through the project "The Horizontal Program for the Western Balkans and Turkey", has provided training for the institutions working in this field. Namely, in February 2018, training was organized for the NGO sector and lawyers in providing legal assistance for compensation of victims of trafficking in human beings.

In December 2018, there was also **training for compensation for damage**, but in the direction of conducting financial investigations and finding ways to use the seized property in order to compensate victims. This training was followed by 45 participants including judges and public prosecutors.

In March 2019, it is envisaged to **hold training solely for judges and public prosecutors** in order to find ways for better cooperation between these institutions, problems in court proceedings when it comes to trafficking in human beings.