

Preventing and Combating Trafficking in Human Beings



REPORT ON TRAFFICKING FOR THE PURPOSE OF LABOUR EXPLOITATION

Combating discrimination and
protecting the rights of vulnerable groups

Klara Skrivankova
Lazar Jovevski

Horizontal Facility for Western Balkans and Turkey

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**HORIZONTAL FACILITY FOR
WESTERN BALKANS AND TURKEY**

“Preventing and Combating Trafficking
in Human Beings”

**REPORT ON TRAFFICKING FOR
THE PURPOSE OF LABOUR
EXPLOITATION**

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Council of Europe

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Executive summary

Trafficking in human beings for the purpose of labour exploitation is an emerging area of focus in “the former Yugoslav Republic of Macedonia”. The legal framework, largely comprised of anti-trafficking legislation and labour laws, has been developed in reflection of international norms. All core international labour standards have been adopted by the country, with the exception of the 2014 ILO Forced Labour Protocol. A National Strategy and a National Action Plan are in place for 2017-20, as are the Standard Operating Procedures for treatment of trafficked persons and a National Referral Mechanism.

The Council of Europe Convention on Action against Trafficking in Human Beings provides a framework for identification and referral processes. However, the identification of trafficking for labour exploitation is sometimes hampered by a lack of consensus on indicators and the lack of clarity on distinguishing between labour rights violations (such as breaches of employment and discrimination laws) and trafficking for labour exploitation (criminal law).

Representatives of stakeholders with a mandate and an identified role in the anti-trafficking legislation and policy and to a certain extent whose operations are relevant to anti-trafficking action, such as those involved in enforcement, have a good level of understanding of trafficking in human beings as well as of the infrastructures that are in place to combat trafficking. However, there is a concern that the knowledge is limited beyond individual specialists and that the level of knowledge, in particular the ability to identify a situation of trafficking and to respond to it in an appropriate manner, is low amongst professionals in general.

Risks factors associated with particular groups and populations and specific industries are known to the authorities. At the same time, the understanding of the definition of trafficking for labour exploitation, the links between labour rights violations, poor working conditions, informality and fragmentation of the labour market, and the role that labour market enforcement agencies ought to play in prevention and detection of trafficking for labour exploitation do not appear to be sufficiently understood.

Lack of knowledge of laws related to the labour market operations and enforcement amongst the police, and the similar lack of awareness about human trafficking amongst labour and market inspectors was also cited as an obstacle to identification. This gap can be bridged by improving of co-ordination between

the Ministry of Interior and the Labour Inspectorate, and further by including the Labour Inspectorate and the State Employment Agency as formal actors in the national referral mechanism and in the Standard Operating Procedures.

Agriculture, textile, footwear production and construction are the most common industries where the risk of labour exploitation is higher due to the often precarious nature of employment arrangements, difficult working conditions and low wages. A large part of these industries also reportedly operates in the “grey area”, using unregistered and informal labour.

The risk of trafficking faced by migrants and refugees is also a concern in the country. However, neither the authorities, nor the civil society organisations have identified any clear-cut cases of trafficking for labour exploitation or forced labour of refugees and migrants in the country.

The challenges identified by the main stakeholders are similar to the challenges faced by other countries in the region and those that many other European countries have grappled with in the past. Government agencies’ initiatives focus on several key areas – identification of victims, enforcement against perpetrators, prevention of trafficking and training and capacity building. While there is clarity about the roles and responsibilities of the agencies consulted for the report and more “traditional” actors, such as the police, the understanding of the roles and responsibilities of other agencies, such as labour market regulators, was limited.

There is an appreciation that private sector and trade unions also have a role in preventing trafficking and addressing situations that may contribute to human trafficking. At the same time, there was consensus that the issues of human rights need embedding in business practice, but that a precursor to that would be addressing what has been described by many of the interlocutors as the “grey zone” within which many businesses are perceived to operate.

Corporate accountability and comprehensive regulation of private sector as well as positive engagement with businesses is largely absent from the national anti-trafficking action and policy. Experience from other countries shows that a combined regulatory and engagement approach is likely to lead to better involvement with the private sector, than only voluntary initiatives that rely on the business pro-actively taking on leadership in the area.

The trade unions’ activity in addressing trafficking in labour exploitation in the country has been limited and has mainly focused on labour exploitation of Macedonian nationals. Trade unions were involved in assistance to some of the workers who were exploited at construction sites in Azerbaijan, but were only able to offer limited support to the affected workers. Collaboration with trade unions in the main destination countries has been limited. However, better collaboration and co-ordination, including formal agreements, exist with trade union counterparts within the Balkan region.

The report recommends that “the former Yugoslav Republic of Macedonia” builds on the existing legal and policy framework through further review and amendment. Some of the key recommendations made in the report include:

- ▶ Revise the National Action Plan and Strategy to include the Labour Inspectorate and the State Employment Agency as actors mandated in anti-trafficking action;
- ▶ Ensure that the Labour Inspectorate is included in the Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings;
- ▶ Mandate and train labour market regulators, such as the Labour Inspectorate, to carry out pro-active investigations to identify and prevent trafficking in identified areas of risk;
- ▶ Increase awareness about risks of trafficking for labour exploitation linked to the operation of the labour market;
- ▶ Adopt legislation and policies following the United Nations Guiding Principles on Business and Human Rights and the Council of Europe Recommendation on Human Rights and Business;
- ▶ Consider adopting further regulation of private employment agencies;
- ▶ Engage trade unions and private sector in anti-trafficking policy development and implementation;
- ▶ Launch a pilot project on pro-active identification in an at-risk industry (such as agriculture, textile and shoe and leather production), with participation of NGOs, trade unions, private sector and cross-agency collaboration.

I. Introduction

This report reviews trafficking in human beings for the purpose of labour exploitation in “the former Yugoslav Republic of Macedonia”. It focuses on efforts undertaken to address trafficking for labour exploitation and the related risk factors with a specific focus on the need for multidisciplinary co-operation. The report sets out to identify the legal, policy and institutional framework related to trafficking in human beings and any gaps in the current system. It also aims to provide examples of initiatives taken by the government, the private sector and the trade unions to prevent and combat this phenomenon. The report includes recommendations for concrete measures to be taken by national authorities, trade unions, businesses and recruitment agencies to reduce the demand for human trafficking and identify possible victims.

The term labour exploitation refers to the purposes of human trafficking specified in Article 4 of the Council of Europe Convention on Action against Trafficking in Human Beings (2005) which covers forced labour or services, slavery or practices similar to slavery.

The report was drafted by two experts, an international expert, Klara Skrivankova (lead author), who has been involved for almost two decades in addressing human trafficking and monitoring actions by governments and businesses to prevent and address exploitation, and a national expert, Lazar Jovevski, assistant professor at the Department of Labour and Social law of the University of St. Cyril and Methodius (Skopje) who has over fifteen years of experience in the field of labour exploitation.

The report has been compiled from information obtained during a two-day fact-finding mission to Skopje as well as visits to Gevgelija and Valandovo in April 2017. The list of interviewed authorities and organisations is included in Annex V. The information collected during the fact-finding mission was supplemented by a review of further publicly available documents, including reports by the Group of Experts on Action against Trafficking in Human Beings (hereinafter GRETA) and the response by the Macedonian authorities to the questionnaire for the 2nd round of GRETA monitoring published on 27 January 2017.

The report has been informed by the 2014 Report concerning the implementation of the Council of Europe Convention by “the former Yugoslav Republic of Macedonia”, prepared by GRETA and their recommendations to the Macedonian authorities to:

“74. strengthen action to combat trafficking in human beings for the purpose of labour exploitation by involving labour inspection, civil society, businesses, trade unions and employment agencies in a joint platform and improving the identification of, and assistance, to victims of trafficking in human beings for the purpose of labour exploitation.”¹

“115. continue efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with the private sector and civil society.”²

And the recommendation to:

“145. pursue a pro-active approach to the identification of victims of trafficking for the purpose of labour exploitation by expanding the powers of labour inspectors to also cover non-registered businesses and private homes and encouraging labour inspections in sectors most at risk (e.g. agriculture, entertainment, service sector, construction, domestic work)³;

Part 1 of the report reviews international standards and legal obligations of States and private sector actors. Part 2 reviews the national legal, policy and institutional framework in “the former Yugoslav Republic of Macedonia”. Parts 3 and 4 assess the current national situation and the measures taken by different stakeholders in the country. Part 5 draws conclusions and makes recommendations for measures to be taken by the relevant actors involved in addressing trafficking for labour exploitation. The final Annexes include specific recommendations for trade unions, recruitment agencies and the private sector.

1 Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by “the former Yugoslav Republic of Macedonia”, Council of Europe, Strasbourg, 2014, p. 49

2 Ibid p.50

3 Ibid p.51

II. Overview of international standards

1. United Nations Instruments

The United Nations (UN) have introduced a body of conventions and standards that are relevant to addressing trafficking in human beings for the purpose of labour exploitation. It is beyond the scope of this report to provide a full and comprehensive overview of all the international legal standards. This chapter focuses on key international standards relevant to “the former Yugoslav Republic of Macedonia”.

1.1. UN Trafficking Protocol (Palermo Protocol)

“The former Yugoslav Republic of Macedonia” is a party to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2000). The Protocol covers measures that States need to adopt in order to prevent and address all forms of exploitation that are the outcome of trafficking, including the exploitation of forced labour and services (Art. 3).

The Protocol does not provide further definition of forced labour, as forced labour is defined by other instruments (see below). Article 9 of the Protocol is devoted to prevention of trafficking in persons, including by States Parties which “shall endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons.”

In 2014, the Inter-Agency Coordination Group against Trafficking in Persons (ICAT) published a paper⁴ on addressing the demand for trafficking in persons, including in the context of labour exploitation and recommended several strategies that States should undertake to that effect. Three of those strategies relevant to this report are:

- ▶ Measures and mechanisms to improve labour conditions in sectors vulnerable to the use of victims trafficked for labour exploitation, through strengthening and enforcing labour standards and regulations;

4 Dottridge, M; Emerging Good Practice by State Authorities, the Business Community and Civil Society in the Area of Reducing Demand for Human Trafficking for the Purpose of Labour Exploitation, Council of Europe, Strasbourg, 2016, p. 4

- ▶ Actions against exploitation associated with the migration process, including through better regulation of private recruitment agencies and better protection of migrant and refugee workers;
- ▶ Private sector initiatives to address exploitative labour practices within supply chains.

1.2. UN Guiding Principles on Business and Human Rights

The UN Guiding Principles on Business and Human Rights (hereinafter UNGPs)⁵ are a set of guidelines and measures that States and private sector are expected to take to prevent, address and remedy human rights abuses committed in business operations, regardless of the size of a business. The UNGPs were developed by the UN Special Representative on Business and Human Rights, John Ruggie, and endorsed by the UN Human Rights Council Resolution in 2011, which also established the UN Working Group on Business and Human Rights.

The core principles set by the UNGPs are that States have the duty to protect human rights, businesses the duty to respect human rights, and where violations occur, or the actions of business have adverse effect on the rights of individuals, remedies must be provided.

The UNGPs reaffirm the States' duty to "protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulation and adjudication" (Foundational Principle 1 of the UNGPs)⁶. The responsibility on the States goes beyond the enactment of laws to protect human rights. States are also responsible for ensuring that businesses take steps to prevent and address human rights abuses.

