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GRETA(2017)6

**Reply from “the former Yugoslav Republic of Macedonia”
to the Questionnaire for the evaluation of the implementation of
the Council of Europe Convention on Action against Trafficking in
Human Beings by the Parties**

**Second evaluation round
(Reply submitted on 8 November 2016)**

Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

A. FOLLOW-UP QUESTIONS

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

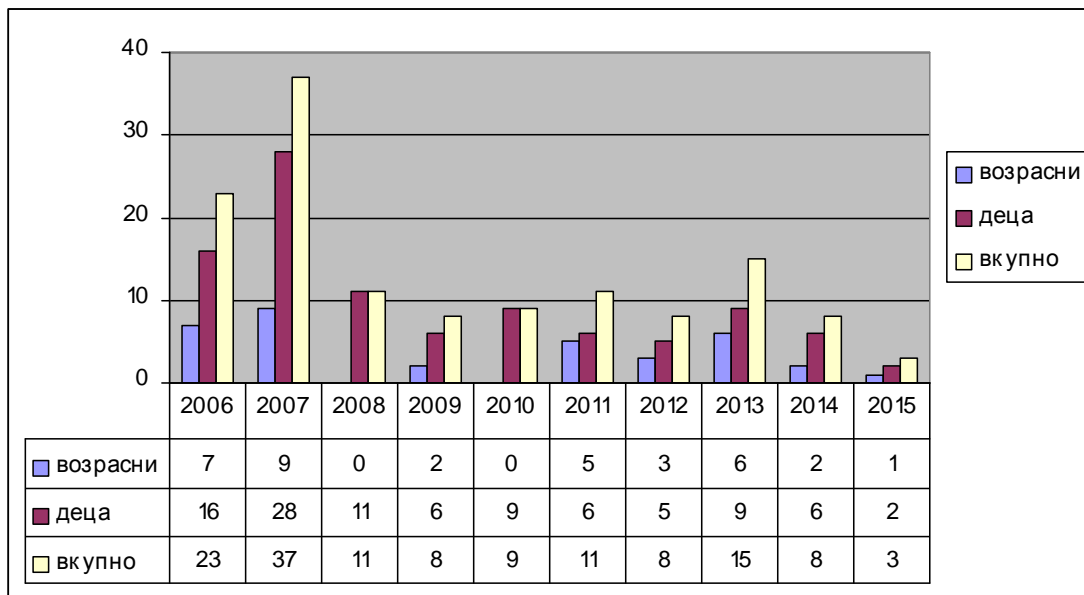
- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);

-Within the last 2 years, the analysis of the situation and the trends indicated an increased migration, which includes features of mixed migration flows of both migrants and refugees, among whom many belong to the vulnerable categories of people, such as unaccompanied children, potential victims of THB and victims of THB, single parents with children, elderly and disabled persons. In such context, a significant rise in the number of illegal migrants has been detected and this tendency is expected to continue during the next several years. Most often, this number includes migrants transiting through the Republic of Macedonia, using the so called "Western Balkan Route", through which, only in the past couple of years, over one million migrants have passed, together with a huge number of illegal migrants.

Nationals from Syria, Afghanistan, Pakistan, Middle and Far East, and African countries have been detected, as these are countries of origin of many illegal migrants. Most often, the illegal migrants enter Macedonia from its Southern border with Greece, and exit from its Northern border, with Serbia. They use the illegal passages near the municipalities of Kumanovo and Lipkovo. Also, there is a passage leading towards Kosovo, used as an alternative to the existing corridor towards Serbia. The transit through the Republic of Macedonia is performed by criminal groups in an organised manner. Vehicles (buses and trains) are most often used for the transport. There is a significant number of unaccompanied foreign children.

Tackling THB is still a challenge for the country. The Republic of Macedonia is a country of origin, transit and destination of THB. In this context, we can note that there is an existing **internal THB**. In terms of the type of exploitation, both labour and sexual exploitation, and exploitation for the purposes of forced marriage have been detected. In terms of identified victims, it can be stated that they are of vulnerable categories, and they have been forced to exploitation due to various social, political, and economic factors, such as: poverty, gender discrimination, domestic violence and other personal characteristics of the victim, such as age, health conditions, special needs, and so on.

During the period between 2013 and 2015, **27 Victims of THB were identified**, 18 of whom were children and 9 were persons of age. 19 people are found to be Macedonian nationals, and 8 - foreign nationals. 27 persons were identified as victims of THB, and they were targeted for various types of exploitation, such as: labour – 3 persons, sexual – 9 persons, labour and sexual – 9 persons and forced marriage – 6 persons. Most of them were women. Consequently, 244 cases of THB and illegal migration have been documented. In the period 2013 – 2015 charges for THB and illegal migration were filed against 338 persons, 186 judgements have been reached for 186 persons, 11 of whom were sentenced to probation, and 175 were given an effective prison sentence.



Annex 1: A display of identified Victims of THB (2006-2015)

Among potential Victims of THB, in 2015 two minors/migrant children from Syria (unaccompanied minors) were identified/detected among illegal migrants, transiting through the territory of the Republic of Macedonia.

In 2016, 35 (17 adults and 18 children) identified potential Victims of THB have been detected amongst the migrants. During the same period a total number of 3 sexually exploited victims of THB have been identified. There were 2 criminal charges submitted, one for “Child Trafficking” (Article 418-d from the CC) and a criminal charge for “Trafficking in human beings” (Article 418-a of the CC).

- any changes in your country’s laws and regulations relevant to action against THB;

A Subgroup for Combating Child Trafficking has submitted an Initiative to the National Commission for Combatting Trafficking in Human Beings and Illegal Migration to align Articles 418-a and 418-d from the Criminal Code in terms of including forced begging or exploitation for the purposes of a legally prohibited activity as a form of Child Trafficking. The National Commission for Combatting Trafficking in Human Beings and Illegal Migration has assessed the Initiative as justified and the Commission forwarded the Initiative to the Ministry of Justice, after which it was adopted together with the **Law Amending Criminal Code, which entered into force in December 2015**.¹ The legal Amendment resulted from the addition included in Article 418-d of the Criminal Code² in terms of determining a prison sentence of at least 8 years for whosoever will mislead a child to begging or exploitation for the purposes of a legally prohibited activity. The same Article stipulates a prison sentence of at least 10 years for whosoever will commit the act against a child under the age of 14. Also, Article 418-d has been supplemented by paragraph 4, which made the sentencing policy stricter and which stipulates a prison sentence of at least 12 years for whosoever receives sexual services from a child under the age of 14.

Simultaneously, with the abovementioned Law Amending and Supplementing the Criminal Code, Article 191-a “Child Prostitution” has been removed, because it was established that it is contrary to the principles of non-discrimination and a child’s best interest.

[See Annex 2](#)

¹ Official Gazette of the Republic of Macedonia No.226/2015

² Official Gazette of the Republic of Macedonia No.226/15

Criminal Code of the Republic of Macedonia

Article 418-d

(1) Whosoever induces a child to sexual activities or enables sexual activities with a child or persuades, transports, transfers, buys, sells or offers for sale, obtains, supplies, harbours or accepts a child for the purpose of exploiting him in sexual activities for money or other forms of compensation or other forms of sexual exploitation, pornography, forced work or servicing, begging or exploitation for an activity prohibited by law, slavery, forced marriages, forced fertilization, illegal adoption, or forces consent as a mediator for child adoption, illegally transplants human organs, shall be sentenced to imprisonment of at least eight years.

(2) Whosoever commits the crime of paragraph 1 by use of force, serious threat, delusion or other form of forcing, kidnapping, defraud, abuse of the position or pregnancy, powerlessness or physical or mental disability of another, or by giving and receiving money of other benefit for the purpose of obtaining consent of a person controlling another person, or the act is committed over a child younger than 14 years shall be sentenced to imprisonment of minimum ten years.

(3) Whosoever uses or enables another to use sexual services or other type of exploitation of a child knowing, or being obliged to know that he is a victim of human trafficking, shall be sentenced to minimum imprisonment of eight years.

(4) The user of sexual services given by a child younger than 14 years shall be sentenced to imprisonment of at least 12 years.

(5) Whosoever seizes or destroys an ID, passport or another's personal identification document, for the purpose of committing the crime referred to in paragraphs 1 and 2, shall be sentenced to imprisonment of minimum four years.

(6) If the crime referred to in paragraphs (1), (2), (3) and (4) of this Article is committed by an official person while performing his service, he shall be sentenced to at least ten years of imprisonment.

(7) The consent of the child for the actions anticipated in paragraph 1 is not significant to the existence of the crime of paragraph 1.

(8) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(9) The immovables, objects and means of transport used for the commission of the crime, shall be seized.

With regard to the migrant and refugee flows, achieving their culmination in 2015, and with regard to the risks of a possible increase in THB as a result of the vulnerability of the migrants transiting through the Republic of Macedonia, the Government of the Republic of Macedonia has adopted several key documents, including:

- **Standard Operative Procedures (SOPs) for the Treatment of Unaccompanied Foreign Children³** which regulate the set of processes, procedures and manners of treatment of identified unaccompanied foreign children practiced by competent institutions, while using a comprehensive approach based on the principle of respecting human rights and aimed at acting in the best interest of an unaccompanied foreign child.
- **Standard Operative Procedures (SOPs) for the Treatment of Vulnerable Categories of Foreign Persons⁴** which promote a gender sensitive approach oriented towards the vulnerability of the persons and provide a procedure, the aim of which is to promote basic human rights of vulnerable categories of foreign persons. In addition, the SOPs provide a minimum standard procedures and processes for the assistance and protection of the abovementioned VCFP in regard to their identification and protection, including provision of services for assistance and protection, referral, return and reintegration.

The National Commission for Combating Trafficking in Human Beings and Illegal Migration in cooperation with experts from the IOM has prepared **Indicators for the Identification of Victims of THB in cases of Mixed Migration Flows**. This document serves to provide a preliminary identification

³ Adopted by the Government of the Republic of Macedonia at its 121st Session held on November, 21st, 2015.

⁴ Adopted by the Government of the Republic of Macedonia at its 43rd Session held on July 19th, 2016.

and it is an assistive tool for responsible persons coming in close contact with alleged victims of THB in order to undertake measures for their further formal identification.

- **an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).**

The National Commission for Combating Trafficking in Human Beings and Illegal Migration is a specialised body of the Government of the Republic of Macedonia, formed for the first time in 2001⁵. The Commission has been entrusted with monitoring and analysing the state of affairs in regard to trafficking in human beings and illegal migration; coordinating the activities of competent institutions in and outside the system of the Government; and establishing and maintaining cooperation with relevant international organisations and civil associations. The structure of the Commission is continuously being enlarged by including new members, delegated by institutions of general jurisdiction in this area, such as: the Ministry of Interior, Ministry of Foreign Affairs, Ministry of Labour and Social Policy, Ministry of Justice, Ministry of Education and Science, Ministry of Health, State Labour Inspectorate, Public Prosecutor's Office for Organised Crime and Corruption, Basic Court – Skopje 1, etc. The current management of the National Commission was elected⁶ on April 5th, 2016, and upon an initiative of the National Commission the structure is currently being enlarged with new members. It must be mentioned that on August 23rd, 2016⁷, the Government of the Republic of Macedonia appointed⁸ a new National Coordinator for Trafficking in Human Beings and Illegal migration. This appointment of a new National Coordinator resulted from the appointment of the previous NC to a new post not directly connected with THB and IM.

The Subgroup for Combating Child Trafficking⁹ continues to function as a working body within the National Commission, and it is headed by a representative from the Ministry of Labour and Social Policy – National Referral Mechanism (MLSP – NRM), and among its members there are representatives from: the MoI – Unit for Combating Trafficking in Human Beings and Migrant Smuggling (UCTHBMS), MoI – Sector for Border Affairs and Migrations (SBAM), US Embassy in Skopje; ICMPD, OSCE, GIZ, UNICEF, IOM, NGO „Open Gate“, NGO „For a Happy Childhood“, NGO „Equal Approach“ as well as a Deputy Ombudsman in the role of external member/observer.

The National Rapporteur for THB has been instituted in the Republic of Macedonia upon a proposal by the National Commission, and appointed by the Government of the Republic of Macedonia. The Government of the Republic of Macedonia, on April 5th, 2016 appointed a National Rapporteur for THB and IM, because the previously appointed National Rapporteur has been employed by another institution and his/her current role does not correspond to the supposed role of the National Rapporteur.

In realising the need for improving the coordination and local government activities for identifying victims of THB along the “Western-Balkan Route“, migrants use, the National Commission for Combating THB and Illegal Migration, in 2016, initiated the forming of **Local Commissions for Combating Trafficking in Human Beings and Illegal Migration**¹⁰ in 3 towns, including Gevgelija, as the first town along the migration route, Prilep and Veles. The procedure for formalising the local commissions has been concluded. Their active enrolment in the work of the National Commission is being planned and it is going to be conducted by sensitizing the local population to the phenomenon and risks resulting from THB; organising campaigns for raising public awareness on THB and other relevant activities.

Currently a **National Strategy for Combating Trafficking in Human Beings and Illegal Migration** is being implemented in the Republic of Macedonia through an **Action Plan (2013-2016)**. The National Action Plan includes 4 areas: supportive framework; prevention; support for and protection of the victims and migrants; and a pre-trial investigation and criminal procedure for trafficking in human beings and migrant smuggling. It contains the set objectives; expected results; priority activities set by the institutions; time frame for realization; the indicators and stipulated fiscal implications are stated as well. The leading principles of the National Strategy and Action Plan are: the Government to take

⁵ Decision on forming a National Commission for Combating Trafficking in human Beings and Illegal Migration (Official Gazette of the Republic of Macedonia, No.18/2001)

⁶ Resolution No.42-860/1

⁷ Official Gazette of the Republic of Macedonia No. 163/2016

⁸ Resolution No. 42-6668/1

⁹ Formed in 2003

¹⁰ Not including the existing Local Commissions formed in Bitola and Shtip

responsibility for the Strategy; the civil sector to take part; to treat the victims in line with their human rights; to provide interdisciplinary coordination and sustainability.

The National Commission monitors the implementation of the National Strategy and AP for Combating THB and IM.

Annex 3: National Strategy for Combating THB and IM in the Republic of Macedonia including an AP (2013-2016)

The text of the new National Strategy for Combating Trafficking in Human Beings and Illegal Migration in the Republic of Macedonia for the period 2017-2020 together with an Action Plan has been drafted.

B. Cross-cutting questions

Gender equality (Articles 1.1.b, 5.3 and 17)

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

During the past 12 years, since **the National Referral Mechanism for Victims of Trafficking in Human Beings (NRM)** has been established within the Ministry of Labour and Social Policy, the team of experts responsible for this area, from the Equal Opportunities Sector, always dedicates a session to the gender dimension of THB when conducting trainings on *Prevention of and Protection from Trafficking in Human Beings*. All stakeholders (social workers, pedagogues, psychologists, labour inspectors, Police, health workers) included in the suppression of this type of crime, as well as its prevention and protection of the victims of THB, have participated in the trainings.

The abovementioned is also an obligation pursuant to the Law on Equal Opportunities for Women and Men¹¹ in regard to introducing gender equality at all levels and in all policies and activities. In this context, on September 27th and 28th, 2016 in Struga a two-day training organised by the Macedonian Young Lawyers Association and UN Women in the Republic of Macedonia, on *Gender Dimension of Trafficking in Human Beings* and it was targeted at police officers, social workers and Civil associations.

Also, the concept of gender in Trafficking in Human Beings was included in trainings organised by the National Commission and supported by the IOM (October, 17th and 18th, 2016), regarding the application of SOPs for Identification of Unaccompanied Foreign Children and Vulnerable Categories of Persons, as well as General Indicators for Initial Identification of Alleged Victims of THB in the context of Mixed Migration Flows within the Republic of Macedonia.

Non-discrimination (Article 3)

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

The Standard Operative Procedures for the Treatment of Victims of THB, adopted in 2010, are the basic tool the competent authorities use for the treatment of victims of THB, and as one of the core principles and rules they stipulate:

“All subjects, who come in touch with a person for whom it is supposed or established that he/she is a victim of THB, and who are included in the process of establishing SOPs, must treat the person pursuant to the principle of non-discrimination against gender, age, social status, race, religion, political views and so on.”

Experts from state institutions and the civil sector shall act in accordance with the applicable legal regulations in the Republic of Macedonia, as well as the ratified international agreements which are part of the legal system of the Republic of Macedonia. This means that the victims shall be prioritised and their basic human rights shall be respected regardless of their ethnic origin.

Having in mind that the safety and security of the victims is a priority, they have been provided with, i.e. they have their own guardians appointed to them by the Social Affairs Centres, and interpreters, if

¹¹ Official Gazette of the Republic of Macedonia No. 6/2012

necessary. Also, informative leaflets have been prepared and printed out in several languages so that the victims can acquaint themselves with their rights and opportunities.

During the past period, the MLSP has organised numerous basic and specialised trainings for the employees in state and public institutions both at a national and local level, for the social partners and the civil sector on *Detecting Discrimination*, as well as on *Available Non-Discrimination and Protection Mechanisms*.

4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

The SOPs for the Treatment of Vulnerable Categories of Foreigners, the SOPs for Treatment of Unaccompanied Foreign Children, as well as The Indicators for the Identification of Victims of THB in Mixed Migration Flows were adopted in favour of recognition/initial identification of the victims of THB among illegal migrants and satisfying victims' needs. Thus far, the multidisciplinary trainings conducted in regard to these documents, as well as future planned trainings are aimed at the document's successful implementation in practice.

In addition, during the period between May and September 2016, the MLSP in cooperation with the OSCE completed 2 trainings for experts (social workers from SWC from Gevgelija, Kumanovo and Skopje, as well as social workers – volunteers working in the Camps in Gevgelija, Kumanovo – Tabanovce, and from the Reception Centre for Asylum Seekers). Moreover, within the framework of these trainings, supported by the OSCE Mission, representatives from the MLSP-NRM and Social Workers from Skopje, Gevgelija, and Kumanovo have visited the refugees in the abovementioned Reception Centres/Camps and talked to the women – refugees. Furthermore, focused workshops on *Recognising Potential Victims of THB among the refugees* were conducted.

With support from the IOM, Border Police Trainings were conducted and attended by 500 members of the Border Police. (for more details: see the answer to question No.6).

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

Identification of the victims and potential victims of THB, regardless of their gender, is performed in line with the SOPs for Treatment of Victims of THB, adopted by the Government of the Republic of Macedonia in 2010 (a document obliging all institutions).

In order to upgrade the state capacities in regard to coming up with alternative forms of providing protection or resources for sheltering male and female children – victims of THB after their identification, the MLSP has conducted training of 9 trainers from foster families regarding this matter.

Thus far, male victims of THB have not been identified.

Training of relevant professionals (Articles 10 and 29)

6. **Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.**

In order to strengthen the capacities and to enhance the expertise of professionals combating this type of crime on a daily basis, the National Commission for Combating THB and IM (NCCTHBIM) in accordance with the established needs and priorities for training has adopted an **International Training Plan for 2016-2017**. The Plan includes top priority areas which require training of all National stakeholders at a **local, central and regional level**. The planned trainings have been completed in 2016, and will continuously be conducted in 2017. The following topics have been included in the International Training Plan, namely:

- Training on *SOPs for Treatment of Unaccompanied Foreign Children and SOPs for the Treatment of Vulnerable Categories of Foreigners*;
- Training on *Indicators for Identifying Victims of THB in Mixed Migration Flows*;
- Training on *Determining the Difference between Trafficking in Human Beings and Migrant Smuggling and Introduction to the Latest Amendments of the Criminal Code in the area of THB and MS*;
- Training on *Standard Operative Procedures for the Treatment of Victims of THB*;
- Training on *SOPs for Conducting Investigations for Trafficking in Human Beings and Illegal Migration* targeted at police officers at all levels;
- Training on *Raising the Awareness and Ethics in Reporting on Events Connected to Trafficking in Human Beings* targeted at journalists;
- Training of the diplomatic and consular officers, prior to their deployment to the Diplomatic and Consular Offices in the Republic of Macedonia;
- Training of Local Commissions on Combating Trafficking in Human Beings and Illegal Migration.

Future Trainings

According to the abovementioned, the NCCTHBIM in cooperation with the International Organisation for Migration (IOM) in order to strengthen the capacities of the relevant stakeholders for an early identification of alleged and potential victims of THB, on October 17th and 18th, and November 17th and 18th, 2016, has been organising four one-day trainings on „**General Indicators for Initial/Preliminary Identification of Alleged and Potential Victims of THB in the Context of Mixed Migration Flows**“. 40 people will have attended each of these trainings, which means that at this stage 160 employees will be trained: from the MoI– Border Police, Asylum Sector, from the MLSP – Asylum, Migration and Humanitarian Assistance Section, and Guardianship Section, National Referral Mechanism (NRM), Social Affairs Centres, Local Commissions for Combating Trafficking in Human Beings and Illegal Migration, Civil Associations, Red Cross and Representatives from the Office of the Ombudsman.

Realising the need for strengthening institutional capacities of competent institutions, the NCCTHBIM in accordance with the Trafficking in Human Beings and Illegal Migration Training Plan, in October, November and December, 2016, in cooperation with the UNHCR has been organising 6 (six) two-day trainings¹² on “**Implementation of the SOPs for Treatment of Unaccompanied Foreign Children and SOPs for the Treatment of Vulnerable Categories of Foreigners**”. These trainings will have been attended by 30 people per training, i.e. a total number of 120 employees of competent authorities; international organisations; Civil associations; representatives from the Secretariat of NCCTHBIM; as well as representatives from the Office of the Ombudsman will have been trained.

