

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

COUNCIL OF EUROPE



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**Report submitted by the authorities
of North Macedonia
on measures taken to comply with
Committee of the Parties Recommendation
CP/Rec(2023)04 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Third evaluation round

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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;**

According to the **Standard Operating Procedures for Handling Victims of Human Trafficking** revised in 2023, initial information is provided to the person for whom there is a basis for suspicion that he or she is a presumed victim as soon as possible and the immediate needs of the presumed victim are met. The presumed victim has the right to the following:

- A period of decision-making and reflection (60 days);
- Appropriate and safe accommodation;
- Medical and psychological-social assistance;
- Translation and interpretation;
- Legal assistance;
- Education;
- Employment;
- For judicial or administrative proceedings, the right to asylum;
- About the possibilities and procedure for safe voluntary return to the home country or the country of residence;
- About the conditions for issuing a temporary residence permit in the Republic of North Macedonia;
- Compensation for damage;
- Material assistance.

It is a positive practice that requests for free legal aid have already been approved in an urgent procedure and a lawyer for victims of trafficking in human beings has been appointed by the Ministry of Justice. Thus, this right in the **Law on Free Legal Aid** for victims has become feasible in practice for the first time. The Ministry of Justice has acted in accordance with the latest recommendations of GRETA, i.e. it has shown that the department of the Ministry of Justice responsible for free legal aid is sensitized to the importance of legal aid and is taking steps to inform them about the appropriate procedures and to enable them to access legal aid.

- investigators and prosecutors instruct victims on their right to legal representation, and such representation is ensured from the outset of criminal proceedings;**

According to the **Law on Criminal Procedure**, victims of human trafficking have the right to special procedural measures for protection provided from the beginning of the procedure. Due to the urgency of the procedure, the victim's request for a lawyer is not at the expense of the state and is implemented through the non-governmental sector, i.e. the Macedonian Association of Young Lawyers and the NGO "Open Porta-La Strada". Lawyers often work pro bono, upon request, until a positive decision for free legal aid is provided by the Ministry of Justice.

- 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;**

Systemic progress has been achieved in this field and, in accordance with the Article 8 of the Law on Free Legal Aid, it is provided that the request for legal aid shall be approved in all judicial and administrative proceedings for victims of human trafficking, if it resolves an issue of interest to the applicant for legal aid. Additionally, amendments to the **Law on Criminal Procedure** and the **Law on Children** are planned for the coming period, where the right to access legal aid will be further improved. These amendments will be in accordance with European legislation. Additionally, a Guide to the Use of Free Legal Aid has been developed. The purpose is to serve citizens how to exercise their constitutionally guaranteed rights through the Law on Free Legal Aid.

- adequate funding is provided to specialised NGOs providing legal assistance to victims of trafficking, including legal representation in court proceedings (paragraph 60).**

Non-governmental organizations receive funding through the provision of grants, projects, and donors.

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;**

According to the Criminal Procedure Law, the obligation to collect evidence during the criminal procedure is foreseen. In 2023, **Law on the Payment of Monetary Compensation to Victims of Violent Crimes**, which includes the crime of trafficking in human beings, entered into force. With this law, legal representatives can also seek financial compensation for victims during the criminal procedure.

In accordance with the legal framework governing criminal investigations, the **National Unit for the Suppression of Migrant Smuggling and Human Trafficking** has, in recent periods, conducted parallel financial investigations alongside criminal investigations into human trafficking offenses. These financial investigations aim to identify and quantify the financial gains derived from such criminal activities.

- **making full use of the legislation on the seizure and confiscation of assets to secure compensation to victims of human trafficking;**

Despite a recent lack of emphasis on property confiscation in human trafficking cases, future training for legal representatives of victims will underscore the importance of using seized assets for victim compensation. This initiative is particularly pertinent following the Law on the Payment of Monetary Compensation to Victims of Violent Crimes, which now enables legal representatives to request monetary compensation for victims during criminal proceedings.