The UN Working Group on Business and Human Rights recommended that States adopt National Action Plans on Business and Human Rights. To date, fourteen States developed National Action Plans, with a number of others in development⁷.

The UNGPs cover a whole spectrum of human rights concerns, including the right of all workers to be free from forced and compulsory labour, but also the expectation to prevent such severe exploitation. Similar to the concept of prevention, identification and protection applied within the anti-trafficking framework, the UNGPs expects that:

⁵ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

⁶ Dottridge, M; Emerging Good Practice by State Authorities, the Business Community and Civil Society in the Area of Reducing Demand for Human Trafficking for the Purpose of Labour Exploitation, Council of Europe, Strasbourg, 2016, p. 5

⁷ <https://business-humanrights.org/en/un-guiding-principles/implementation-tools-examples/implementation-by-governments/by-type-of-initiative/national-action-plans>

- ▶ Actual and potential human rights impact are identified (Principles 15 to 18);
- ▶ Such impacts are prevented and mitigated (Principle 19)⁸.

The UNGPs bear a strong relevance to human trafficking. Increasingly, human rights due diligence is an accepted approach to address forced and child labour in supply chains. Due diligence is a process distinctly different from standard compliance or social audit, which are a preferred methodology for supply chain risk management by many international businesses. Due diligence includes understanding that there is a problem, pro-actively detecting human rights concern through risk assessment, and developing plans to address any concerns identified, including provision of remedies for any affected workers and publicly reporting on steps taken⁹. The UNGPs set a global standard indicating to businesses that they are expected to take responsibility and act to respect human rights and be transparent, by publicly reporting about the actions they have taken.

Several years after the introduction of the UNGPs, it has become apparent that not many businesses are familiar with them, and that the voluntary approach to compliance only reinforces compliance by those who have already committed to responsible business conduct. Consequently, several EU Member States have moved to legislate for mandatory disclosure¹⁰.

Any businesses that operate in “the former Yugoslav Republic of Macedonia”, or have suppliers in the country, but are headquartered or registered in one of the countries that have adopted legislation on mandatory disclosure, such as the UK and France, will be expected to exercise due diligence in their Macedonian supply chains. Similarly, any subsidiaries of companies linked to those countries, and which employ Macedonian workers will need to exercise due diligence to ensure that the rights of Macedonian workers in their supply chains are respected.

8 Dottridge, M; Emerging Good Practice by State Authorities, the Business Community and Civil Society in the Area of Reducing Demand for Human Trafficking for the Purpose of Labour Exploitation, Council of Europe, Strasbourg, 2016, p. 5

9 See the Annex IV which further elaborate on the definition of human rights due diligence

10 The United Kingdom requires since 2015 businesses with annual turnover of £36 million or over to report on steps they are taking to prevent and address modern slavery in their supply chain and in their own business (Modern Slavery Act 2015, s.54). In February 2017, the Dutch Parliament approved a child labour due diligence law, requiring businesses to examine whether child labour occurs in their production chain. If child labour is found, the business is expected to develop a plan of action to address it and publicly report on their findings and action taken. If approved by the Senate, the Act will be effective from January 1, 2020. Also in February 2017, the French Parliament adopted a new business and human rights law which requires businesses to both identify and prevent adverse human rights impacts resulting from either their own activities or from the activities of companies they control as well as the activities of their sub-contractors. Companies employ at least 5,000 employees within their head office and its direct and indirect subsidiaries will have to comply. Switzerland is also considering similar legislation

1.3. International Labour Organization Standards

The UN agency called International Labour Organization (ILO) is the custodian of the fundamental labour rights treaties, including those prohibiting forced labour. Forced labour takes different forms, including debt bondage, trafficking, forced prostitution and other forms of modern slavery¹¹. According to the ILO, there is an explicit link between human trafficking and forced labour¹². “Forced labour and human trafficking are closely related terms though not identical in a legal sense.¹³” At the same time, the ILO perceives that “most situations of slavery or human trafficking are covered by ILO’s definition of forced labour¹⁴”.

The fundamental principles (recognised as core labour standards) enshrined in the ILO Conventions include:

- ▶ Freedom from forced labour;
- ▶ Freedom from child labour;
- ▶ Freedom from discrimination at work;
- ▶ Freedom to form and join a union, and to bargain collectively.

The ILO Forced Labour Convention of 1930 defines forced labour as: “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.

Forced labour can be an outcome of the process of trafficking, defined as the purpose for which people are trafficked in the Palermo Protocol and the Council of Europe Convention. The term trafficking for labour exploitation is commonly used interchangeably with the term trafficking for forced labour.

The ILO Worst Forms of Child Labour Convention of 1982 defines the worst forms of child labour as “all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children”. Worst forms of child labour are distinct from child labour, which is defined as work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development. It refers to work that is mentally, physically, socially or morally dangerous and harmful to children; and interferes with their schooling by depriving them of the opportunity to attend school, obliging them to leave school prematurely or requiring them to attempt to combine school attendance with excessively long and heavy work”.

11 <http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>

12 http://www.ilo.org/global/topics/forced-labour/publications/WCMS_243395/lang--en/index.htm

13 http://www.ilo.org/global/topics/forced-labour/news/WCMS_237569/lang--en/index.htm

14 http://www.ilo.org/global/topics/forced-labour/news/WCMS_237569/lang--en/index.htm

However, not all child work (work performed by under 18's) is prohibited under international law. The 1973 Convention on the minimum age for admission to employment and work sets out principles for minimum age of acceptance for employment or certain types of work:

Type of work	The minimum age at which children can start work	Possible exceptions for developing countries
<p>Hazardous work Any work which is likely to jeopardize children's physical, mental or moral health, safety or morals should not be done by anyone under the age of 18.</p>	18 (16 under strict conditions)	18 (16 under strict conditions)
<p>Basic Minimum Age The minimum age for work should not be below the age for finishing compulsory schooling and in any case not less than 15.</p>	15	14
<p>Light work Children between the ages of 13 and 15 years old may do light work, as long as it does not threaten their health and safety, or hinder their education or vocational orientation and training.</p>	13-15	12-14

In June 2014, governments, employers and workers at the ILO International Labour Conference (ILC) decided to give new impetus to the global fight against forced labour, including trafficking in persons and slavery-like practices. They voted overwhelmingly to adopt a Protocol and a Recommendation which supplement the Forced Labour Convention, 1930 (No. 29), and complement existing international instruments by providing specific guidance on effective measures to be taken to eliminate all forms of forced labour. The 2014 ILO Forced Labour Protocol highlights the role of labour inspection, protection of individuals from fraudulent and abusive recruitment and placement process and the need to address the root causes and risk factors that contribute to forced labour.

2. Council of Europe legal obligations and standards

2.1. Council of Europe Convention on Action against Trafficking in Human Beings

The Council of Europe Convention on Action against Trafficking in Human Beings (Art. 4) includes a definition of human trafficking similar to the Palermo Protocol. The Convention provides a minimum list of exploitative purposes which includes “forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs” and requires States to criminalise all of them¹⁵. Furthermore, the Convention requires States to develop and implement anti-trafficking action in a non-discriminative manner (Art. 3), ensuring that the rights of all victims, regardless of their background or the type of exploitation, are protected.

The Convention places a positive obligation on Parties to prevent and protect victims of trafficking. The drafters of the Convention recognised the importance of improving the social and economic activities as a way to prevent trafficking in human beings: “Social and economic initiatives tackle the underlying and structural causes of trafficking and require long-term investments. It is widely recognised that improvement of economic and social conditions in countries of origin and measures to deal with extreme poverty would be the most effective way of preventing trafficking. Among social and economic initiatives, improved training and more employment opportunities for people liable to be traffickers’ prime targets would undoubtedly help prevent trafficking in human beings.”¹⁶

The implementation of the Convention is evaluated by the Group of Experts on Action against Trafficking in Human Beings (GRETA), which produces reports with recommendations on how to improve compliance with the Convention’s requirements.

With the attention of most States being traditionally on trafficking for sexual exploitation, the implementation of the Convention across all forms of exploitation has been found to lag behind. GRETA noted in its 4th General Report that trafficking for labour exploitation was not recognised and addressed in practice and policy in most of the State parties, which is likely to be a key reason for a low numbers of identified victims.¹⁷ Furthermore, GRETA has stressed that in order to discourage demand for the services of victims, labour inspection ought to be strengthened in industries where there is a particular risk of trafficking, such as agriculture, construction, textile production, as well as hospitality and domestic work.¹⁸

Effective penalties foreseen by the Convention include the requirement on the

15 4th General Report on GRETA’s activities, GRETA (2015)1

16 Para.103 Explanatory Report on the Council of Europe Convention on Action against Trafficking in Human Beings

17 4th General Report on GRETA’s activities, GRETA (2015)1, p. 35

18 4th General Report on GRETA’s activities, GRETA (2015)1, p. 40

State parties to provide for the possibility of holding businesses liable for trafficking in human beings. In compliance with Article 22 of the Convention, States should ensure that corporate liability is enshrined in national legislation (civil, criminal or administrative), allowing for both individual liability of legal persons and liability of members of an executive organ of the business, for participation in human trafficking. Liability for trafficking that occurred as a consequence of lack of supervision or control should also be covered under corporate liability provisions.

In 2013, GRETA published its 3rd General Report on activities which includes a section on measures to discourage demand, including measures that relate to labour market regulation and the private sector.

“GRETA has noted in its reports that measures to discourage demand should target all forms of exploitation and not just the sex industry. The absence of effective regulation of certain labour market segments is one of the factors that help create an environment in which it is possible and profitable to use trafficked labour. Effectiveness requires combined labour inspection and enforcement powers, international information exchange, worker awareness of their rights, and practical support by the industry to ensure ethical standards by companies they use.”¹⁹

2.2 *The European Convention on Human Rights and its case-law*

Slavery, servitude and forced labour are prohibited under the European Convention on Human Rights (hereinafter the ECHR). While the ECHR does not explicitly mention trafficking, the European Court of Human Rights (hereinafter the Court) has ruled in a number of cases of trafficking and forced labour, confirming that trafficking in human beings falls under the scope of the ECHR. The cases considered by the Court concerned domestic servitude and sexual exploitation, and most recently trafficking for the purposes of labour exploitation. All member states of the Council of Europe are bound by the Court’s jurisprudence.

2.2.1. *Siliadin v France*²⁰

In 2005, the Court passed a judgment in what has become a landmark guidance case for a) the responsibility of States to protect individuals from acts prohibited under Art. 4 of the ECHR which were committed by private individuals; b) the interpretation of the definition of slavery. *Siliadin v France*²¹ case concerned a 15 year old girl from Togo trafficked to France for domestic work who lodged a complaint with the Court for violations of Art. 4 of the ECHR. Ms Siliadin’s case was that she was held in conditions analogous to slavery and also that France has failed

19 3rd General Report on GRETA’s activities, GRETA (2013)17, Strasbourg as quoted in Dottridge, M; Emerging Good Practice by State Authorities, the Business Community and Civil Society in the Area of Reducing Demand for Human Trafficking for the Purpose of Labour Exploitation, Council of Europe, Strasbourg, 2016, p. 7

20 http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/siliadin_v_france_en_4.pdf

21 Application 73316/013

in its duty to protect her from breaches under Art. 4 because of the insufficient national penal legislation²².