Conducted Trainings

2016

Training of Police Officers

In February 2016, **specialised trainings** on THB were conducted and attended by 180 Members of the Border Police from the Regional Centres for Border Affairs-North and East entitled *Combating Trafficking in Human Beings and Migrant Smuggling*, organised in cooperation with the IOM.

In the Training Centre of the MoI within the IPA 2010 Project, in the period between April 18th and 22nd, 2016, a **Training of Trainers** on *Combating Migrant Smuggling and Migrant Profiling* was conducted, and it was attended by 16 persons, 9 of whom were representatives from the Border Police. Same-topic training was conducted in the period between April 25th and 27th, 2016 of 44 representatives from the RCs for BA.

In September 2016, 12 representatives from the RC for BA - North attended trainings on Combating Trafficking in Human Beings and Migrant Smuggling.

In 2016, the International Organisation for Migration organised several trainings¹³ on *Humanitarian Border Management*. The participants included, were representatives from relevant institutions: employees of Regional Centres of the Border Police, social workers from the MLSP and Regional

¹² Ongoing in October, November and December, 2016

¹³ In February 2016– 6 two-day trainings of 180 participants, May 2016 – 4 two-day trainings of 120 participants, June 2016 – 4 two-day trainings of 128 attendees

Centres for Social Policy, NGOs and the Red Cross of the Republic of Macedonia, as well as representatives from foreign contingencies.

The focus of the trainings was put on the following topics: smuggling, health, humanitarian border management, transit centres management, mixed migration flows, defining the difference between migrants and legal aid applicants, treatment and registration procedures for migrants – refugees and collection of useful data, profiling and identification and referral of persons who present a security threat in mixed migration flows, profiling, identification of vulnerable categories (persons in need of international protection, unaccompanied minors, victims of THB) in mixed migration flows, migrations and health risks, the role of rapid response teams.

2015

Training of Police Officers

During 2015 specialised trainings for Combating THB were conducted for 180 members of the Border Police on *Managing Illegal Migration*, organised by the Border Affairs and Migration Department, IOM, FRONTEX and UNHCR.

Training on *Combating Trafficking in Human Beings and Illegal Migration* was conducted in the RCs for BA - North and East including a total of 110 representatives from the RCs for BA.

Inter-Institutional Trainings

In the course of 2015, 3 one-day trainings on the implementation of the **Indicators for Identification of Victims of THB** were conducted and they were attended by representatives from the MLSP, the National Commission for Combating THB and IM, the MoI, the CA-„Equal Approach“. The trainings were supported by GIZ. The trainings were attended by 75 participants (police officers and social workers).

In May 2015, the MLSP conducted a two-day training on *Prevention and Protection of Children*, targeted at employees of 4 Social Care Institutions: Public Institution, Children's Home *11 Oktomvri*, Skopje, PI Institute Providing Care, Upbringing and Education of Children and Youth *Ranka Milanovic* in Skopje, PI for Children with Educational and Social problems *May 25*, and *SOS Children's Village*. The training was conducted in cooperation with the MoI, Institute for Social Affairs *Open Gate* and GIZ within the Regional Programme of GIZ. A total number of 14 persons were trained on the Indicators for the Identification of Children – Victims of THB and they have been appointed as Contact Points and responsible persons in their institutions for this subject matter.

The Ministry of Labour and Social Policy in cooperation with the OSCE Mission to Skopje has trained 60 professionals in a two-day training, one day of which consisted of field work for profiling victims, assistance and support in the Reception Centre for asylum seekers and in the Migrant Camps in *Tabanovce* and *Vinojug* in order to strengthen the National Referral Mechanism for Victims of THB (NRM). The aim of this training was to improve the identification and protection of victims of THB by providing the trainees with information about the institutional framework and the new legislation in regard to the subject matter and testing them on the field.

Within the framework of the project activities, conducted within the Rule of Law Programme, judges, public prosecutors and representatives from the Police received training on **Application of the Principle of Non-Punishment of Victims of THB**, attended by 25 participants (prosecutors and police officers).

During the period between September and November 2015, OSCE organised and conducted training for lawyers and jurists, Civil associations' representatives (NGOs), registered for providing free legal aid and legally representing Victims of THB. The abovementioned training was conducted in association with the Macedonian Young Lawyers Association and it involved 17 jurists – lawyers and representatives from Civil Associations providing free legal aid.

In April 2015, CA –*Open Gate* conducted training for 15 law students from the Faculty of Law on *Trafficking in Human Beings and Court Cases Monitoring*.

Training Impact Assessment

The Evaluation of the Strategy and the AP for Combating Trafficking in Human Beings and Illegal Migration (2013-2016) shows that a huge number of activities, trainings¹⁴, regarding capacity strengthening, have been conducted. The Evaluation notes an absence of a written criterion on the manner of selecting training experts, and includes data on the number of conducted trainings, but not the percentage of trained professionals from relevant institutions. Simultaneously, there is a lack of reports on reviewing the planned activities and results achieved during training, and for this purpose, the Evaluation states that a standardised reporting form for conducted trainings must be prepared, lest an evaluation and assessment can be made in the future of what has been achieved through the organised trainings. This remark shall be taken into account when drafting the new Strategy and Action Plan.

Annex 4: Evaluation of the Strategy and AP for Combating Trafficking in Human Beings and Illegal Migration (2013-2016)

Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

The Criminal Code of the Republic of Macedonia in Article 418-d criminalises this crime as a separate criminal act *Child Trafficking*. The Subgroup for Combating Child Trafficking was formed in 2003 within the National Commission. The activities of this body are focused on prevention of child trafficking and improving the protection of victims who are minors, as well as the coordination between involved parties. Within the National Action Plan for Combating THB and IM, there is an AP for Combating Child Trafficking in the Republic of Macedonia.

The Ministry of Labour and Social Policy, Equal Opportunities Sector, in the Office of the National Referral Mechanism for Victims of THB (NRM) is a competent authority for child victims of trafficking. Due to a more efficient implementation of the legal measures and competences, the NRM is continuously undertaking activities stipulated in the National Strategy and Action Plan for Combating Trafficking in Human Beings and Illegal Migration 2013-2016.

In order to protect the victims of THB, in the course of 2016, the NRM continued to promote the cooperation and coordination with the social workers from the Social Affairs Centres (in 30 towns in Macedonia), labour inspectors, the Ministry of Interior through the Unit on Combating Trafficking in Human Beings and Migrant Smuggling, as well as with the Centre for Victims of Trafficking in Human Beings, NGOs focusing on activities for combating child trafficking.

Statistical Data for identified child victims of THB

2014

Total number of identified child victims in 2014		6
Macedonian nationals		6
Foreign nationals		/
Sex	male	/
	female	6
Type of exploitation	Sexual exploitation	3
	Sexual exploitation and forced marriage	3

¹⁴ All system stakeholders have been included in the process of training, trainings on *Combating Trafficking in Human Beings and Child Trafficking* and *Efficient and Effective Identification and Referral of Victims* were conducted for police officers – Inspectors from all Mol Sectors, for police officers from the THBIMU and BAMS, IMCBCD, trainings of students on *Observation of Children on the Street* and *Application of the Indicators for Recognizing Potential Victims of Child Trafficking for the Purposes of Labour Exploitation*. Specialised trainings of public servants in BAMD, SIA, trainings of lawyers and jurists, representatives from Civil associations, joint trainings on *Joint Action* have been organised, trainings of judges and prosecutors on *Treatment of Victims of THB* have been organised.

Country of identification	R. Macedonia	4
	Italy	1
	Slovenia	1

2015

Total number of identified child victims of THB in 2015		3
Macedonian nationals		3
Foreign nationals		/
Sex	Male	/
	Female	3
Type of exploitation	Sexual exploitation	1
	Sexual exploitation and forced marriage	2
Country of Identification	R. Macedonia	3

8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment¹⁵ for them, including through:

- a. ensuring registration of all children at birth, in particular from socially vulnerable groups;
- b. raising awareness of THB through education;

Aiming at raising the public awareness through education among students, the MoI, through its Internal Affairs Sectors in the area of Bitola, Tetovo and Kumanovo, conducted 336 workshops on *Trafficking in Human Beings and Child Trafficking* for students from primary and secondary schools, and it was attended by 8767 students.

Furthermore, during the same period (2013) Civil Associations organised trainings for 26 representatives from the Roma Civil Associations and Roma Informative Centres, 699 pupils and students. During the trainings 21 participants/competent personnel from primary schools in the municipalities of Karposh and Gjorche Petrov were trained, whereby 41 interactive performances of the play "I Travel Alone" were conducted. A Round Table, attended by 30 participants, was also organised.

2014

In 2014, the **Red Cross of the Republic of Macedonia** conducted trainings on *Applying the International Tool recommended by GIZ*, attended by 22 educators. In the course of these trainings, in 16 towns in the Republic of Macedonia, 69 workshops were organised, and they were attended by 2.415 students. Also, a play entitled "Scar", about Trafficking in Human Beings, was performed, and it was presented before 600 audience members, most of whom were primary and secondary school students.

The association "Open Gate" conducted 7 workshops for 127 children and 93 parents on "To marry or not to marry" in order to enhance the prevention of THB/forced child marriage and protection of children from the Roma community. The workshops were conducted in Skopje, Shtip and Delchevo.

The Association **"For a Happy Childhood"**, conducted 6 basic trainings on *Trafficking in Human Beings* for the students from the University "Ss. Cyril and Methodius" – Skopje and from the International Slavic University "Gavrilo Romanovic Derzhavin" – Bitola and Sveti Nikole. During the one-day trainings 130 students who participated watched the movie „Taken”.

¹⁵ The concept of protective environment, promoted by UNICEF includes eight key components:

- Protecting the rights of the child from hostile behaviour, traditions, customs, conduct and practices;
 - Dedication of the Government to protecting and enabling the rights of the child
 - Open discussion in and engagement in children protection issues
 - Approaching and implementing the protective legislative
 - Ability of people working with children and who are in contact with children, families and communities to protect the children;
 - Life skills of the children, their knowledge, and participation;
 - Establishing a monitoring and reporting on cases of abuse system;
- Programme and services allowing recovery and reintegration of the child victims of THB.

The Equal Opportunities Association “Ezerka” provided preventive lectures and educated students from the High School “Ibrahim Temo”, “Fifth Private Gymnasium”, and the High School “Niko Nestor” and primary schools in municipalities where the Association is active. These students were of 12 to 18 years of age.

The Equal Opportunities Association “Semper” implemented two projects “*Involve in the Prevention - Trafficking in Human Beings is Real*” in the course of which 2 three-day peer education trainings of 38 students from 19 primary schools from the municipalities of Bitola, Novaci, Demir Hisar and Mogila were organised; and two one-day trainings for educating 58 teachers from 19 primary schools from 5 municipalities were conducted, seven educational lectures were given to 323 students from 7 tertiary educational institutions in Bitola, and 600 students from 19 primary schools from municipalities of Bitola, Novaci, Demir Hisar and Mogila, were educated.

2015

In 2015, the **Equal Opportunities Association Semper from Bitola** organised 14 educational workshops on Combating Trafficking in Human Beings in all primary schools in the municipalities of Bitola, Mogila and Novaci, in the course of which 330 students were educated.

In order to strengthen the prevention of trafficking in human beings among the youth, *Open Gate* has opened a **competition for the best multimedia product created by high school students**, on *Combating THB*. In the course of selecting the best products a facebook page was created where all products were presented. 4 multimedia products were awarded, 3 of which were selected by an independent commission, while the remaining one by online voting.

c. training of professionals working with children.

Regarding the training of professionals working with children, in 2016 the MLSP conducted a specialised training for foster families in order to enhance the country’s capacities in regard to creating alternative forms of protection and providing resources for sheltering and integrating child victims of THB in the community after their identification, if the children have not been accommodated in the Centre for Victims of THB, but also after they have left this Centre. The training was conducted in cooperation with the Social Affairs Institute, as well as the Association *For a Happy Childhood* and supported by GIZ. 9 care-givers from foster families from Skopje and Veles have been trained.

2015 and 2014

In regard to organising trainings for social workers which are in line with the continuous professional development modes for social workers and trainers of social workers on Combating THB, 6 trainings were conducted, and 120 social workers were trained. **The trainings were conducted in the period 2014-2015 in the Social Affairs Institute.**

The MLSP in cooperation with the Mol, the Social Affairs Institute, *Open Gate* and GIZ within the framework of the Regional Programme of GIZ conducted training of 14 people from professional services of the PI for social care for children at risk (from 4 Social Care facilities)¹⁶.

- Training on Implementation of the Programmes for Re-socialisation and Re-integration

For a proper implementation of the “**Programme for Assistance and Support for Reintegration of Victims of THB**” and **Programme for Assistance and Support for Child Victims of THB**”, the MLSP organised training in 4 municipalities: Kochani, Probishtip, Kumanovo and Debar, where 60 people took part. The participants in these trainings were representatives from the Social Affairs Centres, the Police, health centres, local self-government and educational centres. There was a discussion during training about the necessary services and assistance in the process of reintegration of the victims of THB, their availability and resources available at a local level.

Basic and Specialised Multi-Disciplinary Trainings

¹⁶ Public Institution, Children’s Home *11 Oktomvri*, Skopje, PI Institute Providing Care, Upbringing and Education of Children and Youth *Ranka Milanovic* in Skopje, PI for Children with Educational and Social problems *May 25*, and *SOS Children’s Village*.

During 2015 both **basic and specialised multi-disciplinary trainings** were conducted (police officers – inspectors for juvenile delinquency and social workers) on *Recognition/Identification and Referral of Potential Victims of THB/children*. In this regard, the MLSP in cooperation with the National Commission for Combating Trafficking in Human Beings, Mol, “Equal Approach“, with the support from GIZ conducted a three one-day trainings for the implementation of indicators for the identification of victims of THB. The trainings conducted on April 17, 22 and 24, 2015 at the Training Centre of the Mol, were attended by 75 participants.

In 2014, the MLSP in cooperation with the Municipal Centre for Social Services from Probishtip conducted a Capacity Building Training of teachers in schools on *Preventing Social Risks and Trafficking in Human Beings* for head teachers and psychological and pedagogical counsellors in schools in this town.

- **Assistance and Support Programme for Child Victims of THB**

In 2014 **the Assistance and Support Programme for Child Victims of THB** was reviewed. The aim of this Programme is conducting activities which will allow an improved physical and psychological recovery, rehabilitation, re-socialisation and social reintegration of the children – victims of THB.

The Programme allows acquiring extended knowledge for the application of legal instruments in the process of reintegration, providing a systematic overview of the legal provisions and other legal acts regarding receiving services from victims of THB, categorised as their right, which can be applied in exercising the rights in the area of: transport and safe accommodation-residence, health care, legal aid, social protection and child protection, education and employment.

The Programme is based on the needs of victims and created as reference material for practical application, intended for social workers from the SWC and their implementation, in partnership with other relevant institutions and the civil sector. This Programme is the basis for drafting the individual plan for reintegration of children – victims of THB, and the plan stipulates the aims, measures and activities undertaken for assisting the victim and the members of the victim’s close family. The persons responsible for adopting the measures and determining the deadline for their implementation in the individual plan for reintegration of the victims of THB, is prepared by the team of experts of SWCs, the responsible persons from the Centre for Victims of THB and Reception Centres for Foreigners.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

In line with the SOPs for unaccompanied foreign children, the estimation of the age of unaccompanied foreign children who do not have any identification documents, is a key question that must be answered during the conducted interview, because it is a factor in the status of the child and the further procedures that should be initiated.

When estimating the age, the physical appearance of the person is not necessarily a key factor, instead the psychological maturity must be taken into account, together with the origin, race, and other specific features.

If, in estimating the age, the guardian and the team of experts is in a dilemma whether the person is of or under the age of 18, in line with the best interest of the child the estimation should always regard the person as a child, until otherwise established.

A medical estimation of the age of Unaccompanied Foreign Children should be avoided because of the condition and vulnerability of the person, and it should only be used in special cases.

The interview and the information received should provide a clear picture or even reasonable grounds to believe that there is an existing basis for initiating a family reunification procedure.

The interview between the Guardian and the team of experts should provide a clear picture for regulating the status of the Unaccompanied Foreign Child, having in mind that prior to the handover there is a maximum 72-hour deadline for:

- Regulating the status by submitting an Asylum Application, pursuant to Law on Asylum and Temporary Protection (LATP)
- Regulating the status by submitting an Application for granting temporary residence on the basis of humanitarian protection.

The Guardian and the team of experts after the conducted interview, refers the unaccompanied foreign child to the Inter-Municipal Social Affairs Center in Skopje, for further treatment of the unaccompanied foreign child. The guardian, the team of experts and the Mol officials, who have taken the unaccompanied foreign child under their protection, hand over the child to the Inter-Municipal Social Affairs Center (IMSWC), Skopje, with a Report on the Handover.

10. What steps are taken in your country to ensure that the rights of the child and his/her best interests¹⁷ are duly taken into consideration, in particular when it comes to:

a. identification of child victims of trafficking;

a. If we take into account the trend¹⁸ of ever greater presence of children or unaccompanied foreign children among the migrants transiting through the Republic of Macedonia in the course of 2015 and 2016, the need for adopting special documents arose, documents which will regulate the procedures, invariably taking into account the best interest of the child. Those documents include Standard Operative Procedures for Treatment of Unaccompanied Foreign Children. In order to fully implement the best interest of the child principle, the focus of these SOPs is put on the protection of the rights of the unaccompanied foreign children as an especially vulnerable category pursuant to the provisions of the Convention of the Rights of the Child (CRC) and the role of the legal guardian as a guarantee for the implementation of their rights.

The identification of child victims of THB is performed in line with the Standard Operative Procedures (SOPs) for Treatment of Victims of THB¹⁹ and in line with the **Standard Operative Procedures (SOPs) for Treatment of Unaccompanied Foreign Children²⁰** regulating the set of processes, procedures and the manners of acting of the competent institutions with an identified unaccompanied foreign child through a comprehensive approach based on respecting human rights and aimed at the best interest of the unaccompanied foreign child.

The identification of the unaccompanied foreign children is a set of tactics, techniques, methodological tools undertaken by the authorised representative of the Social Affairs Centre/SWC and the team of experts headed by a certain guardian or legal representative appointed by the guardian himself. In order to provide expert, material and technical support by competent authorities, this process includes representatives from the Civil associations, international organisations: UNHCR, IOM, UNICEF.

The identification is performed immediately after the handover of the child by the Mol. The process of identification, by itself, comprises of procedures aimed at denoting a guardian, providing an interpreted, appointing a legal representative, interviewing the unaccompanied foreign child, creating an initial file for the unaccompanied foreign child and referring the child to the Inter-Municipal Social Affairs Centre.

b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;

b. Pursuant to the Law on Family and SOPs for Treatment of Victims of THB, the Social Affairs Centres (SWCs) always appoint a temporary guardian for the child victims of THB or unaccompanied children. The MLSP in cooperation with the Social Affairs Institute has trained guardians for such children in all SWC in the Republic of Macedonia. When determining what is in the best interest of the children, besides the guardian, a team of experts from the SWC is invariably included (a psychologist, a

¹⁷ "In the best interest of the child"- means that each situation should be regarded from the child's perspective, thus taking the stance of the child into account and is aimed at making sure that the rights of the child are met. Every decision regarding the child must be guided by what is objectively good for the child, having in mind his/her age and maturity.

¹⁸ The trend of an increase in the number of unaccompanied foreign children can be seen from the statistical data for the period between 2011 and 2015: (2011- 40, 2012- 54, 2013- 107 , 2014- 74, first half of the 2015- 66, while only in the period between June 19th and September 30th, 2015 the number of unaccompanied foreign children was 3199).

¹⁹ Reviewed SOPs, adopted by the Government of the Republic of Macedonia at its 202nd Session held on December 28th, 2010.

²⁰ Adopted by the Government of the Republic of Macedonia at its 121st Session, held on November 21st, 2015

pedagogue, a social worker) as well as the child him/herself when the Assistance and Support Plan is being drafted.

The guardian is appointed immediately after the receipt of the notification/report (oral, written or by telephone means) by the Mol that there is a person under age/ foreign child who is not accompanied by his/her parents, relatives of age or another adult.

Upon receipt of the notification, due to the urgency of action, the locally competent Social Affairs Center appoints an expert – a Social Worker responsible for appointing a guardian for the identified unaccompanied foreign child. The guardians is immediately involved, together with the competent organisational unit from the Mol, which have reported about the unaccompanied foreign child and they fill in the authorisation form for appointing a guardian on the spot, and later on adopt a Guardianship Resolution. If the unaccompanied foreign child does not have any personal documents, he/she is registered with the data which he/she provided when he/she was first identified by the Mol. The guardian from that moment on is formally and legally responsible for the unaccompanied child and protects his/her rights when the state institutions undertake official actions.

c. Locating the child's family

The SOPs for Treatment of Victims of THB indicate that if the victim has stopped contacting with his/her family, the competent institutions (Mol, MLSP, International organisations, Diplomatic and Consular Offices in the Republic of Macedonia and NGOs) undertake actions to establish a contact with the family and they do this in accordance with the process of assessment of the risk and secure environment.

The activities derived from the **SOPs for Treatment of Unaccompanied Foreign Children** aimed at providing a family reunification, i.e. return comprise of a set of measures undertaken by competent institutions in order to find the parents of the unaccompanied child or at least one of them, or some close relatives in order to realise a family reunification.

