

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

**Recommendation CP/Rec(2023)04
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by North Macedonia**

*adopted at the 32nd meeting of the Committee of the Parties
on 16 June 2023*

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

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

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

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

Having regard to the instrument of ratification deposited by North Macedonia on 1 September 2009;

Recalling Committee of the Parties' Recommendation CP(2018)8 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by North Macedonia and the report of the authorities of North Macedonia on measures taken to comply with this recommendation, submitted on 1 March 2019;

Having examined the third report concerning the implementation of the Convention by North Macedonia, adopted by GRETA at its 45th meeting (26-28 September 2022), as well as the comments of the Government of North Macedonia received on 13 January 2023;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to North Macedonia;

Welcoming the measures taken and progress achieved by the authorities of North Macedonia in implementing the Convention, and in particular:

- the further development of the legislative framework relevant to action against trafficking in human beings, including the introduction of a specific provision on the non-punishment of victims of human trafficking and the adoption of the Law on the Payment of Monetary Compensation to Victims of Violent Crimes, introducing state compensation for victims of human trafficking;
- the adoption of the National Strategy and Action Plan for Combating Trafficking in Human Beings (2021-2025) and the National Action Plan for Combating Trafficking of Children (2021-2025);
- the designation of the Office of the Ombudsman as National Rapporteur on Combating Trafficking in Human Beings;
- the efforts made to overcome shortcomings in investigating and prosecuting human trafficking offences, through the setting up of a National Unit for Combating Trafficking in Human Beings and Smuggling of Migrants;
- the steps taken to train labour inspectors and raise awareness about labour exploitation;
- the revision of the Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings and the work of the five mobile teams for the identification of vulnerable persons, including victims of human trafficking.

A. Recommends that the Government of North Macedonia take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. Take further steps to facilitate and guarantee access to justice for victims of human trafficking, in particular by ensuring that:

- the legislation provides a clear basis for providing legal assistance as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before they have to decide whether they want to co-operate with the authorities and/or make an official statement to the police;
- investigators and prosecutors instruct victims on their right to legal representation, and such representation is ensured from the outset of criminal proceedings;
- the department of the Ministry of Justice responsible for free legal aid is sensitised to the importance of legal representation for victims of human trafficking and takes steps to inform them of the relevant procedures and enable them to access legal assistance;
- adequate funding is provided to specialised NGOs providing legal assistance to victims of trafficking, including legal representation in court proceedings (paragraph 60).

2. Make further efforts to guarantee effective access to compensation for victims of human trafficking, in particular by:

- ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim or loss sustained by the victim, is part of the criminal investigations with a view to supporting compensation claims in court;
- making full use of the legislation on the seizure and confiscation of assets to secure compensation to victims of human trafficking;

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

- systematically informing victims of trafficking of their right to seek compensation in criminal and civil proceedings and the procedure to be followed, and ensuring that they are provided with effective legal assistance, including legal representation, from the early stage of the proceedings in order to exercise this right;
 - ensuring that victims of human trafficking can obtain a decision on compensation from the offender as part of criminal proceedings, including for loss of earnings, irrespective of the form of exploitation, and requiring courts to state, where applicable, why compensation is not considered/awarded;
 - adopting the necessary legislative and administrative measures with a view to ensuring the effective implementation of the Law on Payment of Monetary Compensation to Victims of Violence without delay (paragraph 85).
3. Take further measures to strengthen the criminal justice response to human trafficking, including by:
- ensuring that all human trafficking offences, including trafficking for the purpose of labour exploitation and forced begging, are investigated proactively and promptly, regardless of whether a complaint about the reported crime has been submitted or not, making use of all possible evidence, including evidence gathered through special investigative measures, financial evidence, documents and digital evidence, so that there is less reliance on testimony by victims;
 - reviewing the effectiveness of the legal provisions on corporate liability in relation to human trafficking offences, examining the reasons why no legal entities have been prosecuted and punished for trafficking-related acts and, in the light of their findings, taking measures to ensure that the criminal liability of legal entities can be acted upon in practice;
 - strengthening the human, financial and technical capacities of law enforcement agencies to proactively investigate human trafficking offences and make use of special investigative techniques (paragraph 104);
4. Take measures to:
- ensure the protection of the private life and identity of victims of trafficking from public exposure, in line with Article 11 of the Convention, through the issuance of appropriate instructions to all relevant professionals;
 - take measures to encourage the media to protect the identity and private life of victims of human trafficking through self-regulation or regulatory/co-regulatory measures as well as further training for media professionals (paragraph 116);
5. Take steps to ensure that child-sensitive procedures are followed when investigating, prosecuting and adjudicating cases of human trafficking, in line with the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, including measures to ensure that all professionals who work with children, including lawyers, prosecutors and judges, receive the necessary interdisciplinary training on the rights and specific needs of children, as well as that child victims of trafficking are interviewed in child-friendly interview rooms and are not cross-examined in the presence of the defendant (paragraph 136);
6. Ensure that the Labour Inspectorate has a clear mandate and adequate human and financial resources to carry out inspections with a view to preventing and detecting cases of human trafficking for the purpose of labour exploitation (paragraph 149);
7. Strengthen the identification of victims of human trafficking, including by:
- ensuring that whenever there are reasonable grounds for believing that a person is a victim of human trafficking, the person concerned undergoes a victim identification procedure in accordance with the Standard Operating Procedures for Treatment of Victims of Human Trafficking and has access to assistance/protection measures prescribed for potential victims of trafficking;

- involving the Police Unit for Combating Human Trafficking in joint inspections with the Labour Inspectorate as well as in the raids conducted by other police units on premises where victims of human trafficking are likely to be detected;
- ensuring that pre-removal risk assessments carried out prior to forced removals from North Macedonia fully assess the risks of trafficking or re-trafficking on return, in compliance with the obligation of *non-refoulement*. In this context, reference is made to GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection (paragraph 161);

8. Take measures to:

- ensure that there are adequate financial and human resources for the assistance of potential and formally identified victims of trafficking, including by specialised NGOs mandated to provide assistance;
- ensure that all victims of human trafficking are guaranteed effective access to public health care by reviewing the Law on Health Insurance and including them in the categories of persons to be covered by health insurance;
- provide adequate assistance measures, including accommodation, to potential and formally identified male victims of human trafficking;
- ensure that potential foreign victims of trafficking held at the Reception Centre for Foreigners are moved to the state shelter for victims of human trafficking as soon as there are reasonable grounds to believe that they are victims of trafficking (paragraph 169).

9. Take measures to:

- ensure that child victims of human trafficking benefit from specialised accommodation and services;
- seek alternatives to the detention of unaccompanied children, in line with the best interests of the child and the Council of Europe's Action Plan on protecting vulnerable persons in the context of migration and asylum in Europe (2021-2025) (paragraph 179).

B. Recommends that the authorities of North Macedonia take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.

C. Requests the Government of North Macedonia to report to the Committee of the Parties on the measures taken to comply with this recommendation by **16 June 2025**.

D. Invites the Government of North Macedonia to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.