The Court found that the applicant was required to perform forced labour and held in servitude. Furthermore, the Court defined servitude, which has until then remained undefined in international law. The Court interpreted servitude as ‘a particularly serious form of denial of freedom’, including ‘the obligation to perform certain services for others’ and ‘the obligation of the “serf” to live on another person’s property and the impossibility of altering his condition’. Ms Siliadin’s circumstances qualified as servitude because she was denied freedom of movement and was required to remain nearly always at the house where she worked, she had no resources of her own and she was required to perform forced labour.²³

2.2.2. *Rantsev v Cyprus and Russia*²⁴

This judgment was an important decision on the human rights dimension of trafficking in human beings. The Court held that a State might be obliged to go further than merely enacting legislation in order to meet its obligations under Art. 4 of the ECHR. This is particularly the case where ‘the state authorities were aware, or ought to have been aware, of circumstances giving rise to a credible suspicion that an identified individual had been, or was at real and immediate risk of being trafficked or exploited (...) In case of an answer in the affirmative, there will be a violation of Article 4 of the Convention where the authorities fail to take appropriate measures within the scope of their powers to remove the individual from that situation or risk’. This means that States have positive obligations to prevent human trafficking and to afford protection to persons who are victims of human trafficking or might be at risk of becoming victims.

The judgment in *Rantsev* also shows the modern understanding of the definition of slavery emphasising that: ‘trafficking in human beings, by its very nature and aim of exploitation, is based on the exercise of powers attaching to the right of ownership. It treats human beings as commodities to be bought and sold and put to forced labour, often for little or no payment. (...) It involves the use of violence and threats against victims, who live and work under poor conditions’.

2.2.3. *Chowdhury & Others v Greece*²⁵

In March 2017, the Court handed a decision in *Chowdhury & Others v Greece*. In

22 Piotrowicz, R.; *States’ Obligations under Human Rights Law towards Victims of Trafficking in Human Beings: Positive Developments in Positive Obligations*. International Journal of Refugee Law, Vol. 24, No. 2 pp. 181–201

23 Ibid p. 190

24 https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/rantsev_vs_russia_cyprus_en_4.pdf

25 <https://strasbourgobservers.com/2017/04/28/chowdhury-and-others-v-greece-further-integration-of-the-positive-obligations-under-article-4-of-the-echr-and-the-coe-convention-on-action-against-human-trafficking/>

its judgment, the Court held that Greece violated the prohibition of forced labour and failed to protect a group of Bangladeshi migrant workers from trafficking. On this basis, the Court ordered compensation of over €500,000 to be paid. The judgment underlined signatory States' obligations to prevent and investigate trafficking, protect victims and punish traffickers. The case involved shootings at migrant workers who went on strike demanding their wages at the strawberry farms in Manolada, a small agricultural town in the Peloponnese. In July 2014, a Greek court acquitted those involved in the incident of charges of trafficking in human beings.

The *Chowdhury v Greece* case was the first occasion on which the Court had to examine the situation of forced labour and trafficking in the agricultural sector. The Court's decision emphasised that under Art. 4 of the ECHR governments are responsible for implementing preventive and protective measures to protect victims of trafficking, including facilitating the identification of victims by training officers and assisting victims in their physical, psychological and social recovery.

2.3. The Council of Europe Recommendation on Human Rights and Business

Since the introduction of the United Nations Guiding Principles on Business and Human Rights (UNGPs) in 2011, other international organisations have issued recommendations with regards to their implementation. In March 2016, the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec(2016)3 on Human Rights and Business, thus recognising the significance of the duty to protect and respect human rights in the context of business operations. The Committee stressed that States should develop and adopt national action plans on human rights and business, as recommended in the UNGPs, through a multi-stakeholder consultation process which would include businesses, trade unions and NGOs. The Committee also recommended that the implementation of the action plan should be monitored continuously with the participation of all the key stakeholders and that the plans should be periodically evaluated and updated.

3. European Union law

As an EU candidate country, “the former Yugoslav Republic of Macedonia” is expected to harmonise its national legislation with the *acquis* of the European Union. The EU laws include specific instruments addressing trafficking in human beings: the Directive 2011/36/EU of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing the Council Framework Decision 2002/629/JHA (hereinafter the Trafficking Directive), and other instruments that relate to combatting trafficking, such as the Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings (the Non-Financial Reporting Directive).

The Trafficking Directive includes a detailed provision on liability of businesses, which covers non-only direct actions, but also action committed through connivance or lack of supervision. Article 5 requires Member States to ensure that legal persons can be sanctioned, under criminal or other law, for their participation in trafficking in human beings, through direct action, but also for enabling trafficking from occurring as a result of lack of supervision.

III. Overview of the national legal, policy and institutional framework in “the former Yugoslav Republic of Macedonia”

1. Legal framework

1.1. Anti-trafficking legislation and relevant international law

“The former Yugoslav Republic of Macedonia” is a signatory of a number of international conventions with relevance to trafficking in human beings, including the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention on Transnational Organized Crime; the Council of Europe Convention on Action against Trafficking In Human Beings; the UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW); the UN Convention on the Rights of the Child, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography; the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse; the ILO Forced Labour Convention (No. 29); the Abolition of Forced Labour Convention (No. 105); the ILO Migrant Workers (Supplementary Provisions) Convention (No. 143) and the Worst Forms of Child Labour Convention (No. 182); the ILO Labour Inspection Convention and Protocol (No.81) and the Minimum Wage Convention (no.131).

The country’s legal framework includes a number of laws with relevance to trafficking in human beings or with direct reference to trafficking, including: the Constitution of the Republic of “the former Yugoslav Republic of Macedonia” (Art. 11 on forced labour); the Law on Foreigners²⁶ (that regulates transit and stay of foreigners); the Law on Asylum and Temporary Protection²⁷ (which requires special consideration of the needs of the victims of trafficking in human beings); the Law on Social Protection (dealing with the risk of poverty²⁸ and social exclusion) and the Law on Health Protection²⁹ (regulating health services).

26 Official Gazette 35/2006 and its amendments

27 Official Gazette 49/2003 and its amendments

28 Official Gazette 79/2009 and its amendments

29 Official Gazette 43/2012 and its amendments

Articles 418 to 418-e of the Criminal Code prohibit various criminal behaviors with elements of trafficking in human beings, also for the purpose of labour exploitation. In particular, Article 418-a prohibits human trafficking for the purpose of labour exploitation, Article 418 prohibits slavery, Article 418-d prohibits human trafficking of children for the purpose of labour exploitation and Article 418-c prohibits organising criminal gang or instigating and assisting in committing the above offences. The Criminal Code also provides for the criminal liability of legal persons. Neither at the time of the GRETA evaluation, nor recently there have been convictions of legal entities for trafficking-related offences.³⁰

“The former Yugoslav Republic of Macedonia” has not yet signed the 2014 ILO Forced Labour Protocol which covers prevention and protection of victims of trafficking for forced labour.

1.2. Legal framework in the area of employment, labour market and business regulation

The legislative framework regulating employment and the labour market with relevance to human trafficking and its prevention includes:

- the Labour Law, which regulates employment relations³¹;
- the Law on Labour Inspection, which regulates the competencies of the Labour Inspectorate³²;
- the Minimum Wage Law prescribing the minimum wage³³;
- the Law on Employment and Work of Foreigners³⁴ and the Law on Employment of Disabled Persons³⁵, which regulate the terms of employment for the respective groups of employees;
- the Law on Safety and Health at Work providing standards for the working environment³⁶;
- the Law on Agencies for Temporary Employment that regulates their work³⁷;
- the Law on Records in the Field of Labour, which stipulates different kinds of records relating to employment³⁸;
- the Law on Protection of Children, which protects children from trafficking

30 Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by “the former Yugoslav Republic of Macedonia”. First evaluation round. Strasbourg, June 2014, para 190; 2015 and 2016 Annual Report of the National Commission for the Fight against Trafficking in Human Beings and Illegal Migration.

31 Official Gazette 62/2005 and its amendments

32 Official Gazette 35/1997 and its amendments

33 Official Gazette 11/2012 and its amendments

34 Official Gazette 70/2007 and its amendments

35 Official Gazette 44/2000 and its amendments

36 Official Gazette 92/2007 and its amendments

37 Official Gazette 49/2006 and its amendments

38 Official Gazette 16/2004 and its amendments

in human beings³⁹;

- the Family Law, which regulates parental responsibility towards children⁴⁰.

Business regulation, in particular requirements on company reporting, public procurement rules and rules that govern corporate accountability bear relevance to prevention of trafficking, as the majority of forced labour cases are known to occur in the private sector. Businesses in “the former Yugoslav Republic of Macedonia” are governed primarily by the Company Law⁴¹ and the Law on Trade⁴². The 2007 Law on Public Procurement⁴³ regulates the procedures for awarding public procurement contracts, the competences of the Public Procurement Council and of the State Complaint Commission, the procedure for awarding public procurement contracts, as well as concessions for public – private partnership. The Law provides for a possibility for procurement in the amount of up to 500 Euros (in the denar counter value) without a special procedure, whereas procurement above the said amount requires a special public procurement procedure. The procedure envisages an obligation for establishing a special public procurement commission in the respective entity to carry out public procurement. The Public Procurement Bureau, which supervises the implementation of the Law, does not have any direct competencies relevant for prevention and combatting trafficking in human beings⁴⁴.

The Criminal Code⁴⁵ governs criminal responsibility of businesses. It foresees fine as the principal penalty. However, other additional penalties can be imposed on businesses provided that certain conditions specified in the Criminal Code are met. Among other additional penalties⁴⁶, businesses may be prohibited from participating in public calls and other public procurement procedures for awarding public procurement contracts and public-private partnership.⁴⁷ Article 418-a (6) of the Criminal Code stipulates that legal entities, including businesses convicted for trafficking in human beings, shall be fined. However, businesses can also be closed down, if found guilty of trafficking in human beings.⁴⁸

39 Official Gazette 23/2013 and its amendments

40 Official Gazette 80/1992 and its amendments

41 Official Gazette 28/2004 and its amendments

42 Official Gazette 16/2004 and its amendments

43 Official Gazette 136/2007 and its amendments

44 http://www.bjn.gov.mk/za_nas.nsp

45 Official Gazette 37/1996 and its amendments

46 Additional penalties encompass: a) prohibition on obtaining permits, licenses, concessions, authorisations or other rights determined by special law; b) prohibition on participation in public call procedures, granting of public procurement contracts and contracts for public-private partnership; c) prohibition on establishing new legal entities; d) prohibition on benefiting from subsidies and loans; e) prohibition on the use of means of financing of political parties from the State budget; f) confiscation of permit, license, concession, authorization or other right determined by special law; g) temporary ban on performing a specific business; h) permanent ban on doing a specific business and h) termination of the legal entity

47 Article 96b, 2

48 Annual Report of the National Commission for the Fight against Trafficking in Human Beings and Illegal Migration for 2016, p. 37

2. Policy framework

The policy framework of “the former Yugoslav Republic of Macedonia” on trafficking in human beings includes the revised 2010 Standard Operating Procedures for dealing with victims of trafficking, the 2014 Programme for Assistance and Support for Reintegration of Victims of Trafficking, the 2014 Programme for Help and Support for Children/Victims of trafficking, the 2014 Indicators for Identifying Victims of Trafficking in Human Beings, the 2015 Standard Operating Procedures for Dealing with Vulnerable People – Foreigners, the 2015 Standard Operating Procedures for Dealing with Unaccompanied and Separated Children and the 2016 Indicators for Identification of Victims of Trafficking in Cases of Mixed Migration movement⁴⁹.