In the course of the entire procedure for unaccompanied foreign children, family reunification is a top priority. All planned and undertaken measures are targeted at the final aim which is to provide conditions for a family reunification as the best interest of the child. Simultaneously, the stage of the security risk is determined in regard to the reunification with the child's parents/close relatives, the risk of returning the child to the country of origin or destination, the country of residence of his/her parents/close relatives, as well as the social risk the child would be facing there. When defining the risk assessment, besides the Mol, IMSWC/guardian and a team of experts, other actors are included such as INTERPOL, EUROPOL, SELEC, as well as international organisations such as: UNHCR, IOM etc.

After identifying the parents or at least one of the parents or close relatives of the child and after a conducted Risk Assessment and performed Security Checks indicating that the family reunification would be secure to complete, the IMSWC, the guardian and the team of experts undertake the following measures:

Procedure for identifying parents/parent/close relatives:

- Establishing contact²¹ with the identified parents/parent/close relatives.
- Receiving information for the identified unaccompanied child in a language spoken by them
- Establishing if there is willingness for a family reunification with the identified child
- Informing the parent or another member of the family on initiation of a procedure for a family reunification with the unaccompanied foreign child in a country of residence /or in a country where they had applied for asylum.
- Informing the competent authorities in the country of destination and country of residence of the parent/ member of the family with whom the family reunification should be realised
- Establishing whether there is an opportunity for the parents to come to Macedonia and perform the family reunification and handing over of the child there, or after a completed procedure for a family reunification returning them by the Republic of Macedonia.

²¹ Telephone, written, electronic communication through the MFA/Mol

- Establishing a contact between the parents/parent/close relative and the unaccompanied foreign child
- Sending a written notification by the Diplomatic and Consular Offices in the Republic of Macedonia, to the country where the parents/parent/close relatives of the child stay, or to the Diplomatic and Consular Offices of a third country representing the interests of the country of residence of the parents/parent or close relatives of the child, or to the MFA in order for them to notify the parents/parent or close relatives about the family reunification of the unaccompanied child.

d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;

SOPs for Treatment of Victims of THB, among other basic principles and rules stipulate a responsibility for all subjects involved in the process of implementation of SOPs to treat all information as classified and to provide access to the information to as few people as possible.

SOPs for Unaccompanied Foreign Children governs the principle of confidentiality when processing and protecting personal data of the UFC. The stated principle obliges all institutions when treating UFCs.

Annex 5 –Standard operative procedures for Dealing with Unaccompanied and Separated Children-Foreigners

When applying the SOPs for Treatment of UFC the minimum standards and principles stipulated in the Convention on the Rights of the Child the following shall apply:

- **Non-discrimination principle** – the Convention on the Rights of the Child forbids any discrimination based on the status of the child, regardless of whether the child is unaccompanied or separated from the family, refugee, asylum seeker or a migrant;
- **The best interest of the child** – the process of determining the best interest of the child must be documented when making any kind of decision which fundamentally influences the life of an unaccompanied or separated child;
- **The child's opinion** – When selecting a guardian, in the Agreements on the care and residence, as well as in the legal representation, the child's opinion must be taken into account;
- **Confidentiality** – the Signatory countries must protect the confidentiality of information received in regard to the unaccompanied or separated child, in line with the obligation to protect the rights of the child, including the right to privacy.
- **Non-refoulement principle** - forbids the expulsion of an asylum seeker who belongs to the category of unaccompanied minors, or their being in any other way forced to go back to the borders of the state where their life or freedom would be under threat due to their race, religion, national background or belonging to a given social group or because of political convictions, and where s/he would be exposed to torture, inhuman or degrading treatment or punishment.

e. access to appropriate and secure accommodation, education and health care;

e. The selection of the manner and form of accommodating a UFC has been stipulated and regulated by the SOPs for Treatment of Victims of THB and SOPs for Treatment of UFCs. The accommodation is an exclusive choice and decision of the Guardian /the team of experts, on the basis of legal decisions included in the Law on Social Care, and based on the available capacities and forms of accommodation offered by the MLSP.

The accommodation should be a long term solution providing the UFC with living conditions similar to those of a family home, such as accommodating the child with a foster family²², or in a small group home.²³

²² Law on Social Care, Article 32 Paragraph 1 item 1

²³ LSC, Art.149

When selecting the foster family a special attention is paid to the specific traits of the UFCs, country of origin, languages they understand or speak; religious affiliation, family history, and personal qualities and skills.

The UFCs during the entire process starting from his/her identification up to family reunification, or local integration enjoy full health care pursuant to the legal regulation in the Republic of Macedonia.²⁴

Based on the analysis of collected data and the prepared needs assessment the child's level of the acquired knowledge and the needs and type of education which shall be provided for the child shall be determined.

Studying and acquiring Macedonian language is a precondition for a successful integration of the children in the educational system that is why a Macedonian language course is organised for the child in a language which the child speaks or understands. Studying the Macedonian language is an important precondition in integrating the child in the educational process and successfully conducting a local integration. The guardian/ team of experts follow the process of advancement of the child continuously, while taking care of the child's needs and wishes.

f. Issuing residence permits for child victims of trafficking;

f. Article 81 from the Law on Foreigners stipulates that those foreigners for whom there are grounds to suspect that they are victims of THB, are allowed a reflection period of up to two months for the purpose of offering protection and assistance in terms of recovery and avoiding the influence of the crime perpetrators. In case when the victims of THB are children, in line with the principle for best interests of the child, the reflection period may be extended and they cannot be expelled from the Republic of Macedonia. The temporary residence permit of victims of THB is issued for a period of 6 months, with a possibility for extension.

In accordance with the SOP, the Trafficking in Human Beings and Migrant Smuggling Unit within the MOI is authorised for submission of request for issuing residence permit to victims that are foreign citizens, and the permit is issued by the competent organisational unit (Foreigners and Readmission Unit) within the Ministry of Interior.

e. Providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;

The above-mentioned rights of victims of THB are regulated in the SOP for treatment of victims of THB and in the SOP for treatment of unaccompanied foreign children.

In line with the SOP for unaccompanied foreign children, while performing preliminary collection of information, as well as while performing the formal interview with unaccompanied foreign children, translation shall be used in a language that the child knows or understands, and if s/he speaks only his/her own mother tongue, translation in that language shall be provided.

The translator is required to have prior knowledge of the migrant/refugee state of play, in order for him/her to understand the terminology in use, the countries of origin, the culture and their customs for the purpose of approximation to them and establishing trust.

Legal representative shall be designated to the child for the purpose of protection of an unaccompanied foreign child in the procedure in front of the state authorities, relating to his/her position, status, right to express one's own opinion, family reunification and other rights stipulated in the Convention on the Rights of the Child. The legal representative shall be designated by the legal guardian, right after the preparation of the Authorisation for designating special legal guardians, through preparation of a written power of attorney for designating a legal representative who will counsel and represent the unaccompanied child – foreigner before the state authorities.

The selection of a legal representative shall be made among:

- Civil organisation – Macedonian Young Lawyers Association or other international organisation/civil organisation working in the area of legal representation of migrants and refugees

²⁴ Law on social protection

- UNHCR-IOM and other international organisations in charge of projects for legal protection of migrants-refugees
- The institute Free Legal Aid within the Ministry of Justice – List of legal representatives for free legal aid

A legal representative shall be designated after the designated legal guardian takes over the unaccompanied foreign child and the same shall go on in the further procedures with the unaccompanied foreign child.

The legal representative shall counsel – represent unaccompanied foreign child for the following matters:

- The legal regulation in the Republic of Macedonia and the international regulation on children's rights
- Legal provisions for regulation of the status of unaccompanied foreign child (Law on Asylum, Law on Foreigners, Law on Family, Law on Social Protection)
- Right to family reunification
- Social rights enjoyed by a person with a recognized right to asylum pursuant to the Law on Asylum and Temporary Protection or approved stay in the Republic of Macedonia (accommodation, health protection, right to education)
- And other rights regulated in the national and international legislation

The legal representative that counsels-represents unaccompanied foreign child, is required to know well the regulation on migrants-refugees, as well as the legal regulation on children's rights.

Furthermore, since this category is an especially vulnerable one, the legal representatives, as well as the authorised official from the Asylum Sector that counsel and represent unaccompanied foreign children are required to have previous training on working with children.

In situations of direct contact with unaccompanied foreign children, the legal regulations and legal solutions proposed in the interest of the unaccompanied foreign child, his/her maturity, the country of origin, their tradition so that the unaccompanied foreign child can understand them and express one's own opinion.

The legal representative along with the legal guardian play the role of substitute parents for the unaccompanied foreign child, and their role from the very beginning is to plan a final decision that will represent the child's best interest.

The SOP for treatment of unaccompanied foreign children stipulates informing the unaccompanied foreign child for the formal-legal procedure, the procedure, the type and manner of regulation of residence, the aim and benefits of it for the unaccompanied foreign child.

This should enable the unaccompanied foreign child to understand the procedure so that s/he can express one's own will and agreement, all for the purpose of his/her best interest.

The competent person – legal guardian should acquaint the unaccompanied foreign child with the procedure for regulation of residence in a language that the unaccompanied foreign child can understand, in a manner that is fully adequate to his/her age and maturity, or to put it briefly, in a manner that the unaccompanied foreign child can fully understand the reasons, procedures and aim of regulation of temporary residence and be able to agree with them, being aware that it is in his/her best interest.

The unaccompanied foreign child may participate in the criminal proceedings in the capacity of: defendant, witness, victim/witness. In all his/her capacities and during all stages of the procedure, the unaccompanied foreign child is entitled to free legal aid.

The choice of manner and form of sheltering of an unaccompanied foreign child is exceptionally made and decided by the legal guardian/professional team on the basis of legal solutions offered by the Law on Social Protection and on the basis of the disposable capacities and forms of sheltering offered by the Ministry of Labour and Social Policy. Accommodation should be a long-term solution offering to the unaccompanied foreign child such life conditions that will have the properties of family home, such as sheltering in a foster family²⁵, or in small group home.²⁶

²⁵ Law on Social Protection, Article 32 paragraph 1 item 1

In line with the SOP for treatment of victims of THB, children that are victims of THB are temporarily accommodated in the Centre for victims of THB.

Annex: 6 – Decision for temporary accommodation of a minor – victim of THB in the Centre for victims of THB (page 89 of the SOP for treatment of victims of THB).

h. Carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;

All planned and undertaken measures are aiming at enabling conditions for family reunification, as part of the child's best interest, and in this process a determination of the degree of safety risk for the unaccompanied foreign child in the case of family reunification is performed, namely risk imposed by his/her parents/close relatives, risk from return in the country of origin or to the destination of residence of his/her parents/close relatives, as well as the social risk that s/he would be faced with. The decision for return/family reunification of the unaccompanied foreign child shall be made by the Inter-municipal Social Affairs Affairs Center/legal guardian/professional team and this decision is in the child's best interest, but not at the expense of safety risk.

The decision for returning/family reunification shall be made by the Legal guardian along with the professional team after:

- Having previously implemented measures for successful identification/and located parents/parent/close relative,
- Having received positive safety reports on the family that s/he should reunite with, as well as on the country of origin and received approval from the country of reception.

The International Organisation for Migration (IOM) within the framework of its Assisted Voluntary Return and Reintegration Programme has been offering direct help and assistance to migrants (including victims of THB) who would like to return to the country of origin.

The Assisted Voluntary Return and Reintegration Programme is founded on the following crucial principles: **willingness, protection of migrants' rights and state sovereignty.**

The IOM performs regular risk assessment when making decisions for return of victims of THB. The assessment is performed in cooperation with the IOM missions in the countries of origin of victims, as well as with the relevant institutions and organisations. The risk assessment entails **generic risk assessment**, i.e. assessment of situation in the country of origin, including assessment of scope of trafficking in human beings in the country, and **specific assessment**, i.e. assessment on a "case by case" basis, depending on the specifics of the given case. Following completion of the risk assessment, the next step is creation of plan for identified risk management. Taking into consideration the meaning of risk assessment associated with the return of victims of THB in their countries of origin, the IOM has developed a Handbook on Direct Assistance of Victims of Trafficking, with elaborate modalities for risk assessment.

Annex 5: SOP for unaccompanied foreign children

i. Special protection measures for children. Ministry of Interior, Ministry of Labour and Social Policy, NGO sector, Education Development Bureau, Ministry of Education and Science

The process of protection and reintegration entails undertaking special measures based on age and needs of child/victim, taking into consideration the specific physical, mental and social consequences that the child/victim of THB experienced, as the result of abuse and exploitation. Hence, the following activities are undertaken:

- referral and accommodation in a shelter, needs assessment and intervention in crisis;
- providing a professional team responsible for carrying out activities in both daytime and nighttime shift, as well as escorting the victims to the required destinations;

Provided food during their stay, hygiene kits, clothes and shoes;

- inclusion in the programme for psychological-social assistance (various workshops computer skills training, basic classes for learning English and so on);
- organisation of occupational-recreational activities, depending on the child's talents, such as: glass painting, canvas painting, napkin decoupage, handmade jewellery, china painting, knitting, sewing, origami;
- organisation of routine medicinal examinations and specialised gynecological examinations, lab tests, blood tests for HIV, hepatitis A, B and C;
- legal counseling and acquaintance with the legal system and representation before the court authorities on the part of a lawyer of previously initiated court proceedings;
- preparing an individual long-term plan for inclusion in the educational process upon returning in their places of living;
- providing psychological support to victims including various types of treatments and sessions, group therapy and individual psychological counseling once a week, as well as urgent and more intense assistance depending on the need;
- getting past stress and trauma, acquiring habits, improvement of reading skills, positive thinking, basic knowledge of the adolescent developmental problems, emotional relations and connections with their peers, the danger of sexually transmitted diseases and undesired pregnancy.

Annex 7²⁷ Programme for Assistance and Support in Resocialisation of Foreign Children – Victims of THB

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

Pursuant to SOP for treatment of unaccompanied foreign children, in terms of identification, the following measures are taken:

MEASURE 1. First contact with unaccompanied foreign child and his/her referral, meaning direct contact of authorised official of a state institution, civil and international organisation or citizen within the territory of the Republic of Macedonia with a person for whom there is reasonable suspicion to be unaccompanied foreign child based on the circumstances in which s/he was found and his/her exterior appearance.

MEASURE 2: Preliminary collection of information, or upon the reception of the found foreigner for whom there is reasonable suspicion to be an unaccompanied foreign child, information is collected for the purpose of:

- Confirmation or dismissal of the fact that a specific foreign child is accompanied by his/her legal parents, because in case the child does not possess legal documents, s/he might be presented as a family member, while s/he is really a victim of THB
- Confirmation or dismissal of the fact that a specific minor is accompanied by an adult – brother/s or sister/s or a close relative
- Confirmation or dismissal of the fact that a minor child is accompanied by an adult with whom s/he has no family relation, but who accompanies the child in its trip for various reasons
- Confirmation of the reasonable grounds for suspicion that a specific foreign child is unaccompanied
- Confirmation or dismissal of a suspicion for existence of indicators pointing out that an unaccompanied foreign child is a potential or an actual victim of THB

MEASURE 3: Identification of unaccompanied foreign children. This measure encompasses a number of tactics, techniques and methodological tools taken by an official and a professional team of the locally competent Social Affairs Centre/Inter-municipal Centre for Social Affairs, which shall identify him/her as an unaccompanied foreign child on the basis of preliminary collected information and data of a foreign child, for whom there is reasonable suspicion to be an unaccompanied foreign child.

Annex 5: SOP for treatment of unaccompanied foreign children

²⁷ (http://www.mtsp.gov.mk/content/pdf/programa_reintegracija_deca.pdf)

In relation with asylum-seekers, refer to question 31.

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

A Programme for Resocialisation and Reintegration of Victims of THB has been prepared and it is being implemented through the Ministry of Labour and Social Policy and the professionals from Social Affairs Center in cooperation with civic organisations.

Efforts are being made to include the municipalities for the purpose of more efficient implementation of the measures, all that through previously planned and provided funds.

In case returning in the family is not in the child's best interest, then another form of protection is used – Fostering family, for which there are trained families (see above).

C. Questions related to specific articles

Definitions (Article 4)

13. Have any difficulties been experienced in your country when identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

In the period between 2014 and 2016, no cases of THB for labour exploitation have been detected. There were cases of identification of minors and adults as victims of THB for the purpose of forced marriage, including labour exploitation of these persons.

Example: 1

A minor female of the Republic of Macedonia was identified in the Republic of Croatia in 2013 as a victim of THB exploited for forced marriage and labour exploitation. Investigation was carried out in Croatia and Macedonia, with criminal charges submitted against 2 citizens of the Republic of Macedonia, the victim was repatriated in the Republic of Macedonia.

Example: 2

A minor citizen of the Republic of Macedonia identified as a victim of THB that was exploited for forced marriage and labour exploitation in the Republic of Italy. Investigation was carried out only in the Republic of Macedonia, criminal charges were pressed against one citizen of the Republic of Macedonia.

14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

The Government of the Republic of Macedonia in July, 2016 adopted the Standard Operating Procedures for treatment of vulnerable categories of foreigners. The need for adoption of a document like this arose from the mass migration movement that took over the Republic of Macedonia in 2015. This migration wave forced thousands of people to leave their homes. Among the thousands that transited through the country²⁸ many people classified as vulnerable category of migrants were noticed. They often traveled illegally and were subjected to abuse by smugglers and human traffickers, all for the purpose of their labour and sexual exploitation. Taking into consideration how sensitive the situation is, there was a shared opinion that the border control mechanisms should be especially sensitive when distinguishing vulnerable categories of foreigners in need of protection among the people who are simply trying to get across the border. The identification of vulnerable categories of foreigners with special needs is essential for their efficient protection, simultaneously taking into consideration and protecting national sovereignty and security of the country.

²⁸ (for the period of September 2015 – February 2016, out of a total number of registered 467 569 persons, 83 097 were female, 2956 were pregnant women, out of whom 11 gave birth in the Republic of Macedonia, 125 700 of them were children, out of whom 36 136 were unaccompanied foreign children)

The general goal of the recently adopted SOPs for treatment of vulnerable categories of foreigners is to provide protection in sensitive processes, procedures and systems for cooperation among the responsible institutions and persons in the Republic of Macedonia. These SOPs enable procedures whose aim is to promote the fundamental human rights for vulnerable categories of foreigners in need of protection. The document is aimed at promotion of gender-sensitive approach focused to vulnerability, taking into consideration the best interest of the vulnerable categories of foreigners. These SOPs define “vulnerability” as “existence of risk that the threat to the person (caused by the environment or by personal circumstances) might become larger than the person’s capability to face these challenges (i.e. elasticity). When this happens, the odds are that the health or general condition of the person might be disturbed”.

Apart from these specifically oriented documents, the Criminal Code of the Republic of Macedonia in Article 418-a criminalizes the “abuse of vulnerable position” with the purpose of committing crime human trafficking and sanctions this crime with a prison sentence. Furthermore, the Criminal Code stipulates a separate crime act in Article 418-d, which sanctions trafficking in children.

Annex 8: Article 418-a and Article 418-d

Article 418-a (1)– Trafficking in Human Beings

(1) Whosoever by force, serious threat causes delusions or other forms of coercion, by kidnapping, by deceit and abuse of his own position and abusing the pregnancy or the position of weakness of somebody else, or the physical or mental disability of another, or by giving or receiving money or other benefits in order to obtain agreement of the person that has control over another person, or in any other manner turns, transports, transfers, buys, sells, harbors or accepts persons for the purpose of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced pregnancy, unlawful adoption or similar relations to it, begging or exploitation for purposes forbidden by law, or illicit transplantation of human organs, shall be sentenced to imprisonment of at least four years.

- Article 418-d (1) & (2)– Trafficking in Children

(1) Whosoever induces a child to sexual activities or enables sexual activities with a child or persuades, transports, transfers, buys, sells or offers for sale, obtains, supplies, harbors or accepts a child for the purpose of exploiting him in sexual activities for money or other forms of compensation or other forms of sexual exploitation, pornography, forced work or servicing, begging or exploitation for an activity prohibited by law, slavery, forced marriages, forced fertilization, illegal adoption, or forces consent as a mediator for child adoption, illegally transplants human organs, shall be sentenced to imprisonment of at least eight years.

(2) Whosoever commits the crime of paragraph 1 by use of force, serious threat, delusion or other form of forcing, kidnapping, defraud, abuse of the position or pregnancy, powerlessness or physical or mental disability of another, or by giving and receiving money or other benefit for the purpose of obtaining consent of a person controlling another person, or the act is committed over a child younger than 14 years shall be sentenced to imprisonment of minimum ten years.

In 2016 in the period between June to October a proactive investigation was carried out with application of special investigative measures, when a criminal procedure against 7 persons was initiated pursuant to Article 418-a, Article 418-c and **Article 191** of the Criminal Code of the Republic of Macedonia. Namely, the organised crime group with the use of force, serious threat, physical coercion and maltreatment, with abuse of their position, condition of powerlessness and vulnerability, brought the victims to a situation of debtor-creditor relations through borrowing, giving or receiving of money or other use, for the purpose of getting permission by a person having control over other person, were inducing, transporting, selling, sheltering, admitting, controlling and for a longer period were exploiting them through prostitution as victims of THB, all with the purpose of acquiring illegal property benefit and illegal funds, they were enabling clients to use sexual services by females, hired under the guise of waitresses and dancers in catering facilities.