- **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;**

Informing is done through the provision of primary and secondary assistance. Both the prosecution and the court, as well as the legal representatives of the victims, inform the victims about the right to compensation. According to the statements in the previous answer, the court can refer to a monetary claim during the criminal procedure. In this way, this process will not be delayed if a new civil procedure is initiated before a civil court and the victim will be able to be compensated within a reasonable time.

- **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;**

The purpose of the the Law on the Payment of Monetary Compensation to Victims of Violent Crimes is to provide financial compensation to victims of violent crimes as assistance from the state. This is in accordance with the principle of social solidarity and to prevent possible victimization and secondary victimization as additional suffering that victims may suffer from the attitude of the competent authorities. Victims have the right to financial compensation to mitigate the consequences of a violent crime, in accordance with this Law. This right does not exclude the right of the victim to claim compensation for damage or to pursue another claim in accordance with another law before a competent court. The victim has the right to financial compensation regardless of whether the perpetrator of the crime is known and regardless of whether criminal proceedings have been initiated against the perpetrator of the crime, or there are factual or legal obstacles to conducting criminal proceedings.

- **adopting the necessary legislative and administrative measures with a view to ensuring the effective implementation of the Law on the Payment of Monetary Compensation to Victims of Violent Crimes without delay (paragraph 85).**

The Commission for Payment of Monetary Compensation for Victims of Violent Crimes decides on the right to financial compensation and on determining the type and amount of financial compensation for victims of violent crimes. In the coming period, analyses and trainings will be conducted for the members of the Commission in order to fairly determine the amount to be paid to claimants.

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;**

For each report or operational piece of information about a potential victim of human trafficking, appropriate measures and actions were undertaken. These focused on the early identification, referral, and protection of victims. Efforts were also directed toward detecting and identifying both individuals and organized groups suspected of committing criminal offenses such as human trafficking, child trafficking, mediation in prostitution, organizing and inciting trafficking-related crimes, trafficking in minors, and smuggling of migrants. In addition, measures were taken to gather material evidence proving the existence of a criminal offense and/or the identity of the perpetrators. This was done to support the criminal prosecution of those involved in the above-mentioned crimes.

A **Protocol for Inter-sectoral Cooperation for the Treatment of Street Children** has also been established. It provides clear guidelines for coordinated action among all relevant institutions.

Furthermore, the competent Department within the Ministry of Interior has developed an Operational Plan for addressing begging. This plan is actively implemented by the Sectors for Internal Affairs, which maintain continuous coordination with the National Unit.

- **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;**

The Criminal Code prescribes prison sentences for legal entities found guilty of human trafficking offenses. However, to date, no cases have been initiated against legal entities, as there have been no indications or suspicions of their involvement in such crimes.

- **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);**

In recent periods, the capacity of the National Unit for the Suppression of Migrant Smuggling and Human Trafficking has been significantly strengthened through the filling of vacant positions. Efforts are ongoing to enhance the Unit's technical capabilities by providing equipment, training, and financial resources to ensure smooth operations.

Additionally, through organized investigations—including the initiation of criminal proceedings and the application of special investigative measures—material evidence has been secured against individuals and organized criminal groups involved in migrant smuggling and human/child trafficking. These efforts are carried out in coordination with, and under the guidance of, the competent public prosecutor from the Public Prosecutor's Office for the Prevention of Crime and Human Trafficking.

Cross-border cooperation has also improved significantly through the Transnational Referral Mechanism and established protocols with neighboring countries. These frameworks have strengthened communication, coordination, and joint efforts in the fight against human trafficking, including the implementation of joint actions, awareness campaigns, and the sharing of operational information.

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;

Under the Law on Criminal Procedure, victims of human trafficking are entitled to special procedural protection measures when giving statements and being questioned, at all stages of the proceedings. In cases involving child victims, the court is required to order, either individually or in combination with other protection measures, that the child's statement and questioning be video and audio recorded for use as evidence. In exceptional cases, due to new circumstances, the court may permit a child victim to be questioned no more than once, using technical means of communication.