The Standard Operating Procedures for the treatment of victims of trafficking in human beings, periodically revised by the National Commission and adopted by the Government (the last revised version is from October 2012), regulate the procedures for the identification, referral to assistance and protection, and return of victims of trafficking⁵⁰.

The country’s anti-trafficking action is governed by National Action Plans and Strategies - NAPS (2006-09; 2009-12; 2017-20), as well as annual operation plans, which set out in detail activities of the national and international stakeholders regarding prevention and fight against trafficking in human beings.

As regards business and human rights, “the former Yugoslav Republic of Macedonia” has supported the Resolution 26/22 of the UN Human Rights Council to continue the mandate of the UN Working Group for Business and Human Rights. Yet, the UNGPs have not been formally endorsed, nor has there been a commitment to introduce a National Action Plan on Business and Human Rights so far.

However, there is no regulation related to business and human rights in “the former Yugoslav Republic of Macedonia”, but there is a nascent debate about this topic and the UNGPs. For instance, the “*Organisation of Employers of Macedonia*” and the “*Business Confederation of Macedonia*” supported by the Ministry of Economy have developed and supported the good corporate responsibility practices between their member companies.

49 <http://nacionalnakomisija.gov.mk/?lang=mk>; <http://www.pravo.org.mk/documentDetail.php?id=110>;
<http://www.mtsp.gov.mk/nacionalen-mehanizam-za-upatuvanje-na-zrtvi-na-trgovija-so-lugje.nspj>;
<http://www.lastrada.org.mk/mainarchive/Priracnik%20ANG%20za%20web.pdf>

50 Brochure of National Referral Mechanism, Skopje, 2005-06

3. Institutional framework

3.1. National Commission for the Fight against Trafficking in Human Beings and Illegal Migration and National Rapporteur on Trafficking in Human Beings

The strategic oversight and implementation of anti-trafficking policies falls under the responsibility of the National Commission for the Fight against Trafficking in Human Beings and Illegal Migration (hereinafter “National Commission”) that was set up in 2001 by the Government as an inter-ministerial co-ordination body tasked with the implementation of the policy for combating trafficking in human beings and irregular migration. As of 2014, the National Commission has been composed of the following representatives of ministries and public agencies: - the National Co-ordinator for Combating Trafficking in Human Beings and Illegal Migration, who is a State Secretary in the Ministry of the Interior; - the Deputy National Co-ordinator for Combating Trafficking in Human Beings and Illegal Migration, who is the Head of the Unit against Trafficking in Human Beings and Smuggling of Migrants of the Ministry of the Interior; - the Secretary of the National Commission, who is a Councillor in the Office of the State Secretary of the Ministry of the Interior; - a judge from the Basic Court Skopje 1; - a senior police officer dealing with illegal migration at the Ministry of the Interior; - a senior police officer from the Regional Centre for Border Affairs North-Skopje, Ministry of the Interior; - a senior police officer dealing with prevention, Sector for Border Affairs of the Ministry of the Interior; - two State councillors from the Ministry of Labour and Social Policy; - the Head of Section for Strategic Planning in the Ministry of Health; - a prosecutor from the Basic Public Prosecution Office dealing with cases of organised crime and corruption; - the Director of the Training Centre of the Ministry of the Interior; - an official from the Customs Office; - an official from the Ministry of Foreign Affairs; - an official from the Ministry of Justice; - an official from the Bureau for Development of Education.

The National Commission is responsible for monitoring and analysing trafficking in human beings and irregular migration, co-ordinating the activities of competent public bodies and co-operating with international organisations, donors and NGOs. Further, it is tasked with drafting and adopting the national strategies and action plans for the fight against trafficking in human beings and irregular migration. The National Commission publishes annual reports on trafficking in human beings and irregular migration in the country as well as regular information on its activities⁵¹. A special template has been developed to monitor progress in the implementation of the National Action Plan and all stakeholders are asked to submit information on their activities in the areas of prevention, protection, reintegration and re-socialisation of victims of trafficking in human beings.

The National Commission meets at least four times a year. The implementation of the Commission’s decisions is carried out by a Secretariat which was created in 2003.

51 Annual reports can be found on the National Commission’s web site <http://nacional-nakomisija.gov.mk/?p=117>

Presently, the Secretariat of the National Commission is composed of 15 persons, including public officials, civil society representatives as well as representatives of intergovernmental organisations and international donors.

The National Commission does not have a dedicated budget and each Ministry is expected to allocate money from its own budget for the implementation of activities under the National Action Plan. During its assessment, GRETA was informed that the setting up of three local anti-trafficking commissions was planned for 2013-2014 as part of the new national action plan. In their comments to the draft GRETA report, the Macedonian authorities indicated that two local commissions had been set up in 2013 in Tetovo and Bitola, composed of representatives of the municipal authorities, police, labour inspectorate, Prosecutor's Office, health and education authorities, employment centres and local NGOs. By-laws were adopted providing rules of procedure of the local commissions. In 2017, there are four more local commissions in Stip, Gevgelija, Veles and Prilep.⁵²

In 2009, a senior official at the Ministry of the Interior was appointed as National Rapporteur on Trafficking in Human Beings, a role that he combines with the function of Chief of Staff of the Office of the Minister of the Interior. The National Rapporteur produces annual reports on human trafficking which include statistical data and information on new trends.⁵³ The reports are submitted to the National Commission and are made public.

3.2. Office of the National Referral Mechanism (NRM)

The National Referral Mechanism (hereinafter the NRM) was first introduced in September 2005 as part of a project implemented with the support of the OSCE Mission in Skopje. In 2009, the NRM was institutionalised through the setting up of the Office of the NRM within the Sector for Equal Opportunities of the Ministry of Labour and Social Policy. The Office employs two persons and is responsible for co-ordinating the referral of identified victims in order to provide assistance and ensure protection, re-integration and re-socialisation. In the past years, the Office saw its resources diminishing to the extent that it could not effectively exercise its duties.

The goal of the NRM is to identify the victims and possible victims who are referred to the Center for Victims of Human Trafficking - a special branch for social protection of the Ministry of Labour and Social Policy. The Office of the NRM works in close contact with the 30 Centers for Social Work established all over the country, the Unit for Combating Trafficking and Smuggling Migrants within the Ministry of Internal Affairs and the national NGOs. The Centres for Social Work have a role to play in identification and detection of victims of trafficking in human beings, protection of minors, and early risks assessments⁵⁴. However, they are understaffed and lack resources to carry out their duties appropriately.

⁵² Ibid

⁵³ <http://nacionalnakomisija.gov.mk/?p=127>

⁵⁴ Standard Operation Procedure for Dealing with Victims of Human Trafficking, rev. 2010

3.3. Labour Inspectorate

The Labour Inspectorate has a key role in identifying possible victims of trafficking for labour exploitation in "the former Yugoslav Republic of Macedonia" and in addressing the underlying factors related to labour market operations, in particular labour rights' violations.

The Labour Inspectorate is a body within the Ministry of Labour and Social Policy. The independence of labour inspectors when carrying out their duties is guaranteed by law. The Labour Inspectorate is mandated under the Law on Labour Inspection⁵⁵ to:

- inspect regulations in the area of labour relations;
- prevent abuse of the workers' rights by the employers.

The powers of labour inspectors include:

- inspection of any work premises, workplaces and working conditions,
- inspection of the technical and technological process,
- Inspection of working equipment, health and safety arrangements, working conditions, accounts and all relevant documents and contracts.

The inspectors are mandated to collect information, take statements from workers and issue written and verbal notices. Inspectors further have the power to request identification documents from all persons at the workplace. From the above it is clear that the Labour Inspectorate has the competence to detect and identify cases of trafficking in human beings for labour exploitation.

Employees have the right to complain about a violation of their labour rights to the Labour Inspectorate, which has a legal obligation to act upon such a request. According to the Law, labour inspectors can and should respond in all cases of violation of the rules of labour relations, including when they refer to the recruitment process.

The Inspectorate has the Department on Labour Relations, which executes competencies regarding the inspection of labour relations, and the Department on Health and Safety Work. The labour inspectors have a certain degree of professional autonomy in the execution of their duties based on the principles of expertise and professionalism. The capacity of the Labour Inspectorate is limited, as 100 employed inspectors are in charge of labour inspection of more than 60,000 legal entities registered in the country.

Despite the key role of the Labour Inspectorate in this area, labour inspection is not explicitly mentioned in the Standard Operating Procedures for the Treatment of Victims of Trafficking in Human Beings. While a Guide for Early Detection of Cases

⁵⁵ Official Gazette no. 35/97, and further change

of trafficking in human beings for labour inspectors was developed in 2010⁵⁶, the review found that the document is not in use and that labour inspectors would welcome a new practical guidance document that can be used in the future. Within the category of labour professionals, the absence of a permanent training centre which would deliver trainings for labour inspectors in a sustainable manner has been identified as a challenge to the assurance of adequate levels of awareness and knowledge of this category of professionals.

3.4. State Employment Agency

The State Employment Agency (hereinafter the Agency) deals with rights and obligations of employers and employees and manages registration and insurance of the unemployed⁵⁷. It helps with the recruitment process for public and private companies and plays a role in the enrolment of the employees in social schemes. The Agency maintains registers of employed citizens, foreigners and migrants⁵⁸. It also runs a variety of employment programmes aimed at social inclusion of vulnerable groups, including victims of human trafficking. The Agency does not operate a register of victims of human trafficking. This information is received from the Centres for Social Work that prompt the Agency to include victims of human trafficking in their employment programmes. The Agency does not have inspection competencies. However, it can check if a worker and a private employer are abusing the programme for vulnerable persons, by verifying if the employee comes to work. The cases of fraudulent employment represent misappropriation of the funds allocated for the implementation of the above programmes.

3.5. Market Inspectorate and Temporary Employment Agencies

Market Inspectorate is a body within the Ministry of Economy with separate legal personality. Market inspectors carry out inspection of private companies regarding compliance with laws on product safety, consumer protection, trade activities, tourism, etc. They are also responsible for registration of companies and addressing the "grey economy". They do not have any competencies regarding labour relations and employment.

Temporary employment agencies are required to register and work in accordance with the Law on Temporary Employment Agencies⁵⁹. The process of registration includes: an initial registration with the Central Registry, following which the Labour Inspectorate certifies the temporary employment agencies for the fulfilment of the technical and space conditions that are required for a particular type of licence. Following this, the State Employment Agency verifies if they have sufficient number

56 Handbook for early detection of cases involving human trafficking for labour inspectors, 2014, Skopje

57 Law on Employment and Insurance in case of Unemployment, Official Gazette no 37/97 and further changes

58 The difference between the foreigners and migrants is made depending on the regime of entrance and authorization to stay in the country

59 Official Gazette no. 49/2006 and further changes

of employees required to obtain a specific type of licence.

After the verification is completed, a licence is issued by the Ministry of Labour and Social Policy. Temporary employment agencies are licenced for two years, with a possibility of extension. The registry is kept by the Ministry of Labour and Social Policy.