Type of exploitation - sexual

Period of exploitation – June-October, 2016

Manner of recruitment – abuse of position, and abuse of powerlessness and the physical and mental incapacity of the victim (abuse of vulnerable position)

15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.

The Republic of Macedonia especially recognizes and acknowledges the importance of forced marriage and illegal adoption as crimes related with human trafficking. These acts are adamantly and unequivocally defined as crimes in Article 418-a paragraph 1 and Article 418-d paragraph 1 of the Criminal Code of the Republic of Macedonia.

Article 418-a

(1) Whosoever by force, serious threat causes delusions or other forms of coercion, by kidnapping, by deceit and abuse of his own position and abusing the pregnancy or the position of weakness of somebody else, or the physical or mental disability of another, or by giving or receiving money or other benefits in order to obtain agreement of the person that has control over another person, or in any other manner turns, transports, transfers, buys, sells, harbors or accepts persons for the purpose of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced pregnancy, unlawful adoption or similar relations to it, begging or exploitation for purposes forbidden by law, or illicit transplantation of human organs, shall be sentenced to imprisonment of at least four years.

Article 418-d:

(1) Whosoever induces a child to sexual activities or enables sexual activities with a child or persuades, transports, transfers, buys, sells or offers for sale, obtains, supplies, harbors or accepts a child for the purpose of exploiting him in sexual activities for money or other forms of compensation or other forms of sexual exploitation, pornography, forced work or servicing, begging or exploitation for an activity prohibited by law, slavery, forced marriages, forced fertilization, illegal adoption, or forces consent as a mediator for child adoption, illegally transplants human organs, shall be sentenced to imprisonment of at least eight years.

Up until now the judicial practice for the encompassed period had only 1 – one case in which the victim was forced to conclude marriage and then ended up as a victim of THB.

16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian??

Forced begging is regulated in adequate manner in the Criminal Code of the Republic of Macedonia, namely in Article 418-d – "Child in Trafficking".

The Law for Amending the Criminal Code (Official Gazette of the Republic of Macedonia no.226/15) amended Article 418-d in terms of sentencing to at least 8 years in prison for the person that would induce a child to begging or exploitation with the purpose of activity forbidden by law.

Article 418-d (1):

Whosoever induces a child to sexual activities or enables sexual activities with a child or persuades, transports, transfers, buys, sells or offers for sale, obtains, supplies, harbors or accepts a child for the purpose of exploiting him in sexual activities for money or other forms of compensation or other forms of sexual exploitation, pornography, forced work or servicing, begging or exploitation for an activity prohibited by law, slavery, forced marriages, forced fertilization, illegal adoption, or forces consent as a

mediator for child adoption, illegally transplants human organs, shall be sentenced to imprisonment of at least eight years.

During 2014 an investigation was carried out, after which criminal charges were pressed pursuant to Article 418-a of the Criminal Code of the Republic of Macedonia against one person (female)

- type of exploitation - begging

- period of exploitation – March – September, 2014

- manner of recruitment: abuse of one's position using the condition of powerlessness and physical and mental incapacity of the victim (abuse of position of vulnerability)

- Identified victim of THB – an adult male with mentally challenged development

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.

The Republic of Macedonia strongly recognizes the use of criminal activities for the purpose of trafficking in human beings as a specific negative phenomenon. This is rigorously regulated in Article 418-a paragraph 1 and Article 418-d, paragraph 1 of the Criminal Code of the Republic of Macedonia.

Article 418-a

(1) Whosoever by force, serious threat causes delusions or other forms of coercion, by kidnapping, by deceit and abuse of his own position and abusing the pregnancy or the position of weakness of somebody else, or the physical or mental disability of another, or by giving or receiving money or other benefits in order to obtain agreement of the person that has control over another person, or in any other manner turns, transports, transfers, buys, sells, harbors or accepts persons for the purpose of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced pregnancy, unlawful adoption or similar relations to it, begging or exploitation for purposes forbidden by law, or illicit transplantation of human organs, shall be sentenced to imprisonment of at least four years.

Article 418-d:

(1) Whosoever induces a child to sexual activities or enables sexual activities with a child or persuades, transports, transfers, buys, sells or offers for sale, obtains, supplies, harbors or accepts a child for the purpose of exploiting him in sexual activities for money or other forms of compensation or other forms of sexual exploitation, pornography, forced work or servicing, begging or exploitation for an activity prohibited by law, slavery, forced marriages, forced fertilization, illegal adoption, or forces consent as a mediator for child adoption, illegally transplants human organs, shall be sentenced to imprisonment of at least eight years.

Prevention of THB (Article 5)

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports..

The civil association "Open Gate – La Strada" in the period that is subject to evaluation conducted a media campaign titled "Raise your voice against THB". The campaign's results were measured according to a monitoring and logical framework, both of which are attached herein.

- [Annex 9– Monitoring and logical framework by civil association "Open Gate – La Strada"](#)

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

Research in the area of THB is usually carried out in cooperation and with the use of technical and financial assistance from international partners and the civil sector. The obtained findings,

conclusions and recommendations from this research and analyses are used afterwards as the basis for creation of policy and measures on the part of the Government for the fight against human trafficking. In this context, within the past period **four research studies**²⁹ were carried out thus compiling **4 crucial documents** for establishment of procedures for treatment of vulnerable categories of foreigners, including children in the context of the current migration crisis, namely:

- **Report on Needs Assessment for the State of Play in THB of the Western Balkans**

The International Organisation for Migration (IOM) in cooperation with the National Commission for Combating Trafficking in Human Beings, through the working research group composed of the key players from institutions of Western Balkan countries³⁰ in September 2013 developed **Research on Needs Assessment for the State of Play in Trafficking in Human Beings in Western Balkans**. The report was published in 2014 by IOM³¹. The needs assessment was aimed at collecting and reviewing the opinion of the concerned parties for the current state of play in terms of mechanisms and resources available for combating THB in the Region. The assessment performed identification of the perspectives of concerned parties for the crucial drawbacks referring to identification, referral, assistance and support of THB victims. The concerned parties shared their recommendations on strengthening the existing response, rectifying the inadequate processes and removing the basic drawbacks in the regional resources for fighting THB.

The needs assessment entails six fundamental steps: (1) analysis of content composed of collection and analysis of documents identified and required on the part of IOM and amended by the investigative team; (2) development of two tools for identification of concerned parties and their roles so that they can be involved in the needs assessment; (3) personal interviews and telephone interviews with 37 identified stakeholders; (4) online survey of a regional, subregional and IOM staff out of the region, and other participants (99 out of 135 were filled-in, resulting in 73% response rate); (5) analysis and triangulation of all sources of data, through use of structured coding scheme for development of findings and initial recommendations; and (6) workshop for concerned parties for presentation and correction /validation of findings from research and recommendations.

- **Analysis and Empirical Research on the Application of the Non-Punishment Principle in the Legislation and Practice in the Republic of Macedonia.**

In 2014, the National Commission for Combating Trafficking in Human Beings and Illegal Migration acknowledged the importance of application of the non-punishment principle of victims of THB and with the support of OSCE Mission in Skopje and involvement of the civil sector, the Commission carried out analysis and empirical research for the application of this principle in national legislation and practice. The starting point and inspiration for the preparation of analysis were the provisions of the Convention of the Council of Europe for action against trafficking in human beings, the GRETA recommendations and the publication of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings "Recommendations on Policy and Legislation for Efficient Application of the Non-Punishment Principle of THB Victims", issued in April, 2013.

Within the framework of research, several methodological approaches were used in a complementary manner:

- 1) Review of international and national legal regulation and relevant strategic documents of the competent authorities in the Republic of Macedonia for combating THB and treatment of victims of this crime:

- 2) Statistical research which gathered data on identified and potential victims of trafficking in human beings for a period of up to five years, i.e. from 2009 until 2013 and their quality and quantity analysis; and

- 3) Survey with the use of structured questionnaire and conversations with professionals and practitioners that are involved in procedures with THB victims, with the purpose of determining and documenting the practices and opinions of competent authorities, institutions and organisations for the

²⁹ Prepared by IOM and OSCE

³⁰ MMacedonia, Albania, Bosnia and Herzegovina, Kosovo*, Monte Negro and Serbia

³¹ The report included crucial institutions from the Republic of Macedonia working in the area of combating THB, namely the National Commission for Combating Trafficking in Human Beings and Illegal Migration, the National Coordinator, State Advisor, Ministry of Labour and Social Policy, Coordinator of Office of National Referral Mechanism for Ministry of Labour and Social Policy, NGO participants, the Unit for Combating Trafficking in Human Beings and Migrant Smuggling, USA Embassy and the Macedonian Young Lawyers Association.

application of this principle. This process involved social workers, employees in the Ministry of Interior, Ministry of Justice, Ministry of Labour and Social Policy, public prosecutors, judges, international organisations and civil organisation activists working in this area.

The analysis resulted in specific recommendations for consistent alignment of the national law and practices with the international obligations of the country and creation of pre-conditions for full materialisation of this principle, which is essential for exercising all remaining rights of THB victims.

In 2015 a debate was organised among all relevant stakeholders, during which were presented and discussed the findings and recommendations of this analysis, which were afterwards sent to the National Commission for further processing for further promotion of national politics and institutional capacities for application of this principle.

- Analysis on the topic **“Compensation of victims of violent crime in Macedonia. How much would the formation of a state fund cost”?**

The civic association “Open Gate” has prepared analysis on the topic of **“Compensation of victims of violent crime in Macedonia. How much would the formation of a state fund cost”?** This analysis offers a short review of the meaning of financial sustainability in the work of the State Fund for compensation of victims of violent crime and existing models of financing such funds in other countries of the world. What is more, it contains analysis of the possible sources of funds from the central budget of the Republic of Macedonia that can be allocated when setting up funding model of the state fund, which practically answers one of the key questions for formation and functioning of this fund.

- **Analysis of the situation with identification and protection of children – victims of trafficking in human beings**, as the result of the cooperation between the Subgroup for combating child trafficking and the Ministry of Labour and Social Policy (MLSP) with endorsement of the German Society for International Cooperation (GIZ).

The Analysis was aimed at offering insight into the implementation of the national legislation, its harmonization with the international documents and the effects of undertaken measures in relation with the identification and protection of children – victims of human trafficking, as well as determination of weaknesses that the Macedonian society is facing in the area of identification and protection of child victims of THB.

Apart from the national laws, politics and institutional set-up and the ratified international agreements, the analysis puts its focus on the European Convention on Action against Combating Trafficking in Human Beings and the Directive 36/2011 of the EU on Preventing and Combating Trafficking in Human Beings, as well as on the situation in practice. Furthermore, the Analysis detects weaknesses and problems and gives recommendations for promotion and efficient identification and protection of child victims of THB.

The largest parts of recommendations of the conducted Analysis have already been addressed, and parts of them were incorporated in the new Strategy on Combating Trafficking in Human Beings and Illegal Migration (2017-2020).

[Annex 10: Analysis for the conditions with identification and protection of child victims of THB](#)

20. How do your country’s migration legislation and policies seek to prevent THB by enabling lawful migration?

Combating THB is an ongoing and complex process, and it is composed of a set of various and multi-layer measures and activities whose promoters are various competent institutions. Legislative interventions are just one among the tools for a more efficient suppression of this phenomenon and refer to the measures for prevention, but also the proactive measures in dealing with THB.

One such example is the **amendment of the Law on Asylum and Temporary Protection, entered into force on 18 June, 2015**, in the context of migrant crisis. Namely, during the first half of 2015, the only manner for the third country migrants located in Greece to go on towards their desired final destinations was the illegal movement along the so-called Western Balkan route, including the Republic of Macedonia. Attempting to avoid detection by the competent services, the migrants largely

opted for dangerous movement routes (railway tracks, the valley of the river Vardar, unmarked roads etc) and risky manners for illegal entrance into/exit from the state (hidden in vehicles, freight trains, etc.), and often times, they used the services of human smugglers. This significantly increased risk on their health and lives – there were registered cases of railway accidents, where the casualties were illegal migrants moving along the railway tracks.

The amendments of the Law on Asylum and Temporary Protection enabled the migrants a timeframe of 72 hours, a deadline during which they could apply for asylum in the Republic of Macedonia or leave the country, with the possibility of using public transport during this period. This measure practically eliminated the migrants' need for moving along dangerous and illegal routes and using the services of criminal groups dealing with smuggling. Furthermore, their entrance and transit in an organised manner provided them with conditions for granting adequate humanitarian and medical help, but also for a better profiling of persons and identification of persons of vulnerable category, but also of potential victims of THB.

The Republic of Macedonia does its best in these challenging times in terms of maintenance of security of its citizens, to observe the fundamental human rights and protect the life and dignity of migrants. To that end a **Temporary Transit Centre in Gevgelija was set up**, intended for reception, registration and administering first aid, as well as **Temporary Point for Assistance and Support near the Border with the Republic of Serbia**.

The translators provided by the IOM are still present on the field and enable communication with migrants, and inform them of their rights and the manner in which they can apply and receive any possible help in the country. Apart from translators, on the field also lawyers are present offering legal aid, medics in charge of health assistance and estimation of health conditions of migrants (paying special attention on vulnerable categories), and also psychologists assessing the mental state of migrants, who have the opportunity to point out the persons they believe to be in danger, including potential THB victims, so that they can be approached in an adequate manner and helped, as well as to detect the presence of this type of crime where existing.

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

- a. the legislation and regulations on organ transplantation and removal of organs, including requirements for transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;

The Republic of Macedonia has continuously worked for promotion of legislation in the area of organ transplantation and removal, as well as the remaining medical procedures. In that light, the following documents regulate this area adequately:

- The Law on Taking and Transplanting Human Body Parts for the purpose of Treatment³²
- Decree on the Manner of Transplant and the Measures for Providing Quality of Organs and Tissues in Distribution³³,
- Decree for Clinical Examinations and Other Additional Examinations for Determining Death, as well as the Manner of Determining Death of a Person whose Body Parts may be Taken for the purpose of Transplantation and for the Closer Criteria in terms of Specialty that must be met by the committee members that will surely determine that the brain's work has stopped³⁴
- Decree for the manner of work of a coordinator for taking and transplantation of human body parts and the amount of compensation for the performed work³⁵
- Decree for the manner of taking, storing and use of hematopoietic stem cells, ³⁶
- Decree for the manner of keeping and the closer criteria for preparation of the national waiting list, the conditions for selection of a most adequate recipient and the procedure for giving away the taken parts of human body for the purpose of medical treatment³⁷

³² Official Gazette of the Republic of Macedonia no.47/2011, 136/2011 and 91/2013

³³ Official Gazette of the Republic of Macedonia no. 168 of 3rd December, 2013

³⁴ Official Gazette of the Republic of Macedonia no. 168 of 3rd December, 2013

³⁵ Official Gazette of the Republic of Macedonia no. 168 of 3rd December, 2013

³⁶ Official Gazette of the Republic of Macedonia no. 168 of 3rd December, 2013

³⁷ Official Gazette of the Republic of Macedonia no. 168 of 3rd December, 2013

- Decree for the manner of keeping medical documentation, ³⁸
- Decree for the closer criteria, monitoring and reporting on serious damaging events and serious harmful reactions, as well as the form and contents of register of serious harmful events and serious harmful reactions³⁹,
- Decree for the system of traceability of organs and tissues, the system of identification of donors, the type, manner and contents of designations of organs and tissues (1)⁴⁰
- Decree for the manner of cooperation between the centre for transplantation with other authorised health institutions in the Republic of Macedonia and related foreign and international organisations with the purpose of exchange of organs for transplantation, ⁴¹
- Decree for the closer criteria in terms of area, staff and equipment for taking, transplanting and exchange of organs and tissues, for the necessary area, equipment and staff that is supposed to be provided by the health institution when taking, transplanting, exchanging and storing organs and tissues of the human body for the purpose of medical treatment⁴²
- Decree for the closer criteria and the manner of selection of a living organ and tissue donor, as well as the lab exams that are supposed to be conducted⁴³

Annex 11 Enclosed Decrees

- b. The institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;

Pursuant to the - Decree for the manner of work of a coordinator for taking and transplantation of human body parts and the amount of compensation for the performed work⁴⁴, **the National Coordinator for taking and transplanting of human body parts and the Ministry of Health** are responsible for the whole process of taking and transplanting of human body parts. The coordinator checks the status of possible donors of the registry of possible donors kept by the Ministry of Health, with the purpose of acquainting the family members with the procedures that are supposed to be undertaken. **The coordinator for taking and transplanting of human body parts** prepares and submits all necessary data and documentation for the possible donor for the purpose of providing quality and safety of organs and tissues and in cooperation with the **National coordinator for transplantation and the Coordinator for hematopoietic stem cells**, determines the possible counter-indications in relation with acceptability of organs and tissues for transplantation and for the need of additional examinations necessary for the total estimation of acceptability of the organ and tissue donor.

- In relation with monitoring of all waiting lists for transplantation of organs, pursuant to the - Decree for the manner of regulation and the closer criteria for preparation of the national waiting list, the conditions for selection of a most adequate recipient and the procedure for giving away the taken parts of human body for the purpose of medical treatment⁴⁵, the competent authority in charge of keeping the list is the **Ministry of Health**. The national waiting list for transplantation of human body parts is kept in written and electronic form according to the patient's age.

- c. **The counselling and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.**

Measures to discourage the demand (Article 6)

22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:

³⁸ Official Gazette of the Republic of Macedonia no. 168 of 3rd December, 2013

³⁹ Official Gazette of the Republic of Macedonia no. 168 of 3rd December, 2013

⁴⁰ Official Gazette of the Republic of Macedonia no. 168 of 3rd December, 2013

⁴¹ Official Gazette of the Republic of Macedonia no. 168 of 3rd December, 2013

⁴² Official Gazette of the Republic of Macedonia no. 168 of 3rd December, 2013

⁴³ Official Gazette of the Republic of Macedonia no. 168 of 3rd December, 2013

⁴⁴ Published in the Official Gazette of the Republic of Macedonia no. 168 of 3rd December, 2013, Article 3, paragraph 1,

2

⁴⁵ Published in the Official Gazette no. 168 of 3rd of December, 2013, Article 2 paragraph 1

a. educational programmes;

The civil association “Open Gate – La Strada” organised a platform “**United against Trafficking in Human Beings**”, participated by NGOs from the Region and Europe working to prevent trafficking in human beings, with the purpose of turning practical field experience into a joint action that will cause changes at national and international level⁴⁶. (27 -28th of May, 2015, Skopje)

The civil association “Open Gate” along with governmental institutions from Macedonia participated in the **Regional Workshop for Promotion of Protection of Rights of Victims of THB**. The workshop was held on 15th and 16th of December in Budva – Montenegro and was organized by the Government of Montenegro – the Office for Combating Trafficking in Human Beings and the Council of Europe.

The civil association “Open Gate” has conducted research on the conditions of female workers in textile and leather (regional) industry with the purpose of promotion of concept “life salary” and raising the awareness of the providers (brands) for observing human rights and for social responsibility⁴⁷.

The association “**For Happy Childhood**” conducted two workshops and focus-groups in 2014 for identification of reasons for appearance of trafficking of human beings for labour exploitation, using the programme “Work and Travel”, identifying the reasons and danger of labour exploitation, among which are: insufficiently precise working contract, salary, accommodation and work schedule.

Within the framework of “Week for Combating Trafficking in Human Beings” from the 2nd until the 9th of December, 2014, the National Commission for Combating Human Trafficking and Illegal Migration, the MOI, the Ministry of Labour and Social Policy and the Civic Association “Open Gate/La Strada” organised a **National Conference for Proactive and Coordinated Fight against Trafficking in Human Beings, focused on labour exploitation**.

b. Information campaigns and involvement of the media

The Civil Association “Open Gate” started the campaign “**Raise your Voice against Trafficking in Human Beings**” (a project initiated in 2014 and continued in 2015), whose aim was to contribute to the fight against trafficking in human beings, with a special focus on labour exploitation, increase of public consciousness in relation with this problem, especially among the youth and to bring about an improvement of identification and services for victims. Within the framework of this campaign posters, video and radio commercials and a banner were prepared that are being broadcasted in several national radio and TV stations. Within the framework of the campaign for the purpose of stimulating investigative journalism and reporting on the topic of “Trafficking in Human Beings”, Open Gate has opened a competition for **the best journalism paper**. An independent jury evaluated and gave awards to the three best journalist papers.

c. legislation (including in areas of public procurement, criteria for publishing and anticorruption)

The Criminal Code of the Republic of Macedonia was amended in 2009, with the introduction of responsibility of officials for perpetration of the below-mentioned criminal acts with severe prison sentences. Thus, in terms of criminal act “Trafficking in Human Beings”, Article 418, paragraph 4, in case the act is committed by an official, the official shall be sentenced to imprisonment of at least eight years, and in criminal act “Trafficking in Child”, Article 418 d, paragraph 5, in case the act is committed by an official person, the official shall be sentenced to imprisonment of minimum 10 years. **All these measures are aimed at deterring the perpetrators for committing of these crimes.**

⁴⁶ The following topic formed part of the workshop discussions: the need of the persons subjected to THB; Early identification of persons subjected to THB as a pre-condition for their recognizing as victims and as a consequence, providing them with access to assistance and protection; Monitoring of policies for combating THB; Cooperation with the private sector and their involvement in prevention from labour exploitation

⁴⁷ <https://cleanclothes.org/resources/recommended-reading/labour-on-a-shoestring>

d. **involvement of the private sector.**

Apart from the amendments in legislation since December, 2011, the IOM in cooperation with the National Commission for Combating Trafficking in Human Beings and Illegal Migration, and with the support of the Embassy of the Kingdom of Sweden and the Swedish Institute, organised a regional conference on “**Targeting Demand as an Option for Successful Fight against Trafficking in Human Beings**”. A total of 80 experts and practitioners from Macedonia, Albania and Kosovo attended the regional conference and there were discussions in terms of regional experience, politics and practices and the Swedish model aimed to Decrease Trafficking in Human Beings was presented and discussed, a model using sanctions for the users of sexual services.