Additionally, from the opening of the session until the conclusion of the main hearing, the court may, at any time—either ex officio or upon the request of the parties—exclude the public. This measure may be taken to protect the privacy of the accused, witness, or injured party; to ensure the safety of the witness or victim; or to safeguard the interests of a minor.

In the previous case law in North Macedonia, the public has been excluded from these cases.

- 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);

The Program Office of the Council of Europe in Skopje, within the framework of the EU and Council of Europe Horizontal Facility III Project "Strengthening the Fight Against Trafficking in Human Beings," organized in 2024 a basic **"Training on Gender-Sensitive and Targeted Information and Reporting on Human Trafficking."** The training was intended for communication officers from the Ministry of Interior, the Public Prosecutor's Office for Organized Crime and Corruption, and journalists, with a total of 12 participants taking part.

The new National Strategy and Action Plan will include activities aimed at raising awareness among media professionals on how to report on human trafficking in order to increase public awareness on this issue.

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);

In June 2025, it is planned to put into operation the so-called *pleasant room*, which will be located in the Basic Prosecutor's Office for Prosecution of Organized Crime and Corruption. The room will be prepared in accordance with all international standards and will provide a pleasant environment for child victims of human trafficking. In this way, we will strive to achieve progress in cooperation in cases of child trafficking and the victim will not be further victimized.

Trainings are continuously conducted to raise awareness of the staff working with victims of human trafficking and children, and they are constantly part of the National Strategy and Action Plan for Combating Human Trafficking.

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);

In March 2023, a **Memorandum of Understanding on Inter-Institutional Cooperation between the Ministry of Interior and State Labor Inspectorate** was signed to enhance the detection of criminal offenses related to human trafficking and labor exploitation, as well as the referral of potential victims of labor exploitation. The Memorandum focuses on strengthening cooperation and information exchange, coordinating activities, and organizing joint supervision and control efforts.

This Memorandum aims to build capacities to combat human trafficking more effectively, ensure more efficient suppression of these crimes, and facilitate the identification and protection of victims through joint planning, coordination, supervision, and continuous training.

Recently, joint control operations were conducted in catering establishments and construction sites. In 2024, the State Labor Inspectorate, in cooperation with the Ministry of Interior, carried out 194 extraordinary inspections across the country. These inspections targeted high-risk sectors identified due to the presence or risk of human trafficking victims, including:

- Construction: 63 inspections
- Catering: 85 inspections
- Gambling industry (casinos and betting shops): 19 inspections
- Processing/production: 7 inspections
- Security services: 1 inspection
- Transport: 2 inspections
- Electricity supply: 1 inspection
- Wholesale and retail trade: 8 inspections
- Copyright infringement: 2 inspections
- Education: 2 inspections
- Service industries: 4 inspections

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;

According to the Standard Operating Procedures for the Treatment of Victims of Human Trafficking, the provision of assistance and protection to all victims—regardless of their nationality or legal status in the country—is regulated through a comprehensive, human rights-based approach. This approach aligns with international standards and centers on the victim, operating within institutionalized frameworks of inter-agency cooperation.

- **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;**

These action controls are carried out in accordance with the above-mentioned Memorandum between the Ministry of Interior and the State Labor Inspectorate.

- 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);

The Republic of North Macedonia has established mechanisms for the identification and protection of victims of human trafficking, as well as for individuals at risk of re-trafficking upon their return to their country of

origin. According to **the Law on Foreigners**, any foreign citizen subject to a return decision or other regulated residence procedures has the right to apply for asylum at any stage, without exception, if there is a determined risk of re-victimization as a victim of human trafficking.

Furthermore, Article 124 of the Law on Foreigners permits the issuance of residence permits to foreign nationals, including victims of human trafficking. Article 146 of the same law upholds the principle of non-refoulement, explicitly prohibiting the removal of any foreign citizen if there is a real risk of serious rights violations, including the risk of re-trafficking.