Upon receiving the certificate from this Ministry, the temporary employment agencies are incorporated by an act of final registration in the Central Registry, and thus they acquire legal personality. The Labour Inspectorate monitors the implementation of the law by the temporary agencies and is empowered to initiate misdemeanour procedures in case of breach.

IV. Assessment of the national situation

1. General overview

“The former Yugoslav Republic of Macedonia” is located in the Balkan Peninsula, occupying an area of 25,713 sq.km, with an estimated population of 2,022,547⁶⁰. According to the last census from 2002, the two biggest ethnic groups in the country are Macedonians (64.18%) and Albanians (25.17%). The rest of the population is composed of Turks followed by Roma, Serbs, Bosnians and Vlachs.

The country gained its independence from the ex-Yugoslavia in 1991 and became member of the Council of Europe in 1995.

In June 2017, the Macedonian GDP was estimated at \$10.09 billion or \$5,093 per capita⁶¹. In 2016, purchasing power parity GDP was estimated 23.5 at national currency per U.S. dollars⁶². The economy is dominated by the service industry, which accounts for 63% of GDP and industry with 26% of GDP, followed by agriculture at 11% of GDP⁶³.

The country's Human Development Index value for 2016 was 0.748, which puts the country in the high human development category, positioning it at 82 out of 188 countries and territories⁶⁴. The calculated Laeken poverty indicators showed that 21.5% of the population were at-risk-of-poverty in 2015, mostly belonging to families with 4 or more children or single parent families⁶⁵.

Poverty, unemployment, low education, as well as the recent considerable migratory wave have been identified as factors that contribute towards trafficking in human beings. In 2016, the US Department of State Trafficking in Persons Report ranked the country at Tier 2, meaning that it was not fully meeting the minimum standards for elimination of trafficking in human beings⁶⁶.

60 Statistical yearbook 2016 http://www.stat.gov.mk/PrikaziPublikacija_1.aspx?rbr=627

61 <https://tradingeconomics.com/macedonia/gdp-per-capita-ppp>

62 <https://tradingeconomics.com/macedonia/implied-purchasing-power-parity-ppp-conversion-rate-imf-data.html>

63 http://databank.worldbank.org/data/Views/Reports/ReportWidgetCustom.aspx?Report_Name=CountryProfile &Id=b450fd57&tbar=y&dd=y&inf=n&zm=n&country=MKD

64 http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/MKD.pdf

65 http://www.stat.gov.mk/PrikaziSoopstenie_en.aspx?id=115&rbr=2141

66 <https://ie.usembassy.gov/trafficking-persons-report-2016/>

“The former Yugoslav Republic of Macedonia” is considered mainly a country of origin for trafficking in human beings, and to a lesser extent a transit and a destination country. The overall number of victims of trafficking for labour exploitation formally identified and registered in the past five years in the country remains low as the table below shows⁶⁷.

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

In 2015, three victims of human trafficking and 11 possible victims were identified by state authorities and NGOs. All the victims were female. The victim of external trafficking was an adult, while two minors were victims of internal trafficking. It was established that while one of the victims was sexually exploited, the second one was a victim of dual exploitation (labour and sexual exploitation) and the last one was the victim of forced marriage and labour exploitation.⁶⁸ Another victim of human trafficking that was identified in 2013 returned to the country in 2015.

67 Response by the Macedonian authorities to the questionnaire for the 2nd round of GRETA monitoring published on 27 January 2017, GRETA(2017)6, p. 60

68 Annual Report of the National Commission for the Fight against Trafficking in Human Beings and Illegal Migration for 2015, p. 28

In 2016, six victims of human trafficking were identified. All six were females, out of which three were children. Half of the victims come from Skopje region, two victims come from Kicevo and Gostivar and one is a foreign citizen from the Republic of Serbia. The victims were sexually exploited and exploitation took place mostly in Gostivar (three cases), Ohrid (two cases) and Skopje (one case). There were 122 possible victims of trafficking in human beings (78 adults and 44 children)⁶⁹. As regards the situation in the region of Gevgelija and Valandovo visited as part of the review, there were no officially registered cases of human trafficking for the purpose of labour exploitation in the region in recent years.

In 2015-2016, during the so-called migration and refugee crisis, the Centres for Social Work reported that it was particularly difficult to identify victims of human trafficking, primarily due to the lack of translators of some specific languages spoken by the migrants and refugees, the high number of unaccompanied children and the lack of adequate training. The demand exceeded the capacity of the Centres in Valandovo, and especially Gevgelija, the border town. The Centres were only able to deal with the situation thanks to the support of NGOs. In fact, while the volunteers from NGOs are trained on human trafficking, the employees in the Centres are not sufficiently trained.

2. Labour market overview

The labour market in “the former Yugoslav Republic of Macedonia” is characterised by an uneven distribution of supply and demand for labour and the existence of the “grey economy”, i.e. employees who are not registered with employment agencies, and thus do not obtain retirement, health or other social benefits to which they are entitled. In the past, this has led to high unemployment rates, peaking at 40% in 2005. In 2017, the unemployment rate has significantly reduced to around 23%⁷⁰. However, some people interviewed indicated the actual unemployment rate is at around 15%, with a significant proportion of informal work in the “grey economy”.

The labour market relations and operation are regulated by the Labour Law⁷¹ and collective agreements at national, branch and company level. The Labour Law defines what constitutes employment:

Article 5 of the Labour Law stipulates that “Employment is a contractual relationship between employer and employee in which the employee voluntarily is involved in the organised process of the employer”. It follows that voluntariness is a fundamental principle of labour relations and any other relationship would constitute a violation of law. The Labour Law does not include further provisions prohibiting labour exploitation.

69 Annual Report of the National Commission for the Fight against Trafficking in Human Beings and Illegal Migration for 2016, p. 27 - 33

70 http://www.stat.gov.mk/KlucniIndikator_i_en.aspx

71 Official Gazette no. 62/05 and further change

The Labour Law recognises the active role of trade unions in preventing and fighting labour exploitation in Art. 184 which is aimed at protecting the rights of employees through trade unions. However, the Law does not provide for special competences of these organisations. Still, practice has shown that trade unions should and can be pro-active actors in the process of identification of labour exploitation and fight against it.

Relations at the labour market are such that social partners make effort to bridge the gap between supply and demand of manpower and prevent “grey economy”. The result of those activities is also the adoption of the Law on Minimum Wage⁷² of 2012. The minimum wage is set at 160 Euros (10,080 denars). Still, in the textile and leather processing industries, the minimum wage will reach this level in 2018, and until then, it is progressively growing. Thus, for instance, in 2016 the minimum wage was somewhat more than 150 Euros, or 9,000 denars, and in 2017 in these industries, it is somewhat more than 155 Euros or 9,500 denars⁷³. Even though these industries have seen improvements of the working conditions in the past several years, their workers remain vulnerable and at risk of labour exploitation. In breach of the law, some companies’ workers are not allowed to organise trade unions, under the threat of being fired.

Discrimination against women in the labour market has also been flagged as a concern by the review participants. A concern over wage gap between women and men has been raised in 2015 by the Human Rights Committee’s Concluding observations on the third periodic report on “the former Yugoslav Republic of Macedonia”.

3. General awareness

Representatives of stakeholders with a mandate and an identified role in the anti-trafficking legislation and policy and, to a certain extent, whose operations are relevant to anti-trafficking action, such as those involved in labour market regulation and enforcement, have a good level of understanding of trafficking in human beings as well as infrastructures that are in place to combat trafficking.

However, there is a concern that the knowledge is limited beyond individual specialists and that the level of knowledge, in particular the ability to identify a situation of trafficking and to respond to it in an appropriate manner, is low amongst professionals in general.

The assessment confirmed that the knowledge about trafficking for sexual exploitation is overall much higher than the knowledge about trafficking for labour exploitation, which is reflected in the low number of identified cases. It was considered that there is a good level of awareness about trafficking in human

72 Official Gazette no. 11/12 and further change

73 See also <http://www.mtsp.gov.mk/plati.nsp>

beings amongst the police, as trafficking for the purpose of labour exploitation is included in the police training programme. However, there was recognition of the need for continuous training.

Lack of knowledge of laws related to the labour market operations and enforcement amongst the police, and the similar lack of awareness about human trafficking amongst labour and market inspectors was also cited as an obstacle to identification. While there is a manual for early detection of human trafficking for labour inspectors, it is not used and applied by labour inspectors.

While the Council of Europe Convention provides a framework for identification and referral processes, the identification of trafficking for labour exploitation is hampered by a lack of consensus on indicators and the lack of clarity on distinguishing between labour rights violations (such as breaches of employment and discrimination laws) and trafficking for labour exploitation (criminal law). A further area of concern is the lack of understanding of how the definitions apply in instances where the workers are actively involved, pro-actively search for jobs abroad and agree to take up a job without proper permission or contract and also to workers who have received remuneration.

4. Initiatives and measures taken by government agencies

There was a level of clarity about roles and responsibilities of the agencies consulted for the review. The National Action Plan 2017-20 lays down provisions for the prevention and combat of trafficking for the purpose of labour exploitation. However, the omission of the Labour Inspectorate and the State Employment Agency from the Standard Operating Procedures (SOPs) on identification of victims of trafficking may hamper a better co-ordination.

The Ministry of the Interior confirmed a limited focus on trafficking for labour exploitation due to the migration crisis being a priority in the past two years. Lack of co-operation between the Ministry of Interior and the Labour Inspectorate has been highlighted as a challenge. Nonetheless, there have been attempts to bridge some of the gaps by, for example, organising joint inspection visits in which police and labour inspections took part. These involved night inspections at entertainment premises, following intelligence that women might have been both sexually exploited (forced to prostitution), but also required to work at the bar to encourage customers to purchase drinks. Joint inspections with the Labour Inspectorate and police have been considered an example of good practice and revealed several cases of labour and sexual exploitation in Ohrid and Struga regions. It was pointed out that it is necessary to establish mobile labour inspection services that could detect cases of trafficking and labour exploitation more in general.

The Labour Inspectorate has no mandate in respect of criminal proceedings, but only within the breaches of employment rights. If the person is not employed, there

are no tools to determine whether a case of labour exploitation occurs. Extending the power and mandate of labour inspection, along with additional training for both inspectors and the police, and further joint inspections in other industries were identified as potential ways forward to improve the capability to detect and address trafficking for labour exploitation.

The capacity of the Labour Inspectorate does not correspond to the challenges of new forms of labour exploitation and human trafficking. A need for additional multi-stakeholders trainings was highlighted repeatedly by the participants. Continuity and sustainability of trainings were considered as key elements.

There has so far been limited focus on the so-called third party exploitation, a practice common in the construction industry. Third party exploitation involves an agent/labour provider – either a formal one or an informal one – that often exercises control over the workers, including their accommodation, pay, documents, transport, etc. Detection of third party exploitation is difficult, as it cannot be discerned through ordinary workplace and document inspection. For example, workers are likely to receive pay slips or have money transferred into their accounts, but those are controlled by the agent. Sometimes, workers are required to stay in accommodation provided by the agent, which is often sub-standard and charged at extortionate rates. While this gap can be addressed through specialised training, other limitations faced by the labour inspection would require regulatory change.