The Republic of Macedonia is part of the project of the Office of the OSCE Special representative and Coordinator for Combating Trafficking in Human Beings. The main aim of the project is to provide the participating countries with tools for implementation of specific measures for prevention of trafficking in human beings in the supply chain, as well as a possibility for upgrade of the capacities for implementation of these measures, all the while observing human rights.

This project will help establishing specific measures for prevention of trafficking in human beings in the supply chain through workshops for building capacities of competent authorities, as well as building capacities for implementation of these measures through protection of human rights through good governing. Inter alia, the project would help promote the establishment of specific measures, would help exchange best practices addressed to the drawbacks and challenges in implementation and politics. Furthermore, the project foresees the development and publishing of flexible model-guidelines for the Governments for protection from trafficking in human beings in the supply chain, with a focus on governmental public procurement and transparency of politics, development of strategic plan for adoption of model-guidelines, extended reform efforts that are supposed to be incorporated in the National Action Plan or the remaining governmental obligations.

23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, inter alia, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

The Criminal Code criminalizes the acts of – forced labour or servicing in Article 418-a “Trafficking in Human Beings”, as well as Article 418-d “Trafficking in Child”, stipulating a prison sentence of minimum four years for 418-a, as well as prison sentence of minimum eight years for 418-d.

The Government adopted a series of legal regulations, the majority of which are referring to the area of working relations, mandatory registration of each employee (seasonal work, definite or indefinite period), determination and providing a minimum salary, as well as enhanced monitoring on the part of labour inspection, thus significantly contributing, especially in terms of private sector, for a significant decrease of the black market employment, because the high penalties foreseen in this area deter employers from disrespect of legal regulations. All measures taken by the country significantly improved the situation in this domain, especially in the area of catering industry, which hired people for forced labour and services.

The organisation of trainings for combating THB for labour inspectors helped raise the level of prevention of THB for forced labour or services at a higher level and through inspections in work organisations, improvement of identification of victims of this type of trafficking is expected.

All inspectors within the State Labour Inspectorate have completed training for detection of cases of THB for the purpose of labour exploitation. A Guidebook for early detection of THB cases by labour inspectors was adopted.

The State Labour Inspectorate regularly controls the agencies for mediation for employment abroad and submits information for the stated situation to the Government of the Republic of Macedonia.

The State Labour Inspectorate cooperates and performs joint controls with the Foreigners and Readmission Unit within the Ministry of Interior.

Border Measures (Article 7)

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

- a. **identification of possible victims of THB in the context of border control;**
- b. **identification of possible perpetrators of THB offences;**
- c. **gathering of first-line information from victims and perpetrators;**
- d. **identification of vulnerable persons in need of international protection among possible victims of trafficking.**

The capacities of border police are being built on an ongoing basis in all areas of border operation, including combating THB. As an organisational unit competent for border control (including border control on border crossing points and border surveillance on the so-called “green border”), in the majority of cases it is exactly border police officers that are the first to get in touch with the persons in need of international protection, possible victims of THB, but also possible perpetrators of the crime of THB.

For these reasons, the priority in capacity building is the continuous training of personnel – in cooperation with international NGOs and within the framework of current Projects and initiatives for Police Officers trainings and workshops are being carried out (for trainers and participants) on “Identification of THB victims”, “Human Rights and Techniques for Conducting Interviews”, “Combating Migrant Smuggling and Profiling”, “Gender Aspects in Providing Security to Refugees and Migrants”, “Humanitarian Border Management”, “Protection of Refugees”, “Techniques of Recognizing Frauds” etc.

During 2015 specialised trainings for THB for 180 border police members were carried out. Furthermore, identification of THB victims and vulnerable categories of persons, techniques of interviewing, human rights, humanitarian border management etc. were areas/topic of education that were elaborated within the framework of other trainings, such as for example “Training for Managing Migrants”, “Managing Illegal Migration”, etc.

Apart from the Standard Operating Procedures for treatment of THB victims, Indicators for Identification of THB victims in cases of mixed migration movement were also prepared.

These indicators were prepared as an auxiliary tool of the responsible persons that come in contact with assumed victims of THB for the purpose of taking measures for their further formal identification and they need to play the crucial role in preliminary identification.

Furthermore, Standard Operating Procedures for treatment of unaccompanied children – foreigners, and Standard Operating Procedures for treating vulnerable categories of persons – foreigners were prepared. Following the example of the indicators for identification of victims of THB in cases of mixed migration movement, these SOPs were prepared as the result of the need for the border control mechanism to be especially sensitive when recognizing high risk persons.

Although protection of vulnerable categories of persons and minors at a national level was even previously regulated pursuant to international norms and standards, the specificity of this migration crisis, the mass influx of migrants and its conditions imposed a need of additional development of procedures that would adequately respond to this challenge and will be focused specifically on the vulnerable categories of persons that form part of migration flows.

25. What measures have been taken to ensure that the personnel employed by the commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

So far no special measures have been taken in relation with this issue, but a need is noted for awareness raising among the staff working in commercial carriers for the possibility of detection and reporting of crime related with THB. Hence, the upcoming period first foresees the organisation of interdisciplinary trainings for this category of employees, with efforts for this training to become regular and continuous, according to the needs.

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

In line with the determination for continuous capacity building and border operation in accordance with the European standards, Border Police has established and practically implemented the forms of cross-border police cooperation as stipulated in the Schengen Catalogue of recommendations and best practices (part 4 – police cooperation) – regular meetings with competent services of neighboring countries (except for the Republic of Greece) at all three levels (local, regional and central), functioning of Joint Contact Centres for police cooperation with the Republic of Bulgaria (JCC Gyueshevo/Deve Bair), Republic of Albania (JCC Kjafasan), Republic of Serbia (JCC Tabanovce) and Republic of Kosovo (JCC D. Blace), enforcement of mixed patrols etc, and has actively participated in international and regional initiatives and projects relating to the established early warning systems and mechanisms/platforms for swift exchange of data.

Thus, in the event of need for swift exchange of information and findings on cases or possible cases of THB, all existing forms of police cooperation may be used (exchange through some of the joint contact centres or urgent meeting/contact at local/regional/central level between the commanders of stations/regional centres/departments for border affairs of the two countries, direct communication between the border services centres on duty, the liaison officers of foreign services in the Republic of Macedonia etc).

However, this type of information is aimed at preventing current (possible) cases of THB ongoing in the moment or possible to happen on the joint borders, the prevention of which requires direct and swift exchange of information.

As far as exchange of international criminal information goes, as an integral part of the Bureau for Public Security within the Ministry of Interior, the Border Police uses the „single window” approach and the exchange with foreign competent organs is performed through the International Police Cooperation Sector of the Central Police Forces within the Public Security Bureau.

Namely, the International Police Cooperation Sector is the only coordinating point for exchange of international criminal information, through the channels of INTERPOL, EUROPOL, SELEC and the foreign liaison officers, as well as the other law-enforcement agencies in the Republic of Macedonia (MOI, Customs Administration, Financial Police, Public Prosecution, Ministry of Justice etc).

The existence of 24/7 service on duty of the Sector for International Police Cooperation and the safe channels for international exchange of information (I-24/7 of INTERPOL, the SIENA application of EUROPOL) enable swift and safe exchange of operative information upon specific request, in bilateral and multilateral investigations or when conducting joint operations.

In the past period, in the area of trafficking in human beings and migrant smuggling were carried out several operations in coordination with EUROPOL.

The last such is from the 23 September, 2016, when the German police services through the International Police Cooperation Sector notified us that a Syrian citizen, asylum-seeker in the Republic of Germany, reported that his spouse and their four minor children were detained by force on the territory of the Republic of Macedonia, in the cross-border area between the Republic of Macedonia and the Republic of Serbia, for the purpose of extortion of additional funds for their release. After the received notification about the event, coordinating measures and activities were taken, and 35 migrants were found (26 Syrian, five Pakistani and 4 Afghan citizens) and among them was the family of the informant – the asylum seeker, as well as six of the reported foreign citizens. An additional number of 15 migrants, all of them coming from Iran, were found in the near vicinity of Iran.

Apart from conducting bilateral investigations, the MOI of RM participated in EMPACT (the European Multidisciplinary Platform Against Criminal Threats), JAD activities or implementation of SIROCCO (23/24.6.2015) и SIROCCO 2 (21/22.06.2016).

Identification of the Victims (Article 10)

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

In the Ministry of Labour and Social Policy, in the Equal Opportunities Sector, since the 2005 Office of the National Referral Mechanism for victims of THB (NRM) has been established

The coordinating Office of the NRM enforces its competences relating to the prevention and protection of victims of THB in cooperation with:

1. 30 social affairs centres, each having two trained social workers, available 24/7 on the phone;
2. MOI –Trafficking in Human Beings and Migrant Smuggling Sector;
3. Centre for victims of THB and civic associations.
4. Civil associations

Operating in line with the Standard Operating Procedures for treating victims of THB, the NRM's main role is:

- Initial need-assessment of persons assumed to be victims of THB, organisation and adequate assistance (crisis intervention, psychological-social support and counseling, food, clothes, medical assistance);
- Referral and accommodation in state shelter,
- Designating a separate guardian for minors, evaluation of eligibility and readiness of family for return of minors, return into family or finding adequate accommodation;
- Assistance in collection of necessary documents, personal documents, health card etc. (Social Affairs Centre, MOI and MFA);
- Carrying out individual plans for resocialisation and reintegration of victims of THB (inclusion in educational process, additional qualification etc.).

In 2013, the NRM was upgraded through inclusion of the labour inspection and health workers in the coordinating process of the NRM and adequate trainings were conducted.

28. Are there any formalized indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

In 2010, with the purpose of implementation of the Strategy and the National Plan for Combating Trafficking in Human Beings and Illegal Migration 2013-2016, **Indicators for Identification of Victims of THB**⁴⁸ were prepared by the Ministry of Labour and Social Policy and the Commission. The indicators are aimed at improving identification of victims of THB and are used as a practical tool of officials from institutions and organisations that could be in contact with victims of potential victims of THB. The indicators are divided in two groups: direct indicators intended for identification of victims and indirect indicators for identification of potential victims. The set of indicators may be used as a practical guide for assessment performed on the part of the competent officials⁴⁹/organisations⁵⁰ that are in contact with victims of potential victims of THB.

In 2016 Indicators for Identification of Victims of THB in cases of mixed migration movement and General Indicators for first/preliminary identification of assumed and potential victims of THB in the context of mixed migration movement in the Republic of Macedonia were prepared (abridged version). These documents are prepared on the part of the National Commission for Combating Human Trafficking in Cooperation with the International Migration Organisation (IOM Skopje), intended for application by persons in charge from competent institutions/organisations that have first contact with foreign citizens in cases of mixed migration movement on the territory of the Republic of Macedonia.

The above-mentioned indicators are used in practice through organisation of trainings of all professionals involved in the process of identification and offering assistance to victims of THB.

29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.

⁴⁸Available at <http://www.mtsp.gov.mk/nacionalen-mehanizam-za-upatuvanje-na-zrtvi-na-trgovija-so-lugje.nspcx>

⁴⁹ MOI-THBMSS, MLSP-SWC.

⁵⁰ Civil associations that identify potential victims of THB.

The Republic of Macedonia adopted the Indicators for Identification of Assumed/Potential victims of Trafficking in Human Beings in the context of mixed migration movements that are supposed to give positive contribution for easier identification of victims of THB.

In practice, there are indicators showing some of the factors that may be taken for “reasonable grounds” that the person is a potential or assumed victim of THB and that this is a case of THB.

Annex 12: Indicators for Identification of Victims of THB in Cases of Mixed Migration Movements

- Age: The typical age of the persons presumed to be PVoT or PoVoT depends on the nature of THB, location and type of exploitation. Children, and especially unaccompanied foreign children, are particularly vulnerable to trafficking because it is easier to obtain their consent and they are more susceptible to intimidation.

-Gender: THB for the purpose of sexual exploitation predominantly affects women (adults and minors)⁵¹. THB in males for the purpose of sexual exploitation through prostitution occurs in limited cases, but it should not be excluded.

-Country of origin: The country of origin as a general indicator increases the level of risk the person is subject to regarding a certain type of THB.

Documentation/personal documents: Not possessing personal documents, i.e. registration forms issued by the countries on the route of movement, and possessing forged documents and money transfer receipts,

Transport: The number of persons which are transported does not correspond with the vehicle, for example, one or two females are 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.

Evidence of abuse: 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 mental violence, such as the use of threats, etc.

- **Indicators related with the behavior of potential or presumed victim of THB –when getting in contact with an official during the transport/reception/handing over -**

The process of identification of the victims of THB in **Initial/Preliminary Identification** is conducted by responsible persons from the competent institution/organisation who came in immediate contact with the potential victim. Most often, these persons are police officers from the MoI of the Republic of Macedonia, social workers from SWCs, CA/IO 's representatives involved in Temporary Transit Centres, Reception Centre for Foreigners, Reception Centre for Asylum Seekers and other institutions and organizations. **The final identification of the victims of THB** is performed by responsible persons from THBMSU from the MoI and the MLSP-NRM (team of experts from IMCSW).

PRACTICAL EXAMPLES

Example No.1:

Potential victim of THB among illegal migrants

Detected by the mobile team of the Customs Office of the Republic of Macedonia.

In this case an unaccompanied minor from Afghanistan has been identified, whereby after a conducted interview and performed checks by the International Police Cooperation Sector in cooperation with INTERPOL Berlin and INTERPOL Athens, she has been identified as a potential victim of THB among illegal migrants. The abovementioned girl, after being readmitted due to possession of documents for the residence in Greece, has been returned to Greece. (this is an excellent example of inter-institutional cooperation for recognizing potential victims of THB and timely informing the THBMSU – in line with the SOPs)

Example No. 2:

In the month of December, 2015 the THBMSU identified 2 children – potential victims of THB from Afghanistan (brothers at the age of 13, and 13 months, respectively). The person who accompanied

⁵¹ See item 3 on page 5

them at the checkpoint fled and deserted the children. After the performed checks and the conducted procedure of family reunification, the brothers have been reunited with their family in Germany.

Example No. 3:

In March 2016, the THBMSU identified two sisters (minors) from Afghanistan – unaccompanied foreign children, potential victims of THB, who were accommodated in a safe house of the MLSP. In December 2016, in an operation conducted in the village of Lojane, 33 persons – potential victims of THB were identified and they have been accommodated in the Reception Centre for Foreigners, in a safe house and in the Asylum Seekers Centre. There is an ongoing parallel investigation between PS and PPO from Macedonia and PS and PPO from Germany.

30. What measures are taken in your country to encourage self-identification of victims of THB?

Self-Identification in the Republic of Macedonia has been encouraged by numerous trainings, workshops, campaigns, platforms held for pupils and students, as well as citizens by distributing information leaflets at busy places, promotion of videos, art exhibits on „Trafficking in Human Beings” and so on. Here, it is appropriate to highlight the Campaign the implementation of which started in 2014 and continued in 2015 as well, entitled **“Raise your Voice against Human Trafficking”**. The aim of this campaign was to increase the public awareness in regard to this problem especially among the youth and improving the identification and services for the victims. In the framework of this campaign the CA “Open Gate”, supported by the national Commission for Combating Trafficking in Human Beings and Illegal Migration, posters, videos and radio jingles and banners were created being broadcasted by several national TV and radio stations.

In December 2013, the National Commission in partnership with the Secretariat and the Sub-group for Combating Trafficking in Human Being conducted a Campaign **“Cut the strings of Labour Exploitation and Child Trafficking in Macedonia”**. This campaign encompassed several towns (Skopje, Bitola, Struga, Kumanovo, and Gostivar) and it was aimed at preventing Child Trafficking for the purposes of Labour Exploitation and Forced Begging. In the course of the Campaign around 10 000 leaflets and 250 T-shirts were distributed, and 150 posters were printed. The two promotional videos recorded, besides being broadcasted by the national and local TVs were watched by 400 YouTube visitors.

Each year the CA “Semper” and the Local Commission from the municipality of Bitola organize an art exhibition on “Trafficking in Human Beings” in the Cultural Centre Bitola where over 60 art works, created by students, were exhibited and three of them were awarded;

Building a partner relationship between the police and the citizens as well as enhancing the system of trust and raising the awareness of the population has resulted in the need for introducing internet applications which citizens can use to collaborate with the police by reporting on possible crimes committed or on other security threats. As a result of the monitoring the conditions and assessing the needs for these kind of applications, the Project **„Red Button”** was implemented within the Ministry of Interior in 2015. The aim of this project was to allow the person reporting to report on a case in an electronic way at the web-site of the Mol. This application offers an option for reporting a case of THB by the victims themselves or by another person.

The CA “Open Gate” promoted a mobile application called **BAN Human Trafficking**, available for Android and iOS platform. In an interactive game, the users are offered a chance to encounter different types of exploitation to which the victims of THB are subject.

31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

When considering the asylum applications submitted by asylum applicants in the Republic of Macedonia the provisions of the Law on Asylum and Temporary Protection (LATP) are applied.

While doing this, in case there is a person that is potential or actual victim of THB, Article 23-a from the LATP is applied.

Article 23-a, paragraph 2 of the LATP, defines victims of THB in the category of vulnerable persons.

The identification of victims of THB is performed on the basis of individual evaluation of their condition by a competent public institution for social protection, which in this case is the Social Affairs Center (SWC) within the Ministry of Labour and Social Policy (MLSP), as stipulated in Article 23-a, paragraph 3 of the LAMP.

Below you may find Article 23-a of the LAMP.

Vulnerable Persons with Special Needs Article 23-a

In the implementation of this Law, the special needs of vulnerable persons who are asylum seekers, recognized refugees, persons under subsidiary protection or persons under temporary protection, shall be taken into account.

Vulnerable persons, in the sense of paragraph 1 of this Article, are persons with no procedural capacity, minors, unaccompanied minors, victims of trafficking in human beings, persons with serious medical condition, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

The special needs of vulnerable persons of paragraph 1 of this Article shall be established after an individual evaluation of their situation, undertaken by the competent public institution for social protection.

When accommodating and meeting the standard of living of persons of paragraph 2 of this Article their condition shall be taken into account with the provision of appropriate medical, psycho-social and other assistance.

It is necessary when assessing the application for recognition of the right to asylum to have regard to gender-specific forms of persecution.

Furthermore, in the Republic of Macedonia in the month of July, 2016 were established Special Operating Procedures for treatment of vulnerable categories of foreign persons (SOP for vulnerable categories of foreigners), that are aimed at defining the competence for treatment in a certain stage of procedure; a unified and standardized manner for treatment of competent institutions and organisations in the procedures with vulnerable categories of foreigners; a multidisciplinary approach in treatment of vulnerable categories of foreigners in line with international and domestic legislation and the procedures taken for harmonization with the needs and best interests of the vulnerable categories of foreigners, a category encompassing victims of THB.

All the while, SOP 1, measure 2 stipulates identification of a vulnerable category of foreigner, according to which responsible persons for identification of victims of THB are trained professionals in Border Police for Identification of vulnerable categories of foreigners, competent persons from the Social Affairs Center within the MLSP and competent persons of civic and international organisations for treatment of vulnerable categories of foreigner in Temporary Transit Centres or the Asylum Seeking Centre.

Identification of victims of THB is performed upon the first contact with vulnerable categories of foreigners, representing detection upon their entrance in the Republic of Macedonia via a legal or illegal state border crossing point, detection of cases of smuggling of foreigners on the very border or within the interior of the Republic of Macedonia or when giving first or humanitarian assistance on the part of civic or international organisations in the Temporary Transit Centres or the Centre for Asylum Seekers.

For identification of victims of THB Indicators for victims of THB prepared by the MLSP are used and for treatment of these people the SOPs for treatment of victims of THB are used

As to the return of persons whose requests have been denied with an effective court verdict, or all legal means have been used, the **principle of non-refoulement is taken into consideration**: the asylum seeker, recognised refugee or person under subsidiary protection cannot be expelled, or in any manner whatsoever be forced to return to the frontiers of the state:

- in which his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion, or,
- where he would be subjected to torture, inhuman or degrading treatment or punishment.

The non-refoulement principle does not refer to a foreigner that represents a security threat for the Republic of Macedonia, or who has become a danger for the citizens of the Republic of Macedonia after an effective court verdict was imposed against them for crime or a serious crime act “

Return of vulnerable categories of foreigners, including victims of THB.

Returning is performed after the legal conditions for repatriation of victims of THB. Also, the competent Social Affairs Center in charge of victims of THB shall be notified and it shall initiate procedure for acquiring approval by the reception country, or shall communicate with its competent institutions. Communication shall be performed through the Ministry of Foreign Affairs of the Republic of Macedonia. Handing over the victims of THB on the part of the competent authority, whether it is performed in the Republic of Macedonia or in the reception country, shall always be carried out with a Report for handing over, and containing data on:

- the victims of THB, personal data, date of reception and period of stay in the Republic of Macedonia, type of vulnerability, measures and conditions of protection that are enabled;
- the competent institution and the responsible person from the Republic of Macedonia;
- the competent institution and the responsible person from the reception country.