Additionally, in accordance with Chapter 2 of the **Law on International and Temporary Protection**—specifically Article 35—victims of human trafficking are recognized as vulnerable persons entitled to special protection during the asylum process. Article 14 of this law also enshrines the principle of non-refoulement, ensuring that no person is returned to a country where their life or safety is at risk, or where they may be re-exposed to human trafficking.

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;

Memorandum of Understanding was signed between the Ministry of Interior and the Ministry of Labour and Social Policy to establish **Mobile teams for Combatting Trafficking in Human Beings**. They have been set up in five cities across the country: **Skopje, Kumanovo, Tetovo, Bitola and Gevgelija**. Each of these have coordinators and several members. In the period of February-March 2018, a *“Work Program of the Mobile Teams for the Identification of Vulnerable Categories of Citizens, Including Victims of Human Trafficking”* was prepared and adopted by both ministries. This multi-sectorial approach significantly strengthens the mutual coordination of relevant stakeholders (Ministry of Interior/Ministry of Social Policy, Demography and Youth/NGOs), as well as helps expand the network of social workers in order to proactively identify victims of human trafficking. The main benefit of the mobile teams and the National Unit is to increase the number of detected potential victims of human trafficking among vulnerable categories of citizens and migrants, ensuring referral and inclusion in the identification process.

In 2024, the mobile teams contacted, informed, and referred a **total of 469 people (227 men and 242 women)**, of whom **400 are domestic citizens and 169 are foreign citizens**. Out of **446 identified vulnerable categories of persons**, **198 were adults, 117 of whom were women and 81 of whom were men, and 248 were children, 103 of whom were girls and 145 were boys**.

The mobile teams currently operate with the support of IOM; however, efforts will be made in the near future to ensure their long-term sustainability through institutionalization.

- 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;

According to Article 4 of **the Law on Health Protection**, every citizen has the right to health care that respects the highest possible standards of human rights and values, including the right to physical and psychological integrity and personal security. The law ensures the provision of adequate financial and human resources to assist both potential and formally identified victims of human trafficking. This assistance may also come from specialized non-governmental organizations through various programs funded by the state budget, the Health Insurance Fund, and other sources.

Furthermore, provisions are made to guarantee that all victims of human trafficking have effective access to public health services. This will be achieved through amendments to the Law on Health Insurance, which will include victims in the categories of individuals entitled to health insurance coverage.

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

If it is a minor male, he is cared for in specialized foster families. In the coming period, it is planned to build a Center for Victims of Human Trafficking in which there will be a clear division of rooms for minors, males and females.

- 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).

Currently, amendments to the Law on Foreigners are in progress to include a provision ensuring that individuals with reasonable grounds to be identified as victims of human trafficking will be placed in the state shelter for victims. Additionally, plans are underway to construct a dedicated Center for Victims of Human Trafficking, which will feature clearly designated areas for minors, males, and females.

9. Take measures to:

- ensure that child victims of human trafficking benefit from specialised accommodation and services;

In addition to the Center for Victims of Human Trafficking, which accommodates presumed and formally identified victims of human trafficking, alternative forms of care like foster families and small group homes are also utilized.

- **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).**

On 27 August 2024, the Government of the Republic of North Macedonia adopted the **Standard Operating Procedures (SOPs) for the Treatment of Unaccompanied Foreign Children and Other Vulnerable Categories of Persons**. These SOPs are grounded in the principles set forth in international instruments ratified by North Macedonia, as well as in relevant national legislation.

The SOPs emphasize the **Principle of Alternatives to Institutional Placement**, particularly focusing on avoiding migration detention for children and other vulnerable foreign nationals. They explicitly state that **detention is never in the best interests of the child**, constitutes a violation of the child's rights, and must be avoided under all circumstances.

In exceptional cases where unaccompanied children or vulnerable individuals are subjected to detention or imprisonment, an **interdisciplinary approach** is applied. This includes:

- Regular visits by an appointed guardian and a multidisciplinary professional team
- Provision of psychosocial support and counseling
- Notification of the family, where possible
- Planning for reintegration or return upon completion of the sentence, guided by an assessment of the best interests of the child and in accordance with the court's decision