With regards to cases of Macedonian workers exploited abroad, there was a consensus that collaboration with the countries of destination needed to be strengthened, as the Macedonian authorities are only informed about concerns once the workers have returned. Co-operation with EU countries has been a challenge probably due to an underestimation of the phenomenon and a lack of proactive identification of victims in foreign countries.

5. Initiatives and measures taken by trade unions

Trade unions' activities to prevent trafficking and reduce risks are limited in "the former Yugoslav Republic of Macedonia". The number of organised workers in the at-risk industries, such as textile, shoe manufacturing, food processing and agriculture is very low. However, trade unions have a key role to play both in terms of prevention of trafficking for labour exploitation and labour rights' violations and detection of abuses and provision of support and advice to affected workers. Trade unions' aim to protect workers' rights and negotiate with the employers as well as their expertise in labour law and core labour standards can complement well with the work of anti-trafficking agencies and civil society organisations. By involving trade unions, a better, fuller protection of workers from violations and remedies can be achieved.

So far, there has been limited collaboration with trade unions in the main destination countries and there are no bilateral agreements between the Macedonian trade unions and trade unions established in the main Western European countries of destination.

However, a certain level of co-operation has been reached within the Western Balkan region where trade unions organising forestry work have promoted the idea of a regional passport for workers. These passports give the workers the possibility of receiving free legal assistance in any of the countries of the region.

Interviewed trade unions' representatives mentioned positive experience in collaboration with the Labour inspectorate, in particular in relation to addressing unregistered working of Albanian nationals in the western part of the country. A Memoranda of Understanding between trade unions and the Labour Inspectorate exists but it is considered insufficient given the complexity of the phenomenon.

Trade unions have also embarked on a project to produce fliers for migrant workers to raise their awareness about rights, formal employment and freedom of association. Another project, which is still at its inception phase, is focused on migration policy and social dialogue, where trade unions and NGOs are collaborating. The idea of a campaign for the ratification of the ILO Protocol of 2014 and the migrant rights' convention was supported by the Confederation of Trade Unions' representative⁷⁴.

6. Initiatives and measures taken by the civil society

Macedonian civil society organisations have engaged in identification of and assistance to trafficked persons, as well as in provision of information to persons at risk. In particular, the hotline operated by the NGO Open Gate-La Strada⁷⁵ provides information on:

- safe departure or work in a foreign country;
- labour rights in the foreign country;
- counselling on how to review the employment contract;
- licenced employment agencies, registered agencies for temporary work and agencies for employment abroad;
- hotlines, NGOs and organizations that help victims of human trafficking in foreign countries.

In addition to Open Gate-La Strada⁷⁶, another civil society organisation involved in anti-trafficking action in "the former Yugoslav Republic of Macedonia" is Equal Access. Both organisations work increasingly on

74 <http://www.ssm.org.mk/mk/ssm-i-grizhata-za-migrantskite-rabotnici>

75 http://www.lastrada.org.mk/index.php/welcome_mk/soskonsultacii

76 http://www.lastrada.org.mk/index.php/welcome_en/index

the issue of refugees and migrants, given the concerns over the risk of exploitation of this vulnerable population.

In 2015, La Strada organised an awareness raising campaign on trafficking for labour exploitation with the aim to inform those moving abroad for work about the risks. The campaign drew upon concrete examples, such as the well-known case concerning 30 Macedonian women exploited at a mushroom farm in the Netherlands, who had their passports confiscated. Another case was that of a Macedonian family that was conned into a non-existent job offer in Germany which resulted in them being destitute.

Civil society organisations also collaborate with government agencies and have a formal role in the National Referral Mechanism.

7. Initiatives and measures taken by the private sector

Experience from other countries shows that a combined regulatory and engagement approach is likely to lead to better involvement with the private sector than only a voluntary approach that relies on the business pro-actively taking on leadership in the area. Although “the former Yugoslav Republic of Macedonia” has not yet developed a National Action Plan on Business and Human Rights, following the UNGPs, there is an appreciation that private sector has a role in preventing trafficking and addressing situations that may contribute to human trafficking.

Some initial initiatives have been undertaken by businesses and other stakeholders with relevance to trafficking for labour exploitation. For example, 16 entities including civil society, municipalities and businesses from “the former Yugoslav Republic of Macedonia” are parts of the UN Global Compact⁷⁷. The UN Global Compact is to a great extent linked with UNGPs⁷⁸, especially with the principles relating to company’s responsibility to respect human rights. Principles 1 and 2 of the Global Compact are a basis for further implementation of the UNGPs.

Some businesses carry out corporate social responsibility programmes but these are more in the area of corporate philanthropy, such as the businesses in Bitola, Kumanovo and Gostivar which donated food, clothes and other material support to assist victims. While corporate philanthropy initiatives are beneficial, they are distinct from the concept of business and human rights and the expectations on businesses to look at their own operations and implement changes where there is a risk that the business operation might be inadvertently contributing to the risk of human trafficking.

77 The UN Global Compact is a United Nations initiative to encourage businesses worldwide to adopt sustainable and socially responsible policies, and to report on their implementation

78 Translation of the UNGP into Macedonian by the Belgrade Centre for Human Rights available at: <http://bgcentar.org.rs/bgcentar/wp-content/uploads/2013/11/Portal-ljudska-prava-i-biznisrukovodeca-nacela.pdf>

In its recent response to the GRETA evaluation questionnaire, the national authorities informed that “the former Yugoslav Republic of Macedonia” is part of the project of the Office of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, which is aimed to provide participating countries with tools for implementation of specific measures for prevention of trafficking in human beings in the supply chain. One of the expected outputs of the project is to develop model guidelines for governments on trafficking in human beings in supply chains, with a focus on public procurement and transparency⁷⁹.

Amongst the review participants, there was little knowledge about particular private sector activities aimed at contributing to prevent human trafficking. However, there was consensus that the issues of human rights need embedding in business practice in “the former Yugoslav Republic of Macedonia”, but that a precursor to that would be addressing what has been described by many of the participants as the “grey zone” within which many businesses are perceived to operate.

Two businesses, the Marriott International hotel and the Zhitomarketi, a major supermarket chain in the country, were consulted as a part of the review. Marriott is a relatively new business and employer in the country as it opened its hotel in May 2016. Approximately 130 people are employed by the hotel. Marriott is known for being engaged internationally on the issue of trafficking. It trains its staff on human trafficking related issues, with a particular focus on trafficking for sexual exploitation in order to enhance the capacity of the staff to recognise possible victims being brought into the hotel. Internationally, the group has also begun to focus on trafficking for labour exploitation and links with the hospitality industry.

The Zhitomarketi supermarket is a local chain of supermarkets that employs around 750 persons and has operated for more than 15 years in the country. The company reported that it constantly tries to improve the conditions for work of employees and makes endeavours to achieve satisfaction with the employees.

8. Areas of risk

There have been only few reports of trafficking for labour exploitation in the country, but there is a concern over exploitation in certain industries and where vulnerable groups are involved. Furthermore, the risk is higher in certain regions of the country where the private sector is more developed.

Agriculture, textiles, shoe and leather production, food processing and entertainment are the most common industries where the risk of labour exploitation is higher, due to the often precarious nature of employment conditions and low wages. A large part of these industries is also reportedly operating in the “grey

⁷⁹ 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, November 2016, p. 31

area”, using unregistered and informal labour and seasonal labour. Furthermore, exploitation occurs as a consequence of a low demand for labour and a high unemployment rate.

Roma population, migrants and refugees as well as young people without qualifications are considered as groups at risk. Furthermore, minors are at risk of exploitation for the purpose of begging while women are more often victims of dual exploitation (sexual exploitation and labour exploitation) in the entertainment industry, in particular in bars and restaurants.

8.1. Risks associated with the textile and footwear industries

The working conditions in the textile, leather processing and footwear industries are close to being exploitative in a number of companies. Furthermore, the minimum wage is lower in these industries compared to other sectors and the workers’ rights are often undermined by the reluctance of the employers to permit unionisation.

The textile industry in the south and in the region around Stip has been repeatedly mentioned as an area of concern. Review participants mentioned concerns over cases of poor employment practice and violation of labour standards linked to production sites that supply foreign businesses in “the former Yugoslav Republic of Macedonia”. A civil society research published in 2016 identified the clothing and shoe manufacturing as an area of risk, with endemic problems including discrimination, payment well below the minimum wage, unlawful overtime, unsafe working conditions and preventing workers from organising.

The report included a case study from one of the researched factories in “the former Yugoslav Republic of Macedonia” that employs around 1,000 workers. The interviewed workers mentioned several well-known Western brands they produce for⁸⁰.

“Workers reported extremely high work pressure when orders had to be finished: “If the employer needs to complete, let’s say, an order of 9,000 pairs of shoes, he will put 90 pairs on the belt and even if you want to die, you have to finish it,” one worker told the researcher. Interviewees said that in summer they worked from 5am to 5pm, as well as on Saturdays and public holidays, and that overtime rates and bonuses were not paid. In times of low or no orders, workers said that they had to stay at home and suffered high wage cuts. The net wage of the interviewed workers ranged from 131-226 Euros including overtime and bonus payments. The legal minimum wage in 2015 was 130 Euros. This means that some workers did not receive the legal minimum wage within their regular working hours.... “If you go and ask somebody, for instance, what is written on the payslip, no one will explain it to you, they can only tell you that you did not fulfil the quota”⁸¹.

80 Labour on a Shoestring - Clean Clothes Campaign, 2016, p. 26

81 Ibid

8.2. Risks associated with the agricultural and construction industries

The representatives of the Labour Inspectorate highlighted several risk sectors for labour exploitation, such as seasonal work in agriculture and construction. For example, there were Albanian nationals working in construction who were working illegally because the procedure for the work of foreigners in the country has not been carried out. There exists also agricultural informal employment. A private person provides 10 to 15 workers for whom the employer pays compensation. By not registering foreign nationals as workers, the employer avoids payment for their health and retirement benefits, keeps them illegally in the country, and thus the workers find themselves in a situation of insecurity and fear.

8.3. Risks associated with refugee and migration populations

High levels of risk associated with refugee and migration populations concern:

- Asylum seekers and migrant population vulnerable to exploitation because of their desire to continue their journey to the EU;
- Macedonian workers seeking work abroad due to limited opportunities in their country;
- Migrant workers, especially from other Balkan countries, moving to “the former Yugoslav Republic of Macedonia” for temporary/seasonal work.

All review participants mentioned concerns related to refugees and migrants, who are considered particularly vulnerable, due to the increased activity of organised groups after the closure of the Balkan route. “The former Yugoslav Republic of Macedonia” has been significantly impacted by the so-called global migration crisis. The country used to be predominantly a transit route for mainly Afghani, Pakistani, Iraqi, Iranian and, to a limited extent, Syrian refugees and migrants. After the initial passage route to Hungary closed in March 2016, migration activity is still continuing, with the participation of organised criminal groups that facilitate smuggling. The usual route through “the former Yugoslav Republic of Macedonia” starts on the southern border with Greece, in the region of Gevgelija as the exit point, and leads through to the north at the border with Serbia in the areas of Kumanovo and Lipkovo. In 2015, a total of 694,679 refugees and migrants were registered in the country, of which 216,393 came from Syria, 95,782 from Afghanistan and 54,808 from Iraq⁸². The reception center near Skopje housed 1,346 people, mostly from the above-mentioned countries.