1. Communication between the authorities in charge of identification of victims of THB and the authorities for immigration and asylum when there are reasonable grounds to believe that a person illegally residing in the country is a victim of THB shall be performed in line with the steps foreseen in the SOP 2, measure 1 – First aid and support to vulnerable categories of foreigners, including victims of THB.

These provide a unified and standardized manner of treatment of competent institutions and organization in procedures with vulnerable categories of foreigners. All provided services are aimed at overcoming the trauma of victims through stabilization activities and in the progressive stage of the process of support, their enhancement and full integration in the living environment.

Pursuant to SOP 2, measure 1 – First aid and support of responsible institutions for such procedures, the competent authorities are the MOI, the SWC-MLSP, UNCHR, the Red Cross of the RM, the Ministry of Health and other civic and international organisations.

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

When undertaking actions the employees of the Ministry of Interior act in accordance with the existing legal regulations. In this regard, in accordance with the **Law on Internal Affairs**, the employees of the Ministry, while performing their tasks and obligations, are obliged to protect and preserve the life and property of the citizens and to respect the rights and freedoms of men and citizens. While performing their work tasks, the employees of the Ministry provide impartial and objective application of the laws and other regulations, thus providing protection and exercise of rights of citizens and legal entities in a manner that is not at the expense of other citizens and legal entities nor contrary to the public interest determined by a law. The misuse of personal data is more serious form of violation of the work order and discipline for which adequate sanctions are provided for in accordance with the Law. Pursuant to the **Law on Police** policing also includes protection of life, personal safety and property of citizens, as well as protection of rights and freedoms of men and citizens guaranteed by the Constitution of the Republic of

Macedonia, laws and ratified international agreements. If the person against whom police powers have been applied pursuant to this law thinks that the police officer violated his/her rights and freedoms he/she has a right to file a complaint to the police. The police are obliged to investigate the allegations in the complaint from paragraph 1 of this Article and to inform the person submitting the complaint on the undertaken measures within 30 days from the day of receipt of the complaint.

Among other things, the police powers determined by this Law also include collecting, processing, analysing, use, assessment, transfer, keeping and deleting data, as well as processing of personal data under conditions and in a manner determined by this Law and other particular law. Personal data referring strictly to racial origin, religious belief, sexual behaviour or political opinion, membership of a certain movement or organisation established in accordance with the law, as well as other special categories of personal data established by specific law cannot be collected by the police. By exception, the police may also collect these personal data under conditions and in a manner determined by this Law and other specific law when it is extremely necessary for the needs of a certain investigation.

Personal data may be delivered to foreign police services and international organisations at their request, in accordance with the law and ratified international agreements. The Directorate for Personal Data Protection performs supervision to the processing of personal data and their protection determined by this Law and other specific law.

Police officers are obliged to preserve the secrecy of the data and information they have obtained while performing police works or for the purposes of performing police works, and which are personal or classified information pursuant to the law or regulations adopted on the basis of a law. The obligation for preserving the secrecy of the data and information continues after the termination of the employment in the Ministry.

Besides the abovementioned laws, the treatment of victims of THB is additionally regulated by a document **Standard Operational Procedures for Treatment of Victims of Trafficking in Human Beings** (2010). This document regulates the processes, procedures, and manners of providing assistance and protection of the victims of THB using a comprehensive approach based on human rights and directed towards the victim in the form of institutionalised frameworks for cooperation. The procedures refer to multi-sectoral services whose objective is to support and protect victims of THB and are intended for the competent authorities within the frames of MOI, MLSP and NGOs. MLSP keeps records of the victims of THB, whereas MOI keeps records of the perpetrators of criminal acts. The measures of the Standard Operational Procedures cover the following areas: identification of victims of THB, legal status of the victims of THB, assistance to the victims of THB (before their return, as well as measures for their reintegration in their place of destination), returning the victims of THB, assistance and reintegration of victims of THB after their return – their place of origin, criminal procedure in which the victims of THB are included as witnesses and compensation of damages. In the area of identification of victims of THB early risk assessment is made by determining the risk to the health and safety of the victim. The purpose of the interview held with the victim in this stage is to perform risk assessment which is of direct threat to the life of the alleged victim, assessment of the need of emergency medical care or other emergency needs for support and to jointly determine the following steps in order to provide safety and wellbeing of the alleged victim. In this sense, the general risk assessment provides for an assessment of the physical condition and signs of violence, mental condition, health condition and assessment of the risk to the safety (current concern for safety, previous threats against safety, concrete persons who may cause problems, concern about the safety of the family members or friends, risk locations for the person, etc.). If the risk assessment shows that the measures for protection of the safety are necessary, adequate action for risk removal is urgently undertaken.

Pursuant to the Criminal Code, during the treatment of the victims of THB persons in charge of the case are obliged to keep records for the victims and to keep all the relevant documents, as well as to provide their protection pursuant to the Law on Classified Information. Persons included in the work with victims need to have security certificate with the “strictly confidential” classification.

In order to establish adequate measures for assistance of every victim, assessment of the needs of the victim is made. Besides other elements, assessment of the current concern for the personal safety of the victim is performed, information about individuals who may cause problems, concern for close persons, unsafe locations for the victims, whether the person has been followed in a certain time period, etc. are collected. The assessment of the needs is performed after the information regarding the available services, conditions and obligations for obtaining the service are being provided to the victim.

In this phase, the competent person has an obligation to explain to the victim who has an access to the information which additionally contributes the victim to feel safe during the entire procedure. It is important to mention that the persons in charge of contact, interview or any type of treatment of victims are stated in all procedures and phases provided for in the Standard Operational Procedures. A number of activities for adjustment and stabilisation of the victims (healthcare package and necessary medical assistance, psychosocial assistance and support, legal aid and possibility for education/training) are provided for following the phase of obtaining victim's consent for conducting the assistance plan. The victim may submit a complaint to the person in charge of the case or the competent services which must not negatively affect the provision of the services.

The process of return of the victims should be voluntarily and secure where the victims have an opportunity to state if, when and how they would like to return home. In this area, special protection criteria are applied when the victims are minors. The competent entities have an obligation to help the victim to make a decision about returning, enabling complete information about the options and risks regarding the extension of the residence in the country of destination, the return home and change of domicile/residence. If the victim decides to return home, a risk assessment and assessment of the safety is performed in order to provide safety of the victim as well as his/her family about which the victim is accordingly informed. After this, risk management plan is made whose objective is to minimize and effectively manage the risk to the victim and his/her family members. In order to protect the victim during the return process it should not be stated that the person is a victim or illegal migrant in the travel documents provided for this purpose. If the person expressed a wish to seek asylum the embassies and consular missions should not be consulted on this matter. Prior to returning, the victim is informed on the result of the assessment, identity status and legal documents, manner of travelling, as well as the information on the first days in the country of origin or the place of living. In order to provide safety of the victim, flow of information is realised between the service sender and the service recipient, as well as with other organisations in the transit countries or at the border crossings. Special precautionary measures are also provided for during the transport of the victims.

The protection of victims against THB is especially important during the criminal proceedings. The foreign victim is included in the procedure if he/she decides to cooperate with the police and the competent judicial authorities. Pursuant to the Law on Criminal procedure every person summoned as witness, including victims of THB, is not obliged to answer certain questions if it is certain that the person will expose himself/herself or close family member to great embarrassment, significant material damage or criminal prosecution. Also, the witness may refrain from providing personal information if it is likely that he/she will endanger his/her life or personal integrity by providing statement or answer to a certain question.

During the collection of data with victim's support, before beginning the interview, the victim is informed, among other things, on the personal safety and the safety of his/her family or other persons close to the victim, as well as the confidentiality and the risk against revealing information and possibility to exclude the public during the trial. In this phase, the safety and wellbeing of the victim are of highest priority. Different types of precautionary measures in terms of personal safety of the victim are undertaken when preparing the victim before, during and after the main hearing. If the victim-witness enters the witness protection programme the following measures can be applied: keeping the identity secret, providing personal protection, change of identity and change of domicile/residence. After the termination of the court proceeding, the safety of the victims is still being monitored for the purposes of reducing the risk of revictimization.

Assistance to victims (Article 12)

33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:

- a. **funding,**
- b. **victim's safety and protection,**
- c. **standards of assistance and their implementation in practice ,**
- d. **access to medical treatment, psychological assistance, counselling and information,**
- e. **translation and interpretation where appropriate?**

The basic needs of the alleged victim should be provided at the very beginning of the identification procedure. The basic needs consist of meeting the personal needs, providing clothes, rest, emergency care, use of interpreter, and phone. If the victim is a Macedonian citizen he/she is accommodated at the Centre for Victims of Trafficking in Human Beings. The foreign victims of THB are accommodated at the Reception Centre for Foreigners. This ensures their safety and protection.

The purpose of the early risk assessment which was carried out at the beginning of the identification procedure is to assess the risk of an immediate threat to the life of the alleged victim, to assess the need of emergency care or other urgent needs for support and to determine the next steps in order to provide safety and wellbeing of the alleged victim.

The standard operational procedures for treatment of victims of THB provide for specialised procedures whose objective is to provide initial care and assistance to the victims. The purpose of the **initial care** is to provide their safety from the aspect of: accommodation, food, clothes, psychological counselling and psychosocial support, referral to legal assistance, facilitating contacts with the consular mission and the country of origin following the consent of the victim, physical examination and medical assistance, safety measures, contact with the family and/or close persons if requested by the victim, and notifying the competent authorities.

The initial care and assistance is based on previously performed assessment of the needs by the person in charge of the case who prepares adequate assistance plan after the assessment for which he/she also provides consent from the victim for its implementation.

During the stage of **medium-term assistance** to the victim, the service providers are responsible for providing safety, medical services, psychological assistance and support, legal aid, restoring confidence and stability, cooperation in planning and preparation of the next steps of the victim.

A Programme for Assistance and Support during the Reintegration of Children Victims of THB and a **Programme for Assistance and Support of Victims of THB** have been adopted that enable faster access to the existing rights in the protection system in the areas of: safe accommodation, health care, legal aid, social protection and protection of children, education and employment of children. The entities adopting the measures from the individual reintegration plans are the Social Affairs Centres in partnership with other institutions on local level such as the employment service agency, local self-government units, NGOs, etc.

The programme offers holistic approach with a child oriented treatment and with his/her active participation according to his/her individual needs for the purposes of strengthening the confidence and self-respect of the child victim of THB.

The planned programme activities will help to overcome the issues of the child victim of THB and to increase his/her abilities to function and positively resocialise and reintegrate in the social environment of his/her origin.

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?

The answer of this question is included in questions 38, 39, and 40 of this Questionnaire.

35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?

Centre for Persons Victims of THB

In 2011, the Ministry of Labour and Social Policy opened the Centre for Persons Victims of THB as component of the Inter-Municipal Social Affairs Center Skopje. The legal regulation provides for victims of THB, national citizens and foreigners who have obtained temporary residence permit to be accommodated in this centre. The capacity of the centre is for the accommodation of 10 persons who can stay there for 6 months. Children are accommodated in a bedroom separate from the adults. The accommodation is according to the rules and procedure for referral via the NRM i.e. decisions adopted by the SWC, and by the MOI in exceptional cases. The victims obtained assistance and support from two NGOs with which MLSP has signed a memorandum of cooperation: social support from the Civil Association "Open Gate" and psychological support from the Civil Association "For a Happy Childhood".

Reception Centre for Foreigners

The Reception Centre for Foreigners is a facility owned by the state and managed by the MOI which functions since 2001. The Centre is intended for the accommodation of foreign citizens, assumed victims and victims of THB. Accommodation, medical assistance and care, legal aid and representation, and psychosocial assistance, as well as services of return and reintegration are offered to the accommodated persons in the Reception Centre for Foreigners. In 2015 the number of accommodated persons in the **Reception Centre for Foreigners** increased by 56% compared to the previous year i.e. 1,346 (896) persons, most of which or 75% are citizens of Syria, Afghanistan and Iraq.

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

In accordance with the Standard Operational Procedures for Treatment of Victims of THB, the procedure for consent is conducted in order the victim to understand and to agree with the offered help, conditions and deadlines. The procedure for consent will begin after the conditions and deadlines for providing help are explained to the victim. The procedure for consent is led by the responsible person by providing clear description of the offered services to the victim in a language that he/she understands.

Annex 13 : SOP for Treatment of Victims of THB

37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

The period of reintegration is a long-term and multi-aspect process that cannot be terminated until the child/victim of THB becomes again an active member of the social life.

The programme for assistance and support during the reintegration of the children victims of THB is a guiding activity to partner organisations which provide services in the process of reintegration. The duration of the Individual Plan for Reintegration of Children Victims of THB is minimum 1 year with a possibility for extension, and it contains activities harmonised with individual needs of the children having in mind their physical, psychological, psychiatric, legal and social needs.

The Individual Plan for Reintegration is re-examined and evaluated by the means of permanent internal evaluation by an institution providing services to child victim of THB, and the assistance and all the procedures applied in accordance with their needs are revised and adapted where needed.

In accordance with the Law on Social Protection, the Social Affairs Institute supervises the expert work of the (Social Affairs Center) SACs and their employees for the purposes of determination, monitoring, control, insight and improvement of the functioning capacities in the social protection institutions. The Social Affairs Institute prepares a report on the performed supervision to the expert work in which it determines measures and deadlines for the removal of the established irregularities and shortcomings.

Recovery and reflection period (Article 13)

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

Article 81 of the Law on Foreigners provides for and enables a reflection period to a foreigner for whom there are grounds to suspect that he/she is a victim of a criminal act "Trafficking in Human Beings". The reflection period may be extended only if it is about children under the age of 18. This period is approved in order to provide protection and assistance during the recovery and avoiding the influence of the perpetrators of the criminal act "Trafficking in Human Beings".

Victims are given a reflection period regardless of their decision to cooperate as witnesses and whether the perpetrators will be criminally prosecuted or not. The reflection period should be offered both to foreign and national victims of THB.

During the reflection period the following services are provided to the victims:

- appropriate and safe accommodation;
- medical and psychosocial assistance;
- advices and information regarding their legal rights in a language they understand;
- legal aid for the victim during the criminal or other procedure where the victim realises his/her rights;
- information on the appropriate court or administrative procedures, as well as the right of the foreign citizens to apply for asylum;
- information on the possibilities and procedures for their return in the country whose nationals they are or the country where they had legal residence before entering the territory of the Republic of Macedonia;
- access to education.

During this period, the foreigner is accommodated in a special room in the Reception Centre for Foreigners of the Ministry of Interior. These legal provisions are in compliance with the Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. It should be noted that the drafting of a new Law on Foreigners is underway where the recommendations 17 and 28 of the GRETA Report on the Republic of Macedonia are seriously taken into consideration.

Annex 14: Law on Foreigners

Period of Making a Decision

Article 81

In case of suspicion that a foreigner is a victim of the criminal act "human trafficking" determined in the Criminal Code, the period of making a decision shall last up to two months so as to provide him/her protection and assistance in the recovery and to avoid the influence of the perpetrators of the criminal act "human trafficking". Within this period of making a decision, the foreigner who is a victim of the human trafficking is to decide on either to co-operate with the competent bodies in detection of crimes and perpetrators or to return to the country whose citizen or legal resident he/she is.

The foreigner referred to in paragraph 1 of this Article during the period of making a decision shall be accommodated in a separate room in the Reception Center for Foreigners of the Ministry of the Interior.

In the case when minors under age of 18 are victims of human trafficking, in view of the best interest of the minors, the period referred to in paragraph 1 of this Article can be extended.

The victims of human trafficking referred to in paragraph 3 of this Article during the period of making a decision shall be accommodated in a separate room in the Reception Centre for Foreigners of the Ministry of the Interior.

During the period referred to in paragraphs 1 and 3 of this Article, the foreigner cannot be expelled from the Republic of Macedonia.

The period referred to in paragraph 1 of this Article can be interrupted, if:

- the foreigner voluntarily, actively or on his/her initiative renews his/her contacts with the suspects involved in committing the criminal act "human trafficking" or
- the reasons for protection of the public order and national security of the Republic of Macedonia require so.

The Ministry of the Interior shall bring a decision on interruption of the period for making a decision against which the foreigner has a right to lodge a complaint to the State Commission for Decision-making in Administrative Procedure and Labour Relations Procedure in Second Instance within eight days as of the day of the receipt of the decision.

The decision of the State Commission for Decision-making in Administrative Procedure and Labour Relations Procedure in Second Instance shall be brought within 30 days as of the day of lodging the complaint.

An administrative dispute can be initiated with a competent court, in accordance with the Law on Administrative Disputes, against the decision of the State Commission for Decision making in Administrative Procedure and Labour Relations Procedure in Second Instance.

Residence permit (Article 14)

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

Article 80 (1) of the Law on Foreigners provides for an approval of a temporary residence to a foreigner due to humanitarian reasons if there are grounds to suspect that the foreigner is a victim of THB, as well as to a foreign child not accompanied by a parent or a guardian or due to other justified reasons.

Practical examples:

In 2014 a criminal charge was filed against adult Macedonian citizen in accordance with Article 418 a of the CC of the Republic of Macedonia

Type of exploitations: forced marriage and sexual exploitation

Manner of recruitment: - by means of deceit for the purposes of entering into marriage

Identified victim of THB: female citizen of Romania to whom a temporary residence permit has been issued – repatriated in her country of origin according to the Standard Operational Procedures for Treatment of Victims of THB

In the period 2015-2016 the Combating Trafficking in Human Beings and Migrants Smuggling Unit (CTHBMSU) did not submit an application for the approval of temporary residence to female foreign citizen identified as victims of THB

Annex 14: Law on Foreigners

Article 80 (1)

Temporary residence permit on humanitarian grounds may be issued as an exception, to a foreigner who does not fulfil the conditions for issue of temporary residence permit as stipulated by this law in the following cases:

- if there are grounds for suspicion that s/he is a victim of the criminal act "trafficking in human beings" as laid down in the Criminal Code,
- if s/he is under 18 and is unaccompanied by a parent or guardian,
- if s/he is a stateless person, or
- other well-founded reasons of humanitarian nature.

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice?

The Law on Foreigners (Articles 80 and 81) provides for an issue of a temporary residence permit due to humanitarian reasons and residence permit for foreigners who are reasonably suspected to be victims of THB. Also, the Law provides for a reflection period during which the foreigner is obliged to decide whether he/she will cooperate with the competent authorities in the detection of criminal acts and perpetrators. After the termination of this reflection period residence is approved to the foreigner who is a victim of THB if his/her stay is necessary in order to conduct court proceedings, he/she cooperates with the competent authorities in the detection of criminal acts and the perpetrators and if he/she has ended his/her relations with the persons who are reasonably suspected to be involved in the perpetration of the criminal act "Trafficking in Human Beings".

Annex 14: Law on Foreigners

After the performed analysis of the national legislation where the recommendations 17 and 28 of the GRETA Report on the Republic of Macedonia have been taken into consideration, measures have been undertaken for incorporation of these recommendations in the draft of the new Law on Foreigners. According to this, the new Law provides for a period of recovery and reflection in a duration of up to two months for the purposes of providing protection and assistance during the recovery and avoiding the influence of the perpetrators of the criminal act "Trafficking in Human Beings" whereupon the period of recovery and reflection is not conditioned by the cooperation of the victim of THB with the competent authorities.

Having in mind that the Law on Foreigners is in the final phase of drafting, it is necessary to point out to the fact that the competent services act in accordance with the existing law on foreigners and currently the issue of the residence permit to the victims of THB is still conditioned by the will of the victim to cooperate with the competent authorities in the detection of the perpetrators of the criminal act. It is expected the new Law on Foreigners to be adopted by the end of 2017.

Annex 14: Law on Foreigners

Conditions for issue of temporary residence permit and validity Article 82

Upon expiry of the period of decision-making as of Article 81 of this law or earlier if the competent authorities estimate that the foreigner shows a clear intention to co-operate, the foreigner who is a victim of trafficking in human beings may be issued a temporary residence permit if:

- his/her stay in the Republic of Macedonia is necessary for conducting court proceedings,
- s/he shows a clear intention to co-operate with competent state authorities in detection of such crimes and the perpetrators, and
- s/he has broken his/her relations with the suspects involved in such a crime

The permit as of paragraph 1 of this Article shall be issued for a period of up to 6 (six) months and it shall be extended provided that the conditions as laid down in paragraph 1 of this Article are met.

Deprivation of right to temporary residence Article 83

A foreigner who is a victim of trafficking in human beings shall be deprived of his/her right to temporary residence if s/he no longer meets the conditions for temporary residence as laid down in Article 82 of this law, and especially if:

- the foreigner as of paragraph 1 of this Article actively, voluntarily or on his initiative renews his/her contacts with the suspects involved in such a crime or it is established that the foreigner's co-operation with the state authorities is false or fraudulent,
- reasons of protection of public order and nationality security of the Republic of Macedonia require so,
- the foreigner as of paragraph 1 of this Article stops co-operating with the state authorities in detection of such crimes and perpetrators, or
- the competent state authorities decide to stop the relevant proceedings.

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

See answer for question 40.

Compensation and legal redress (Article 15)

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

- a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;
- b. access to free legal assistance and legal aid during investigations and court proceedings;
- c. compensation from the perpetrator;
- d. compensation from the state;
- e. compensation for unpaid wages to victims of trafficking.

Please provide examples of compensation awarded and effectively provided to victims of THB.

43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

Repatriation and return of victims (Article 16)

45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement* principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?

The International Organisation for Migration (IOM) provides direct help and assistance to the migrants (including the victims of THB) who want to return to their country of origin within the frames of its Assisted Voluntarily Return Programme.

The key principles on which the programme for Assisted Voluntarily Return Programme is based are: **willingness, protection of the rights of the migrants and the state sovereignty**. The willingness exists when the return decision is made by the migrant. Willingness involves two key elements: **freedom of choice**, i.e. non-existence of any kind of physical and psychological coercion and **informed decision** i.e. access to correct and objective information on which the return decision would be based. As a result of this, IOM communicates with the migrants via its field teams in order to provide the necessary information related to the process of return. In addition, the determination of the willingness is performed through an interview with the migrant, in private room where only the migrant, the person from IOM conducting the interview, the interpreter (if needed), and in case of victims of THB, the person qualified to provide assistance to victims are present. Once it is established that the return decision is voluntarily, a **written confirmation** that the return decision is voluntarily follows.

The IOM Assisted Voluntarily Return Programme is in accordance with the existing international standards for protection of the rights of the migrants including: right of the migrants to return to their country, right of the migrants not to be returned to the country where they will be persecuted and tortured or where they will not have an access to appropriate protection (*non-refoulement*), right of the migrants to protection of their human rights, right of the migrants to access to health and social services, rights of the child in accordance with international human rights norms including, inter alia, the principle of "best interest", right to education and special protection for unaccompanied minors, protection against arbitrary detention, right not to be expelled from the country, as well as other rights.

IOM regularly performs risk assessment upon deciding on the return of the victims of THB. The assessment is made in cooperation with the IOM missions in victim's countries of origin, as well as with the relevant institutions and organisations. The risk assessment covers **generic risk** assessment, i.e. assessment of the situation in the countries of origin including assessment of the THB volume in the country, and **specific assessment**, "case by case" assessment which is based on the basis of the specificity of the case. A plan for management of the identified risks is created after the implementation of this risk assessment. Having in mind the significance of the risk assessment related to the return of the victims of THB in their countries of origin, IOM has developed a Handbook on Direct Assistance for Victims of THB in which the risk assessment modalities are elaborated in details.

IOM is also in regular communication with the relevant institutions included in the return process (MOI, MLSP) in order to exchange precise and prompt information directly related to the return, promotion of the cooperation (from the operational and programme aspect), promotion of the referral mechanism, as well continuous strengthening of the capacities.

46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

According to the available data, not one national victim of THB has been forcibly returned to the country of origin. In all so far cases the will and consent of the victim for his/her return has been required and met. All national victims are returned in accordance with the SOP on dealing with THB victim.

Corporate liability (Article 22)

47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

Aggravating circumstances (Article 24)

48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

Non-punishment provision (Article 26)

49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.

In 2014, the National Commission for Combating Trafficking in Human Beings and Illegal Migration recognised the importance of the application of the principle of non-punishment of the victims of THB and conducted an analysis and empirical research for the application of this principle in the domestic legislation and practice with the support of the OSCE Mission to Skopje and the inclusion of the civil sector. The provisions of the Convention of the Council of Europe for Actions against Trafficking in Human Beings, GRETA recommendations and the publication of the Special Representative and Coordinator of OSCE for Trafficking in Human Beings "Recommendations for the Policy and Legislation for Effective Application of the Principle of Non-Punishment of Victims of Trafficking in Human Beings" issued in April 2013 served as a starting point and inspiration during the preparation of the analysis.

The analysis resulted in concrete recommendations for efficient harmonisation of the national law and practice with the international obligations of the country and creation of preconditions for complete materialisation of this principle which is essential for the enjoyment of all other rights by the victims of THB.

In 2015, a debate among all relevant stakeholders was held during which the findings and recommendations of this analysis were presented and discussed which were then forwarded to the National Commission for further actions for the improvement of the national policies and institutional capacities for the application of this principle.

Besides this, in June 2016 the National Commission for Combating Trafficking in Human Beings and Illegal Migration organised a Workshop attended by the National Coordinators from the region and representatives of the Offices of the National Commission. The application of the principle of non-punishment was one of the topics of discussion.

The remarks from the Analysis and the conclusions from the Regional Workshop are taken into consideration upon the preparation of the National Strategy for Combating Trafficking in Human Beings and Illegal Migration and the NAP 2017-2020.

Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)

50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

-The legislation of the Republic of Macedonia gives an opportunity the foreign victim to file a complaint in his/her country of origin if the criminal act has been performed on the territory of the Republic of Macedonia. There was only 1 (one) case in the subject period where the victim was from the Republic of Albania, the judgement was delivered to the victim in his/her country of origin, but he/she did not use the right to appeal.

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

- a. **setting up specialised investigation units and the number of staff involved;**
- b. **exchange of information with, and obtaining evidence from, other parties;**
- c. **use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;**
- d. **investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;**
- e. **financial investigations to disrupt criminal money flows and ensure asset recovery;**
- f. **use of joint investigation teams (JITs).**

a. Setting up specialised investigation units and the number of staff involved;

Specialised Unit for Combating Trafficking in Human Beings and Migrants Smuggling Unit (CTHBMSU) has been established within the Ministry of Interior – Bureau for Public Security. The number of the staff is in accordance with the systematisation of the work posts in the Ministry of Interior of the Republic of Macedonia and the number is strictly confidential.

b. Exchange of information and obtaining evidence from other parties;

In accordance with the Guidelines for Criminal Investigations and Dealing with Criminal Groups in terms of THB, the CTHBMSU collects information from other governmental and non-governmental institutions, as well as from the SOS lines, and the “RED Button” application on the web-site of the MOI of the Republic of Macedonia.

As organisational unit of MOI which is competent only to conduct international investigations in the area of THB and smuggling of migrants by the application of special investigative measures, the CTHBMSU exchanges information and data via the adequate channels of Interpol, Europol and SELEC, as well as via the liaison officers and appointed contact persons (points) from each country of the region and Europe.

b. Use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries) with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;

The manner of application of special investigative measures is defined in the **Law on Criminal Procedure** which defines the types of the special investigative measures which can be applied, the procedure and the conditions for their application whereas the interception of communications is regulated by the Law on Interception of Communications which, among other things, regulates the procedure, manner of taking actions, keeping and use of data obtained by the means of interception of communications.

Annex 15: Extract from the Law on Criminal Procedure

Article 252

Purpose and types of special investigative measures

- (1) If likely to obtain data and evidence necessary for successful criminal procedure, which cannot be obtained by other means, the following special investigative measures may be ordered:
 - 1) Monitoring and recording of the telephone and other electronic communications under a procedure as stipulated with a separate law;
 - 2) Surveillance and recording in homes, closed up or fenced space that belongs to the home or office space designated as private or in a vehicle and the entrance of such facilities in order to create the required conditions for monitoring of communications;
 - 3) Secret monitoring and recording of conversations with technical devices outside the residence or the office space designated as private;
 - 4) Secret access and search of computer systems;
 - 5) Automatic or in other way searching and comparing personal data of citizens;
 - 6) Inspection of telephone or other electronic communications;
 - 7) Simulated purchase of items;
 - 8) Simulated offering and receiving bribes;
 - 9) Controlled delivery and transport of persons and objects;

- 10) Use of undercover agents for surveillance and gathering information or data;
- 11) Opening a simulated bank account; and
- 12) Simulated incorporation of legal persons or using existing legal persons for the purpose of collecting data.

(2) In case when no information is available on the identity of the perpetrator of the criminal offence, the special investigative measures as referred to in paragraph 1 of this Article may be ordered also in respect of the object of the criminal offense

Article 253

Crimes for which special investigative measures may be ordered

Special investigative measures may be ordered, when there are grounds for suspicion:

- (1) for criminal offenses that entail a prison sentence of at least four years, and which have been prepared, are being committed or have been committed by an organized group, gang or other criminal enterprise;
- (2) for the criminal offences of homicide as per Article 123; abduction as per Article 141; mediation in prostitution as per Article 191, paragraphs 1, 3 and 4; showing pornographic materials to a juvenile from article 193, production and distribution of child pornography from 193 –a , luring to an intercourse or other sexual acts against a juvenile who has not turned 14 years of age from article 193-b, unauthorized production and selling of narcotic drugs, psychotropic substances and precursors as per Article 215, paragraphs 1 and 3; damaging and unauthorized entry in computer systems as per Article 251, paragraphs 4 and 6; extortion as per Article 258, blackmail as per Article 259, paragraph 2; appropriation of goods under temporary protection or cultural heritage or natural rarities as per Article 265; taking out, i.e. exporting abroad goods under temporary protection or cultural heritage or natural rarities as per Article 266, paragraph 1; sale of cultural heritage of special importance owned by the state as per Article 266-a; money laundering and other proceeds from a punishable act as per Article 273, paragraphs 1, 2 and 3 and paragraphs 5, 6, 8 and 12; smuggling as per Article 278, paragraphs 3 and 5; customs fraud as per Article 278-a; misuse of an official position and authority as per Article 353; defalcation in official service as per Article 354; fraud in official service as per Article 355; stealing in official service as per Article 356; accepting a bribe as per Article 357, paragraphs 1, 4, 5 and 6; giving a bribe as per Article 358, paragraphs 1 and 4; illegal mediation as per Article 359, paragraph 6; illegal influence on witnesses as per Article 368-a, paragraph 3; establishing a criminal enterprise as per Article 394, paragraph 3; terrorist organization as per Article 394-a, paragraphs 1, 2 and 3; terrorism as per Article 394-b and financing terrorism as per Article 394-c, all of those from the Criminal Code; or
- (3) for criminal offenses against the state (Chapter XXVIII), crimes against humanity and the international law (Chapter XXXIV) from the Criminal Code.

Article 255

Persons against whom special investigative measures may be ordered

- (1) Pursuant to the conditions listed in Article 252, paragraph 1 of this Law, the order may pertain to a person:
 - 1) who committed a criminal offense as stipulated in article 253 of this Law;
 - 2) who undertakes activities in order to commit a criminal offense as stipulated in article 253 of this Law; and
 - 3) who is preparing the commission of a criminal offense as stipulated in Article 253, when such preparation is punishable according to the provisions of the Criminal Code.
- (2) The order may also pertain to a person who receives or relays shipments to and from the suspect or if the suspect uses his or her communication device.
- (3) If, during the implementation of the measures, communications of a person who is not a subject of the order are monitored and recorded, the public prosecutor shall be obliged to set them aside and inform the judge of the preliminary procedure thereof. Upon proposal by the public prosecutor, the preliminary procedure judge may order, only the parts that pertain to the criminal offense for which the order had been given to be removed from the overall documentation on the implementation of the measures.

Article 256

Authorized body for ordering special investigative measures

The measures referred to in Article 252, paragraph 1, items 1, 2, 3, 4 and 5 of this Law, upon an elaborated motion by the public prosecutor shall be ordered by the preliminary procedure judge with a written order. The measures referred to in Article 252, paragraph 1, items 6, 7, 8, 9, 10, 11 and 12 of this Law shall be ordered by the public prosecutor with a written order.

d. investigation of THB offences committed through the Internet, including the possibility of blocking web-sites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;

d. Criminal acts related to THB performed through the Internet have been criminalised in the Criminal Code of the Republic of Macedonia in Articles 193, 193-a, and 193-b, i.e. displaying pornographic material to a child, production and distribution of child pornography and enticing a child who has not turned 14 to sexual assault or other sexual act.

Annex 16: Articles 193, 193-a, and 193-b of the CC of the Republic of Macedonia

Displaying pornographic material to a child

Article 193

(1) Whosoever sells, shows or by public display in any other way makes available pictures, audio-visual or other objects with pornographic content to a child who has not turned 14, or shows him a pornographic performance, shall be sentenced to imprisonment of six months to three years.

(2) If the crime is committed through the mass media, the offender shall be sentenced to imprisonment of three to five years.

(3) The sentence referred to in paragraph 2 shall be imposed to whosoever abuses a child who has turned 14 in the production of audio-visual pictures or other objects with pornographic content or for pornographic presentations, as well as whosoever participates in the presentation.

(4) If the crime referred to in paragraph (3) of this Article is committed against a child who has not turned 14, the offender shall be sentenced to imprisonment of at least four years.

(5) Whosoever coerces a child who has turned 14 to preparation and production of photos or other objects with pornographic contents or to pornographic presentation, shall be sentenced to imprisonment of minimum eight years.

(6) If the crime referred to in paragraph (4) of this Article is committed against a child who has not turned the age of 14, the offender shall be sentenced to imprisonment of minimum ten years.

(7) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

(8) The objects referred to in paragraphs (1), (2), (3), (4), (5), (6) and (7) of this Article shall be seized.

Production and distribution of children pornography

Article 193-a

(1) Whosoever produces children pornography for the purpose of its distribution or transfer or offer or in any other manner to make the children pornography available, shall be sentenced to imprisonment of minimum five years.

(2) Whosoever purchases children pornography for himself or for another, or whosoever owns children pornography shall be sentenced to imprisonment of five to eight years.

(3) If the crime referred to in paragraphs (1) and (2) of this Article is committed via an information system or other mass communication media, the offender shall be sentenced to imprisonment of minimum eight years.

(4) If the crime referred to in this Article is committed by a legal entity, it shall be fined.

Enticing a child who has not turned 14 to sexual assault or other sexual act

Article 193-b

Whosoever by computer-communication means, by scheduling a meeting or in any other manner entices a child who has not turned 14 to sexual assault or other sexual act or to production of children pornography, and by such intention directly meets the juvenile, shall be sentenced to imprisonment of one to five years.

Annex 16: Criminal Code

e. Financial investigation to disrupt criminal money flows and ensure asset recovery;

Financial investigation is conducted with every conducted criminal investigation in accordance with the Guidelines on Criminal Investigations.

f. Use of joint investigation teams (JIT).

There were no investigations conducted by the means of JIT during the period of 2015-2016. Parallel and JOINT INVESTIGATIONS were conducted.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

There were no registered cases of THB for the purposes of organ removal during the report period.

Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

Republic of Macedonia undertakes all the necessary measures for the provision of comprehensive protection. Namely, during the entire investigation, the Law on Criminal Procedure guarantees them in Chapter V (Article 53 – Victim’s Rights, Article 54 – Special Rights of Victims of Vulnerable Categories of Victims, Article 55– Special Rights of Victims of Crimes Against Gender Freedom and Gender Morality, Humanity and International Law, Article 56 – Victim Not Informed of the Right to Participate in the Procedure as an Injured Party) and Chapter XVIII (Article 226 - Witness Protection, Article 227 -Protection of an Endangered Witness During the Preliminary Procedure, Article 228 - Protection of an Endangered Witness at the Main Hearing, Article 229 -Examination under a Pseudonym, Article 230 - Examination Assisted with Technical Devices for Transfer of Picture and Sound, Article 231 - Rights of the Defence During the Examination of Endangered Witnesses at the Main Hearing, Article 232 - Examination of Extremely Vulnerable Victims and Witnesses). In this manner, during the entire procedure, via the special investigative measures for protection of victims and witnesses, the secrecy of the identity, their statements, etc. is guaranteed which in certain case and under special circumstances could affect and contribute to their personal endanger.

Also, the Standard Operational Procedures for Treatment of Victims of Trafficking in Human Beings provide for special rules which contribute to the protection of victims and witnesses. Specifically, they provide for procedures for protection before, during and after the main hearing. This is provided in order for the victim and/or witness to freely give a statement, and the risks resulting from the relevant circumstances which can have negative impact on this question to be minimised. For this purpose the following has been provided:

- By the decision of the court during the proceedings, the hearing is made via the video recording i.e. statements are given in a separate court room in order for the victim not to be obliged to personally appear at the hearing or the defendant is removed from the main hearing,
- Avoiding contact with the perpetrator or persons close to the perpetrator when the victim enters the building, use of separate entrance, separate room etc.
- The persons for support should stand near the victim during the testimony,
- Excluding the public from the hearing,
- Security by the means of inclusion in the witness protection programme.

If the victim-witness enters the witness protection programme the following measures can be applied: preserving the secrecy of the identity, providing personal protection, change of identity, change of domicile or residence.

During the report period there are no identified victims of THB for whom special protection measures have been applied in accordance with the Law on Witness Protection.

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

In accordance with the provisions of Articles 53, 54, and 55 of the Law on Criminal Procedure victims of THB can obtain assistance. The victim receives help from a psychologist in order to overcome fear and shame and to encourage and prepare to tell the truth at court. Psychologist or social worker can

be present (accompany the victim) during the investigation but he/she does not have a right to help the victim. The psychologist from the Centre for Victims prepares a report on the mental state of the victim and anamnesis for the state of the victim which is delivered to NRM. The report may be used by the judge of the previous proceeding with the approval of the NRM.

The "Open Gate" Civic Association provides legal representative (lawyer) who represents the interests of the victims during the court hearings including the right to compensations and prepares them for the court hearing.

Jurisdiction (Article 31)

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

International co-operation (Article 32)

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

Republic of Macedonia is Contracting Party to the **Police Cooperation Convention for the Southeast Europe**⁵². In accordance with the provisions of the Convention which provide for establishing Joint Investigation Teams for Combating Trafficking in Human Beings, the fourth Workshop "Use of the Joint Investigation Teams for Combating Trafficking in Human Beings on Western Balkans" was held in the period from 8-10 July 2014 in Skopje⁵³, Republic of Macedonia which was attended by the members of the National Commission for Combating Trafficking in Human Beings.

Two more Workshops⁵⁴ on the same topic and organized for the participant countries followed after this Workshop.

International Initiatives for Cooperation

In 2015 the following international initiatives for cooperation in the prevention of THB and illegal migration were adopted:

- **Memorandum of Understanding** between the Republic of Macedonia, Republic of Serbia, Federal Republic of Austria and Hungary on the Steps Necessary for Controlling the Pressure by the Mixed Migration that Concerns the Mutual Countries – signed on 4 September 2015 in Ohrid, Macedonia
- **Declaration** adopted at the High Level Ministerial Conference for the South Eastern Mediterranean and Western Balkans Route (Luxembourg, 8 October 2015);
- **Leaders' Statement** adopted at the Leaders' Meeting of Heads of States or Countries Dedicated to the Refugee Crisis (Brussels, Belgium, 25 October 2015)
- **Joint Declaration** adopted by the Ministerial Conference of the Salzburg Forum (Sofia, Bulgaria 18 and 19 November 2015)

At the initiative of the National Commission for Combating Trafficking in Human Beings and Illegal Migration a **Regional Workshop** was held in June 2016 in Skopje which was dedicated to the combating THB and illegal migrations was attended by the representatives of the Secretariat of the National Commission of the Republic of Macedonia (IOM, OSCE, ICMPD and the Embassy of the United States), as well as delegations from the Republic of Serbia, Montenegro and the Republic of Kosovo led

⁵² Signed in May 2005

⁵³ <http://jit-thb.pccseesecretariat.si/index.php?page=news&item=7&id=112>

⁵⁴ September 2014, Belgrade, Serbia and Budva, Montenegro

by the National Coordinator of the Republic of Albania and the Republic of Croatia. The conclusion from the Regional Workshop was that for the purposes of more efficient dealing with this type of crime a regional campaign should be conducted which would be supported by all Balkan countries, thus raising the public awareness on the dangers of the THB.

On 27 and 28 October 2016 in Skopje a **Regional Conference** was held on the topic **“Improvement of the Cooperation and Joint Approaches in the Management of THB along the Western Balkan Migration Route”** which was organised by OSCE. This Conference created an opportunity for discussion and creating plans regarding the implementation of the regional campaign for combating THB and creating regional indicators for identification of victims of THB.