The previous unprecedented influx of very vulnerable people required a rapid build-up capacity amongst stakeholders, because of the high risk of trafficking and smuggling of very vulnerable people, the majority of whom were undocumented.

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Mobile teams that have been deployed by the National Commission for Combating Human Trafficking and Illegal Migration in partnership with civil society organisations (composed of a lawyer, social worker, psychologist and translator) provided direct assistance to 8,627 individuals. The teams directed 3,295 migrants in the two transit centers in Tabanovce - on the northern border - and in Gevgelija - the southern border.

The National Commission developed Standard Operating Procedures focused on assistance to unaccompanied children and vulnerable categories of migrants. Indicators were also developed to help identify possible victims in mixed migration flows. Over 300 professionals from a variety of stakeholders, including NGOs and government agencies were trained by the IOM and the UNHCR.

The NGO Open Gate indicated 105 potential victims of trafficking in 2015, while the government reported that it disrupted 1,005 smuggling attempts. The number of people transiting through “the former Yugoslav Republic of Macedonia” has decreased in 2016, but remained still significant. In 2016, state institutions have discovered a total of 35,177 individuals who entered the country, and prevented smuggling of 1,961 migrants⁸³. In 2016, a total of 122 people (78 adults and 44 children) were identified as possible victims of trafficking - 120 were identified within the refugee and migrant population. Cases of unaccompanied children who displayed indicators of trafficking were also detected.

However, neither the authorities nor the civil society organisations have identified any clear-cut cases of trafficking for labour exploitation or forced labour of refugees and migrants in “the former Yugoslav Republic of Macedonia”.

Despite the closure of the so-called Balkan route, a number of people remain in transit centres. Furthermore, the illegal route still exists and people are at risk of exploitation by both traffickers and smugglers because of the desire of the majority to continue their journeys and join relatives abroad. A case was mentioned by the participants of 50 individuals who were held captive, while ransom was demanded to their families living in Germany. This case was investigated in collaboration with the German authorities. Similar cases have previously been described in North Africa, where abduction and captivity of migrants and demanding of ransom has become a popular method of some organised criminal groups.

Furthermore, there is a concern over the risks associated with labour migration of Macedonians abroad. The review participants referred to cases concerning Macedonian nationals exploited in other countries. One of the best known cases amongst the interviewed participants involved workers from “the former Yugoslav Republic of Macedonia” reportedly trafficked to Azerbaijan and exploited at construction sites. Other areas of potential concern relate to Macedonian nationals working as entertainers in the hospitality industry in Turkey and Greece and day labourer in the Netherlands and Greece. A case concerning exploitation

83 Annual Report of the National Commission for Combating Trafficking in human beings and Illegal Migration, 2016

at a mushroom farm in the Netherlands was mentioned by some of the review participants. Other participants mentioned labour migration of Macedonians into the hospitality industry of the Middle East, namely Qatar, as a potential area of concern. However, no complaints were made about working conditions in the above-mentioned country.

The information provided by the participants suggested that while there is high demand for work in the European Union amongst workers, there have been cases associated with deception (about conditions and pay), false promises and implicit threat of immigration enforcement (in particular in relation to the arrangement work permit and thus putting workers at risk of deportation), abuse of a position of vulnerability (the knowledge by the recruiters that workers were desperate to obtain any job), creating a situation of dependency (withholding of wages from the workers, and thus making them destitute and preventing them from returning to "the former Yugoslav Republic of Macedonia"), either through a word of mouth or on-line. The demand for work abroad and the general low awareness amongst the population about labour rights as well as the active part that middlemen pay in job facilitation abroad contribute to the risk factors. For example, animation jobs in the entertainment industry in Turkey are commonly facilitated by unregistered agents. Established agencies charge high fees 300-1,000 Euros for job facilitation (despite the fact that in a number of EU countries fee charging for job facilitation is illegal).

According to the information received from governmental and non-governmental actors, seasonal migration of workers from neighbouring countries is a reality (see below). Many of them arrive with a valid work permit, but eventually become undocumented and at risk, as employers fail to renew their permits. A case of two foreign nationals exploited as shepherds in "the former Yugoslav Republic of Macedonia" was also mentioned. However, there is a difficulty in detecting cases of trafficking in human beings for labour exploitation, because reportedly they work out of their free will, despite informal working arrangements, poor working conditions and work without a residence permit.

8.4. Risks associated with the regions of Gevgelija and Valandovo

The regions of Gevgelija and Valandovo are situated in the south-eastern part of the country on the border with Greece. Due to their location, these regions are part of the regular migration route and were impacted by the recent migrant and refugee crisis. In 2015 and 2016, large numbers of people from Asia and Africa passed through the region en route to Western Europe.

The region has a large number of textile factories that mainly work for Greek purchasers but also canning and agriculture industries with a high demand for seasonal labour. The region has high levels of employment (the unemployment rate is the lowest in the country and amounts to about 4%) and is considered to be one of the most developed regions in the country.

During the field assessment, representatives of Centres for Social Work as well as labour inspectors in Valandovo and Gevgelija were contacted. The labour inspectors confirmed that they conduct daily inspections in textile and canning factories that are the largest employers in the region. Inspections are also conducted in the sector of agriculture, especially during the peak season. The inspectors indicated that the conditions of work in textile factories have significantly improved in the past five years. Foreign employers wishing to introduce the European working standards as well as an increasing shortage of qualified labour have been cited as the reasons for improvement. While the conditions in the factories are said to have improved significantly, salaries remain low. In the agriculture on the other hand, the daily wage paid to the workers is considered relatively good, because of continued labour shortages in the industry.

Workers in the textile and leather industries, including shoe industry, are more at risk of exploitation. Although some improvements have been noted in the past few years, the conditions are often precarious and wages are below the legal national minimum wage. The labour inspectors in Valandovo and Gevgelija pointed out that “undeclared work” has reduced significantly. There is however a lack of qualified workforce in the textile industry. This contributes to a slow but steady increase of the employees’ salaries in this sector, which is not the case with the canning industry. In the canning industry in the region of Gevgelija, concerns have been raised about the pressure on delivery in the canning industry, which requires people to work in shifts or to perform night work. Pensioners are sometimes hired for night work, which is unlawful. It has been suggested that this arrangements may be deliberated to avoid inspections and possible sanctions. Cases of undeclared work have however been recorded during the seasonal work in agriculture.

There is no trade union’s presence in the textile and canning industries in the region. This may due to lack of information or initiative from the workers. Organising workers in these industries has also proven difficult as employers often hamper the establishment of trade unions.

V. Conclusions and recommendations

1. Conclusions

The Macedonian legislation is largely compliant with the international legal framework on trafficking in human beings. All core international labour standards have been adopted with the exception of the 2014 ILO Forced Labour Protocol. However, to better address human trafficking for the purpose of labour exploitation, criminal and other legislation related to the area of employment and labour market should be improved. In particular, there appears to be a gap in the regulation of labour brokering, as a significant proportion of recruitment occurs outside of the regulatory framework, either over the internet or through a word of mouth. The existing regulatory system for licensing of labour providers, it is not considered to be comprehensive enough to eliminate rogue operators. As indicated in the new National Action Plan, the regulatory framework would benefit from a review in order to identify the areas that require further attention.

The report confirmed that the regulatory and institutional framework provides a solid basis to build upon, however, operational capacities and capabilities of key actors to address trafficking for labour exploitation need to be strengthened further.

The important role of labour inspection in preventing, disrupting and uncovering labour exploitation is widely recognised. Yet, the lack of mandate of labour inspectors in this area as well as the absence of any trafficking training for key stakeholders are significant shortcomings that make trafficking prevention and victim identification difficult. Further challenges identified include: the lack of familiarity of other agencies with the role of the labour inspection, the omission of Labour Inspectorate and Employment Agency from anti-trafficking policies, and the lack of collaboration between the Labour Inspectorate and the Ministry of the Interior. The low capacity of other actors, such as the Centres for Social Work, also poses a challenge.

Furthermore, the main stakeholders lack experience in handling cases due to a low number of victims identified, which impacts on their capability to proactively prevent and identify victims. This is further exacerbated by the low level of understanding and knowledge of the underlying structural causes of trafficking for labour exploitation amongst agencies involved in addressing the issue.

Engagement with businesses in Macedonian anti-trafficking action and policy is largely absent, as is comprehensive regulation of the private sector and corporate accountability discourse.

While civil society organisations continue to have a key role in the general anti-trafficking framework, the involvement of trade unions in combating human trafficking for the purpose of labour exploitation has been limited and has mainly focused on labour exploitation of Macedonian nationals.

Moreover, the report has shed light on the risks factors in the country which are mainly associated with particular groups, such as migrants and refugees, and specific industries, such as agriculture, textile and construction. In some regions of the country, such as Gevgelija and Valandovo, which are part of the regular migration route and have a developed agricultural sector, there appears to be a higher risk that workers find themselves victims of trafficking for the purpose of labour exploitation.

2. Recommendations

This section proposes recommendations for future action in order to effectively tackle trafficking for the purpose of labour exploitation. Some of the recommendations will require further resources and investment; others can be implemented with existing resources or through pooling of existing resources. The recommendations are addressed to both anti-trafficking authorities and entities that can play a role in preventing and combating labour exploitation. Conclusions and recommendations for the involvement of trade unions, recruitment agencies and businesses are addressed separately in the annexes.

2.1. Legislative framework

The existing legislative and policy framework provide a solid foundation for strengthening the national efforts to prevent and combat trafficking for labour exploitation and its underlying causes can be built. However, improvements in legislation are required in certain areas, such as public procurement and non-financial disclosure.

Recommendations for review of legislation to strengthen prevention and enforcement against trafficking for labour exploitation

- ▶ Ratify the 2014 ILO Forced Labour Protocol;
- ▶ Ensure that corporate liability laws enable prosecution for human trafficking that occurred as a consequence of lack of supervision or control;
- ▶ Introduce legislation requiring non-financial disclosure and supply chain due diligence from private sector and public authorities in order to harmonise the Macedonian business law with international standards;

- ▶ Introduce exclusion criteria for public procurement contracts for human trafficking offences, including conspiracy, child labour and labour rights' violations;
- ▶ Introduce legal provisions with penalties and clear competencies for the enforcement bodies to ensure that worker is not charged any fees for the costs of recruitment or ancillary services;
- ▶ Following appropriate legal analysis, introduce a graded system of penalties for non-compliance and violations of existing laws by private recruitment agencies.

The range of penalties and sanctions should include:

- Licence/registration revocation
- Temporary licence/registration suspension with a time-bound requirement on improvement attached
- Publication of licence revocation/suspension
- Temporary or permanent ban on trading in the recruitment industry for individuals convicted of violations/repeat offenders
- Fines and other financial sanctions
- Exclusion of businesses and individuals from participation in bids and tenders for public contracts.

2.2. Policy framework and institutional capacity

Although the policy and institutional framework are grounded on sound policy documents and specialised anti-trafficking institutions, more efforts should be made to strengthen the involvement and the capacity of key actors in the labour market, such as the Labour Inspectorate. Furthermore, as due diligence and corporate accountability become widely accepted standard, many businesses expect the state to implement regulatory and policy change to create a level playing field, so that compliant business is not undercut by those that derive unfair advantage through labour exploitation.