[Annex 17 : List of Bilateral Agreements of International-Legal Aid that Macedonia has concluded since the Independence up until today, with other countries regarding civil and criminal matters](#)

STATES	OFFICIAL GAZETTE	ENTRY INTO FORCE
REPUBLIC OF ALBANIA		
Agreement between Macedonian Government and Albanian Government on legal assistance in citizens and criminal matters	(„Official Gazette of RM“ no. 16/98)	02.10.1998
Agreement between Macedonian Government and Albanian Government on extradition	(„Official Gazette of RM“ no. 16/98)	02.10.1998
Agreement between Macedonian Government and Albanian Government on mutual execution of judicial decisions in criminal subjects	(„Official Gazette of RM“ no. 16/98)	02.10.1998
BOSNIA AND HERZEGOVINA		
Agreement between Macedonian Government and Government of Bosnia and Herzegovina on legal assistance in civil and criminal matters	(„Official Gazette of RM“ no.10/06)	06.01.2006
Agreement between Macedonian Government and Government of Bosnia and Herzegovina on extradition	(„Official Gazette of RM“ no. 59/06)	12.05.2006
Agreement between Macedonian Government and Government of Bosnia and Herzegovina on mutual execution of judicial decisions in criminal subjects	(„Official Gazette of RM“ no. 59/06)	12.05.2006

1	2	3
Agreement between Macedonian Government and Government of Bosnia and Herzegovina on amendments of the Agreement between Macedonian Government and Government of Bosnia and Herzegovina on Legal Aids in civil and criminal subjects	In ratification procedure	
Agreement between Macedonian Government and Government of Bosnia and Herzegovina on amendments of the Agreement between Macedonian Government and Government of Bosnia and Herzegovina on extradition	(„Official Gazette of RM“ no. 135/2013)	30.07.2014
Agreement between Macedonian Government and Government of Bosnia and Herzegovina on amendments of the Agreement between Macedonian Government and Government of Bosnia and Herzegovina on mutual execution of judicial decisions in criminal subjects	(„Official Gazette of RM“ no. 135/2013)	30.07.2014
REPUBLIC OF BULGARIA		
Agreement between Republic of Macedonia and Republic of Bulgaria on legal aid in civil subjects	(„Official Gazette of RM“ no. 13/2002)	07.04.2002
REPUBLIC OF KOSOVO		
Agreement between Republic of Macedonia and Republic of Kosovo on mutual legal aid in criminal subjects	(„Official Gazette of RM“ no. 178/2011)	24.06.2012
Agreement between Macedonian Government and Government of Kosovo on extradition	(„Official Gazette of RM“ no. 178/2011)	24.06.2012
Agreement between Macedonian Government and Government of Kosovo on transfer of convicted persons	(„Official Gazette of RM“ no. 178/2011)	24.06.2012

ROMANIA		
Agreement between Republic of Macedonia and Republic of Romania on mutual legal aid in criminal subjects	(„Official Gazette of RM“ no. 41/2004)	10.03.2007
REPUBLIC OF SLOVENIA		
Agreement between Republic of Macedonia and Republic of Slovenia on legal aid in civil and criminal matters	(„Official Gazette of RM“ no. 24/96)	05.09.1997
Agreement between Government of Macedonia and Government of Slovenia on mutual execution of judicial subjects	(„Official Gazette of RM“ no. 24/96)	05.09.1997
Agreement between Government of Macedonia and Government of Slovenia on mutual execution of extradition	(„Official Gazette of RM“ no. 24/96)	05.09.1997
REPUBLIC OF SERBIA		
Agreement between Republic of Macedonia and Republic of Serbia on extradition	(„Official Gazette of RM“ no. 57/12)	06.12.2012
Agreement between Republic of Macedonia and Republic of Serbia on mutual legal aid in civil and in criminal subjects	(„Official Gazette of RM“ no. 15/13)	05.02.2013
Agreement between Republic of Macedonia and Republic of Serbia on mutual execution of judicial decisions in criminal subjects	(„Official Gazette of RM“ no. 24/13)	23.02.2013
REPUBLIC OF TURKEY		
Agreement between the Governments of Macedonia and Turkey on legal cooperation in civil and criminal subjects	(„Official Gazette of RM“ no. 23/97)	28.07.2000
UKRAINE		
Agreement between Republic of Macedonia and Republic of Ukraine on legal aid in civil subjects	(„Official Gazette of RM“ no. 48/2000)	20.06.2003
REPUBLIC OF CROATIA		
Agreement between Republic of Macedonia and Republic of Croatia on legal cooperation in criminal subjects	(„Official Gazette of RM“ no. 19/95)	26.05.1995
Agreement between Republic of Macedonia and Republic of Croatia on mutual execution of judicial decisions in criminal subjects	(„Official Gazette of RM“ no. 19/95)	26.05.1995
Agreement between Republic of Macedonia and Republic of Croatia on mutual execution on extradition	(„Official Gazette of RM“ no. 57/12)	22.11.2012
MONTENEGRO		
Agreement between Republic of Macedonia and Republic of Montenegro on extradition	(„Official Gazette of RM“ no. 40/12)	17.07.2012
Agreement between Republic of Macedonia and Republic of Montenegro on legal aid in civil subjects	In ratification procedure	
Agreement between Republic of Macedonia and Republic of Montenegro on mutual execution of judicial decisions in criminal subjects	In ratification procedure	

Measures related to endangered or missing persons (Article 33)

57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.

58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your

authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

The Republic of Macedonia hasn't set up European telephone number for missing children. Regarding the early warning system, there are legal standards established in relation to the search measures, but without any specific feature whether the measures refer to children or to adults. According to article 51 of the Law on Police, the police service is the competent body which issues warrant on missing persons. The warrants are issued on the Police Information System, being available to all Duty Police Services.

By the introduction of the RED BUTTON application, there is a possibility for electronic submission of information, intelligence, reports on THB related crime.

Information exchange with other states police services is conducted via the Sector for International Police Cooperation in accordance to the established information exchange standards with EUROPOL and INTERPOL.

Co-operation with civil society (Article 35)

59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

Aiming at achieving higher level of efficacy and joint action against human trafficking and illegal migration in the Republic of Macedonia, the Macedonian Government adopted a Decision on Setting Up a National Commission (NC) for Combating Trafficking in Human Beings and Illegal Migration⁵⁵, a body comprised of representatives of competent institutions. Since 2003 there is Secretariat of the NC set up within the NC with a function to operationalise the NC's decisions, as well as a Subgroup against trafficking in children, bodies comprised of governmental, non-governmental and international organisations.

The Ministry of Interior (MOI) and the Ministry of Labour and Social Police (MLSP) have successful cooperation with the NGOs in relation to the matters related to the prevention of THB and providing direct assistance to the THB victims. NGOs are members of the Secretariat of the NC and they participate in all activities being organized by the National Commission.

MLSP has signed a Memorandum of Cooperation with the "For a Happy Childhood" and "Open Gate" civic associations on the implementation of the Victims Support within the State Shelter Centre. "Open Gate" CA has also signed MoC with the Ministry of Education and Science in 2010.

Relationship with other international instruments (Article 40)

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

- **MULTILATERAL AGREEMENTS**

United Nations

International Convention for the Suppression of the Traffic in Women and Children, adopted on 30 September 1921, entered into force on 15.06.1922, (undertaken by succession)

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, New York, 21.03.1950, entered into force in RM on 17.11.1991 (undertaken by succession)

⁵⁵ Official Gazette of RM no. 18/2001

Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, adopted in Geneva, 07.09.1956, entered into force in RM on 17.11.1991 (undertaken by succession)

The Refugee Convention, adopted in Geneva, 28.07.1951, entered into force in RM on 17.11.1991 (undertaken by succession)

Protocol relating on the Status of Refugees, adopted in New York 31.01.1967, entered in force in RM on 17.11.1991 (undertaken by succession)

United Nations Convention against Transnational Organized Crime, adopted in New York, 15.11.2000, entered into force in RM on 12.01.2005

Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, adopted in New York, 15.11.2000, entered into force in RM on 12.01.2005

Protocol against the Smuggling of Migrants by Land, Sea and Air, Supplementing the United Nations Convention against Transnational Organized Crime, adopted in New York, 15.11.2000, entered into force in RM on 12.01.2005

Convention against corruption, adopted in New York, 31.10.2003, entered into force in RM on 13.05.2007

Rome Statute of the International Criminal Court, adopted in Rome, 17.07.1998, entered into force in RM on 01.07.2002

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in 1979 by the UN General Assembly in New York, 18.12.1979, entered into force in RM on 17.11.1991 (undertaken by succession)

Convention on the Rights of the Child, adopted in New York, 20.11.1989, entered into force in RM on 17.11.1991

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, adopted in New York, 25.05.2000, entered into force in RM on 17.10.2003

Council of Europe

Council of Europe Convention on Action against Trafficking in Human Beings (ETC 197), adopted in Warsaw, 16.05.2005, entered into force in RM on 01.09.2009

Bilateral Agreements

-Strategic agreement between Macedonia and the European Police Office (Europol), signed on January 16 2007 through exchange of letters.

-Agreement between the Government and the Ministerial Council of the Republic of Albania on cooperation in combating terrorism, organized crime, illicit trafficking in narcotic drugs, psychotropic substances and precursors, illegal migration and other illegal activities (concluded on 17.6. 2004, ratified on 21.04.2005, entry into force 05.20. 2005).

-Additional Protocol on cross border cooperation in the fight against human trafficking and improving the identification, reporting, referral and support of the return of victims and potential victims of human trafficking, that complements the Agreement between the Government and the Council of Ministers of the Republic of Albania on cooperation in combating terrorism, organized crime, illicit trafficking in

narcotic drugs, psychotropic substances and precursors, illegal migration and other illegal activities (concluded 14.09. 2007, entered into force on 14.10.2007 year).

-Agreement between the Government of the Republic of Macedonia and the Council of Ministers of Bosnia and Herzegovina on cooperation in the fight against terrorism, organized crime, trafficking in narcotic drugs, psychotropic substances and precursors, illegal migration and other crimes (signed 21.03.2008, published and ratified in Official Gazette no. 14/2009).

-Agreement for cooperation in the fight against crime between the Macedonian Government and the Egyptian Government, signed at 22.11. 1999 in Cairo, entered into force on 17.02. 2010.

-Agreement between the Government of the Republic of Macedonia and the Government of Bulgaria on cooperation in the fight against terrorism, organized crime, trafficking in narcotic drugs, psychotropic substances and precursors, illegal migration and other crimes (signed on 26 .02. 2002, ratified of 24.01. 2003, published in the Official Gazette no. 6 of 01.02.2003 year, came into force on 26.02. 2003).

-Agreement between the Government of the Republic of Macedonia and the Government of Poland on cooperation in combating organized crime and other types of crime, signed in Warsaw on 16.06. 2008, in force from 21.02 2009.

-Agreement between the Government of the Republic of Macedonia and the Government of Montenegro on cooperation in the fight against terrorism, organized crime, trafficking in narcotic drugs, psychotropic substances and precursors, illegal migration and other crimes (concluded on 10.06.2003 year, ratified on 22 July 2003, published in the Official Gazette no. 52/2003).

-Agreement between the Government of the Republic of Macedonia and the Government of Romania on cooperation in combating terrorism, organized crime, illicit trafficking in narcotic drugs, psychotropic substances and precursors, illegal migration and other illegal activities (concluded on 12.11.2003, ratified on 16.06. 2004, published in the Official Gazette no. 42/2004, entered into force on 10/10. 2006).

Agreements on police cooperation

-Agreement between the Republic of Macedonia and the Swiss Confederation on police cooperation in the fight against crime, signed on 20.09. 2005. - Effective from 19.01. 2009

- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria on cross-border police cooperation, signed on 03.06. 2006, in force from 21.01. 2007

-Agreement on cooperation between the Ministry of Interior of the Republic of Macedonia and the Ministry of Interior of Bulgaria (concluded 20.10.1992, ratified on July 30 1993, published in Official Gazette no. 49 of 09.08. 1993).

- Agreement between the Ministry of Interior and the Federal Minister of Interior of the Republic of Austria on police cooperation, signed on 25.01.2008, effective from 01.01.2009.

-Agreement between the Government of the Republic of Macedonia and the Government of the Slovak Republic on police cooperation in the fight against crime, signed in Bratislava on 05.10. 2009, entered into force on 29.07. 2010.

-A Contract between the Government of the Republic of Macedonia and the Government of the Czech Republic for cooperation in the fight against crime, signed on 09.02.2010, entered into force on 01.03. 2011.

- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Serbia on police cooperation signed on 30.11.2011, effective from 4 January 2014.

-Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Montenegro on police cooperation, signed on March 16, 2012, effective from April 1, 2013

-Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Croatia on Police Cooperation, signed on May 28, 2012, effective from 20 August 2013.

-Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Moldova on Police Cooperation, signed on October 18, 2013, entered into force on 28 July 2015.

-Agreement on police cooperation between the Macedonian Government and the Belgian Government, signed on November 21 2013, not in force.

-Agreement on police cooperation between the Government of the Republic of Macedonia and the Government of the Republic of Slovenia (signed on April 16, 2015).

-Agreement between the Government of the Republic of Macedonia and the Government of the Italian Republic on police cooperation (signed on 01 .12 2014).

-Agreement on cooperation in preventing and combating crime between the Ministry of Interior and Ministry of Public Security of China (signed on April 14, 2014 in Skopje, Republic of Macedonia).

-Agreement on cooperation between the Ministry of Interior of the Republic of Macedonia and Ministry of Interior of the Russian Federation (Moscow, Russian Federation, October 27, 2011).

-Agreement on cooperation between the Ministry of Interior of the Republic of Macedonia and the Ministry of Interior of Ukraine (Kiev, Ukraine on February 20, 1999) - Protocol to the Agreement-attached, (Skopje, Macedonia on November 1, 2000).

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

In June 2016, the Asylum Sector recognised a right to an asylum based on subsidiary protection to an unaccompanied minor from Nigeria, upon previously submitted asylum request (31.03.2016). Namely, the girl being granted asylum during the interview conducted upon the submitted asylum application stated that she is a THB victim. Her legal representative in his final word given for the minutes of the interview stated that the girl is of a need of international protection since she is THB victim. The procedure showed that the person in certain period of time was a potential THB victims.

While granting the status for person under subsidiary protection, the following was taken into consideration, namely fear of the acts of prosecution, unaccompanied minor, as well as that she was subjected to THB. Currently, this person is still on the territory of the Republic of Macedonia and is being accommodated within the Reception Centre for Vulnerable Categories of Asylum Seekers.

D. Final questions

62. Which bodies and organisations contributed to responding to this questionnaire?

The following authorities/organizations contributed to this questionnaire:

- Ministry of Interior
- Ministry of Labor and Social Policy
- Ministry of Foreign Affairs
- Ministry of Health
- State Labor Inspectorate
- Basic Court Skopje 1- Skopje

- IOM
- UNHCR

-Open Gate La Strada
- OSCE

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

The National Commission for Fight against THB and Illegal Migration was responsible for co-ordinating and collecting the replies

E. Statistics on THB (per year, starting with 2010)

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of victims given refugee status and subsidiary/complementary protection.

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of investigations into THB cases.

Number of prosecutions of THB cases.

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

Number of judgments resulting in the confiscation of assets.

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

Number of convictions for the use of services of a victim of THB.

D. Statistics on trafficking in human beings (by year, starting 2010)

1. Number of victims identified by a state institution or by an official NGO who enjoy the rights and favors provided by the Convention (divided according to sex, age, nationality, and form of exploitation, internal or transnational trafficking and the identification official).

	Number of identified victims	Sex	Age		Nationality	Type of exploitation	Internal or external trafficking	Identifying body
			M	a				
2010	9	f	8	1	/	7-sexual 2- labor	/	MOI MLSP
2011	11	f	6	5	6-Roma 2-Albanian, 2-Macedonian, 1-Bulgarian	7-sexual 2- labor 2-labor and sexual	9-internally trafficked 2-foreigners in Macedonia	MOI MLSP
2012	8	6-f 2-m	5	3	4- Macedonian 3- Albanian, 1-Bosnian	3- labor 4-labor and sexual 1-sexual	4-internally trafficked 4- foreigners in Macedonia	MOI MLSP
2013	15	f	9	6	2-Macedonian, 5-Albanian, 5-Roma, 3-Serbian	4-forced marriage 5-sexual 4-labor and sexual 2-labor	4- internally trafficked 5- externally trafficked 6- foreigners in Macedonia	MOI MLSP
2014	8	7-f 1-m	6	2	1-Macedonian, 4-Albanian, 3-Roma,	4-forced marriage 3-sexual 1-labor-begging	5- internally trafficked 2- externally trafficked 1- foreigner in Macedonia	MOI MLSP PPO
2015	4*	f	2	1	2-Albanian, 1-Roma	1-sexual 1-forced marriage 1-labor	1- internally trafficked 2- externally trafficked 1 - externally trafficked	MOI MLSP

*one child victim, identified in 2013 returned to RM in 2015

2. Number of alleged victims for whom the competent authorities had "reasonable grounds" to believe that they were victims of human trafficking (divided by sex, age, nationality, form of exploitation, internal or transnational trafficking and the identification official). Please clarify whether this number includes the formally identified victims, or is that an additional number.

	Number of alleged victims	Who identified them
2013	82	MOI,MLSP & NGO
2014	83	MOI,MLSP & NGO
2015	11	MOI,MLSP & NGO

3. Number of victims that had been given healing and recovery period (possible by sex, age, nationality, form of exploitation).

	Number of victims that had been given healing and recovery period	sex	age		nationality	Type of exploitation
			adult	minor		
2010	/	/	/	/	/	/
2011	10	f	4	6	3-Macedonian 5-Roma 1-Bulgarian 1-Albanian	8-sexual 1-labor and sexual 1-labor
2012	4	3-f 1-m	3	1	3-Albanian 1-Bosnian	2-labor and sexual 1-sexual 1-labor
2013	11	f	6	5	2-Macedonian 2-Roma 3-Serbian 4-Albanian	4-labor and sexual 2-forced marriage 3-sexual 2-labor
2014	2	f	1	1	1-Albanian 1-Romanian	2-forced marriage
2015	3	f	1	2	2-Roma 1-Albanian	1-sexual 1-forced marriage 1-labor

4. Number of victims who have got help (If possible grouped by sex, age, nationality, form of exploitation, internal and transnational trafficking).

	Number of victims who have got help	sex	age		nationality	Type of exploitation	Internal External
			adult	minor			
2010	/	/	/	/	/	/	/
2011	9	f	4	5	3-Macedonian 4-Roma 1-Albanian 1-Bulgarian	6-sexual 1-labor and sexual 1-labor	7- internal 1-foreign victim in MK
2012	7	1-m 6-f	2	5	2-Macedonian 4-Albanian 1-Bosnian	4-labor and sexual 2-labor 1-sexual	4-internal 3- foreign victim in MK
2013	13	f	6	7	2-Macedonian 3-Roma 5-Albanian 3-Serbian	4- labor and sexual 2-labor 4-sexual 3-forced marriage	4-internal 6- foreign victim in MK 3-external
2014	6	f	1	5	2-Roma 2-Albanian 1-Macedonian 1-Romanian	3-sexual 3-forced marriage	4-internal 1- foreign victim in MK 1-external
2015	3	f	1	2	2-Roma 1-Albanian	1-sexual 1-forced marriage 1-labor	2-external 1-internal

5. Number of victims provided with a residence permit, with indication of the type of license and its duration (if possible, by sex, age, nationality, form of exploitation).

	Number of victims provided with a residence permit
2010	/
2011	1
2012	3
2013	3
2014	2
2015	/

6. Number of victims who have been granted refugee status and subsidiary / complementary protection.

	Number of victims who have been granted refugee status and subsidiary / complementary protection.
2010	/
2011	/
2012	/
2013	/
2014	/
2015	/

7. Number of victims who have applied for and received compensation fee (if possible, by sex, age, nationality, form of exploitation) with an indication of whether the fee was paid by the perpetrator or the country and its amount.

	Number of victims who have applied for and received compensation fee
2010	/
2011	/
2012	/
2013	/
2014	/
2015	/

8. Number of victims as part of the process of repatriation which are returned to your country (if possible, by sex, age, country of destination, and form of exploitation).

	Number of victims returned to your country	sex	age		country of destination	Type of exploitation
			minor	adult		
2010	1	f	1	/	/	/
2011	1	f	1	/	/	/
2012	/	/	/	/	/	/
2013	4	f	3	1	2-France 1-Switzerland 1-Croatia	2-forced marriage 2-sexual exploitation
2014	1	f	1	/	Italy	Forced marriage
2015	1	f	1	/	Croatia	sexual

9. Number of victims who, as part of the process of repatriation, were returned from your country to another country (if possible, by sex, age, country of destination, a form of exploitation).

	Number of victims returned to another country	sex	age		country of destination	Type of exploitation
			minor	adult		
2010	/	/	/	/	/	/
2011	2	f	1	1	1-Bulgaria 1-Albania	1-sexual 1-labor and sexual
2012	4	3-f 1-m	1	3	1-Bosnia 3-Albania	1-labor 1-sexual 2-labor and sexual
2013	6	f	1	5	3-Serbia 2-Albania 1-Kosovo	2-labor 1-sexual 3-labor and sexual
2014	1	f	/	1	1-Romania	1-forced marriage
2015	/	/	/	/	/	/

10. Number of investigations of cases of trafficking.
(CRIMINAL CHARGES 418-a and 418-g)

	Number of investigations of cases of trafficking
2010	3
2011	3
2012	3
2013	1
2014	3
2015	3

11. Number of judicial investigations of cases of trafficking.

	Number judicial investigations of cases of trafficking
2010	
2011	
2012	
2013	
2014	
2015	

12. Number of convictions for human trafficking that resulted in fines which include deprivation of liberty, with an indication of the duration of the sentence and if it is effectively implemented or its implementation has been delayed.

	Number of convictions for human trafficking	Sentence	Duration of the sentence	if it is effectively implemented or its implementation has been delayed
2010	2	Prison	From 1 year and 6 months to 4 years and 3 months	
2011	5	Prison and probation	1 person imprisoned for 2 years, and 1 person on probation from 4 to 8 years	
2012	4	Prison and probation	From 6 years to 6 years and 4 months- 1 probation from 1 year to 10 years	
2013	3	Prison	From 4 to 10 years	
2014	1	Prison	From 4 years and 2 months to 8 years	
2015	5	Prison and probation	1 person imprisoned for 3 years, and 4 persons on probation from 4 to 6 years	

13. Number of convictions that resulted in confiscation of assets

	Confiscated items	Confiscated assets
2010	2	/
2011	4	2
2012	3	/
2013	/	/
2014	1	/
2015	3	2

14. Number of convictions resulting in the closure of a business or organization that used to carry out trafficking.

	Number of convictions resulting in the closure of a business or organization that used to carry out trafficking.
2010	/
2011	/
2012	/
2013	/
2014	/
2015	/

15. Number of convictions for the use of services of a victim of trafficking

	Number of convictions for the use of services
2010	/
2011	/
2012	6
2013	4
2014	/
2015	/