Recommendations for review of policy and institutional framework to strengthen prevention and enforcement against trafficking for labour exploitation:

- ▶ Ensure that the Labour Inspectorate and the State Employment Agency are engaged in the implementation of the 2017-20 National Strategy and Action Plan;
- ▶ Increase capacity of labour inspectors across the country through regular training on identification of trafficking for the purpose of labour exploitation in co-operation with other stakeholders;

- ▶ Develop a practical tool (e.g. a pocket guide) for labour inspectors to be distributed throughout the country;
- ▶ Ensure adequate resources, both financial and human, for training of labour inspectors;
- ▶ Strengthen the role of the State Employment Agency and the Labour Inspectorate to monitor trends on the labour market and activity of private employment agencies;
- ▶ Engage the private sector and trade unions in anti-trafficking efforts and in the implementation of the National Action Plan;
- ▶ Implement the UNGPs and the Recommendation of the Council of Europe on business and human rights and, in particular, develop and adopt a National Action Plan on Business and Human Rights;
- ▶ Run a pilot project on pro-active identification and intelligence gathering in an at-risk industry (such as agriculture or textiles), with participation of NGOs, trade unions, private sector and cross agency collaboration;

2.3. Labour market

Despite the structural problems of the Macedonian labour market which is characterised by poor working conditions, informal work in the “grey economy” and absence of trade unions from certain areas, steps should be taken to detect serious violations of labour rights that can lead to trafficking for the purpose of labour exploitation.

Recommendations for review of labour market enforcement to strengthen prevention and disruption of trafficking for labour exploitation:

- ▶ Increase the frequency of specialised and target inspections and enforcement activities (including joint operations with law enforcement agencies) in sectors where the risk of labour exploitation is higher;
- ▶ Ensure a Firewall between immigration enforcement and workers’ rights, by making sure that irregular foreign workers are not treated as immigration offenders, where they have been trafficked and exploited;
- ▶ Ensure enforcement of current regulation on labour providers and private recruitment agencies;
- ▶ Apply licensing and registration to labour providers based abroad and providing workers to “the former Yugoslav Republic of Macedonia”;
- ▶ Make available the list of licensed labour providers and information about licensing and job facilitation regulation in “the former Yugoslav Republic of Macedonia” on the website of Macedonian embassies in countries where most migrant workers come from;

- ▶ Further develop and use the concept of “decent work” in policies and trainings, as an objective for the Macedonian labour market⁸⁴
- ▶ Raise awareness within the labour inspection and the civil society about the risks associated with third party labour provision.

84 National Programme for Decent Work 2015-2018 http://www.mtsp.gov.mk/content/pdf/nacionalna_programa_pristojna_rabota.pdf

VI. ANNEXES

Annex I - Specific recommendations for actions and measures to be taken by trade unions

(This section is largely based on recommendations contained in ITUC – Anti-Slavery International publication *Never Work Alone – NGOs and Trade Unions Join Forces to Combat Forced Labour and Trafficking in Europe*⁸⁵)

Trade unions are likely to come across trafficking situations at workplaces or situations that indicate a risk of exploitation, including forced labour and trafficking for particular groups of workers. Given their structure, trade unions are well placed to engage in action to address the underlying factors and address human trafficking.

Unions monitor compliance with labour laws and are partners in negotiations with employers and the governments. They also have a role in advocating in the policy arena on issues that bear relevance to anti-trafficking action, such as socio-economic policies, labour market regulation and enforcement. Trade unions are able to exercise high degree of leverage, as they represent groups of workers – hence, individual workers gain a greater voice. Furthermore, it is recognised that organised, unionised workers are at a lower risk of trafficking and forced labour.

While anti-trafficking is still a new area of action for trade unions and an area where expertise is developing, co-operation with national institutions and civil society organisations has been recognised as key to prevent trafficking situations through informing workers about legal work and stay in destination countries.

It is important that trade unions recognise the need to include and reach out to particularly vulnerable groups of workers, such as migrant workers. It is recognised that campaigning for raising the standards and conditions for the most vulnerable worker at the workplace (such as a vulnerable undocumented migrant worker), has the effect for improving standards and pay across the sector and benefit all workers.

To increase the trade unions' capability in the area of anti-trafficking, trade unions in "the former Yugoslav Republic of Macedonia" should:

85 http://www.ituc-csi.org/IMG/pdf/Forced_labour_EN_FINAL.pdf

- ▶ Promote the ratification and effective implementation of the 2014 Forced Labour Protocol;
- ▶ Raise awareness about forced labour and trafficking among union members and officials,
- ▶ Develop policies against forced labour and human trafficking;
- ▶ Develop bilateral, sector-based or regional trade union co-operation agreements with unions in most common countries of destination of Macedonian workers and countries of origin of migrant workers in “the former Yugoslav Republic of Macedonia”;
- ▶ Co-operate with labour inspection services, law enforcement and other relevant national, regional or international authorities or interagency working groups;
- ▶ Develop strategic partnerships with civil society organisations;
- ▶ Target sectors where forced labour and trafficking are most likely to occur, such as construction, agriculture, manufacturing and textile production, and hospitality;
- ▶ Monitor employment agencies as well as companies, including their supply chains to detect and combat forced labour and trafficking practices;
- ▶ Identify, document and publicly report on trafficking, forced labour and labour exploitation cases;
- ▶ Reach out to and offer direct support to informal, unprotected and migrant workers at risk, to address their specific situation and needs, including through their integration in trade union ranks;
- ▶ Ensure that proper attention is paid to all aspects of racism and discrimination, including in particular its gender dimension, as women and girls are especially at risk.

Annex II - Specific recommendations for actions and measures related to recruitment agencies

Next to the State Employment Agency, labour providers play a vital role in the Macedonian economy by supplying the workforce for a wide range of sectors both in country and abroad. Specialist labour providers aspire to find and manage labour required both for short and long term periods. Many labour providers (also referred to as brokers or facilitators) strive to operate a model of good practice, with respect to the law and the rights of workers.

Good operators are eroded by those who operate outside or on the fringes of law and make their profits through workers' exploitation, including human trafficking. The labour provision sector in "the former Yugoslav Republic of Macedonia" is very diverse, with some agencies making a considerable effort to retain a good reputation and adopt provisions to address human trafficking (such as the Partner Agency).

The common feature of all agency labour provision is the so-called triangular relationship between the agency, the worker and the user company, which can lead to weakening of directly enforceable labour rights for the workers and has been linked to trafficking in human beings.

The Macedonian regulatory framework does not appear to consider the commonly known "triangular relationship" which makes regulation of recruitment agencies more literature. Hence, it is important to ensure that both regulation and implementation cover a number of areas, including:

- ▶ Regulation of the services agencies provide;
- ▶ The regulation of contracts between agencies and workers;
- ▶ The regulation of assignments between workers and user companies.

The most common example of exploitative practice by labour providers include deceptive recruitment (such as charging workers a variety of fees, or misinforming workers about type of work or conditions of work), which lead workers into a situation of debt bondage; and exploitative placement, which can include wage manipulation, withholding of wages, tying workers to accommodation.

The International Labour Organization identified that: "unscrupulous employment agencies, informal labour intermediaries and other operators acting outside the legal and regulatory framework that prey especially on low-skilled workers have been playing an increasingly important role. Reported abuses involve one or more of the following: deception about the nature and conditions of work; retention of passports; illegal wage deductions; debt bondage linked to repayment of recruitment fees; threats if workers want to leave their employers, coupled with fears of subsequent expulsion from a country. A combination of these abuses

can amount to human trafficking and forced labour. Despite the existence of international labour standards relating to recruitment, national laws and their enforcement often fall short of protecting the rights of workers, and migrant workers in particular.⁸⁶

To address this, the ILO launched a global “Fair Recruitment Initiative” to:

- ▶ help prevent human trafficking and forced labour;
- ▶ protect the rights of workers, including migrant workers, from abusive and fraudulent practices during the recruitment process (including pre-selection, selection, transportation, placement and possibility to return);
- ▶ reduce the cost of labour migration and enhance development outcomes for migrant workers and their families, as well as for countries of origin and destination⁸⁷.

To address the risk of unscrupulous agents operating in “the former Yugoslav Republic of Macedonia”, the authorities should:

- ▶ Carry out legal and comparative analyses with a view to improve regulation and licensing, to ensure that good operators are not undercut by unscrupulous ones;
- ▶ Provide training for labour providers on prevention of human trafficking and international labour standards;
- ▶ Join the global recruitment agency association CIETT, a partner in the ILO Fair Recruitment Initiative⁸⁸;

private recruitment agencies should:

- ▶ Establish a specialist trade association for employment agencies/labour providers that would represent and support its members (similar associations already exist in other countries, such as REC⁸⁹ in the UK);
- ▶ Develop a code of practice outlining unacceptable conduct (such as fee charging) in co-operation with the State Employment Agency;
- ▶ Work with business customers to develop good practice across the industry;
- ▶ Partner with specialist civil society organisations and trade unions to obtain the necessary skills and develop standard operating procedures to address risks and instances of human trafficking;
- ▶ Advocate for “the former Yugoslav Republic of Macedonia” to participate in the ILO Fair Recruitment Initiative.

86 <http://www.ilo.org/global/topics/fair-recruitment/lang--en/index.htm>

87 Ibid

88 <http://www.wecglobal.org>

89 <https://www.rec.uk.com>

Annex III - Specific recommendations for actions and measures to be taken by private sector

Businesses have the responsibility to respect human rights⁹⁰. This includes the duty to address and to be transparent about the risks and actual instances of trafficking in human beings in supply chains and operations of the private sector. Stakeholders, including customers, investors, civil society organisations and the public are increasingly considering credibility of businesses based on their human rights' considerations. Poor due diligence processes can lead to legal liability of businesses for abuses, including human trafficking, occurring in the supply chains. Trafficking in human beings is a serious crime and businesses can be held liable where they fail to act to address it. Working with and monitoring suppliers, wherever they are in the supply chains, is also the responsibility of businesses.

Businesses should be prepared for the eventuality of trafficking occurring in their supply chain. Whether in direct or indirect supply chains, a business has a responsibility to mitigate the situation. Pro-actively putting in place procedures for identifying the risks and responding to instances of human trafficking will help business react quickly and more appropriately should a situation arise. Furthermore, this approach would help reduce risk of negative media and reputational damage.

Private sector needs to consider and be equipped to deal with two principal scenarios:

- ▶ a risk of human trafficking;
- ▶ an actual instance of human trafficking in their own operations or in supply chains.

Understanding the underlying causes of human trafficking helps address the violations that might put workers more at risk. Protecting and promoting fundamental labour rights helps prevent the most severe violations, such as human trafficking, from occurring. In case of an identified situation of human trafficking, it is important to be able to act quickly but also proportionately to prevent further abuse and to achieve the best possible resolution for the affected workers. Having systems in place in advance is better than to hastily try to develop a response after a concern has been raised.

There are some practical steps that businesses can take to prevent trafficking and to assist workers to stay free from further exploitation:

- ▶ In co-operation with the national authorities, contribute to develop and implement regulation and policies that specify expectations on key business functions (including procurement, buyers, human resource), suppliers, customers, business partners and others linked to business operations;

90 UN Guiding Principles on Business and Human Rights

- ▶ Support the "*Business Confederation of Macedonia*" and the "*Organisation of Employers in Macedonia*" in developing responsible business entrepreneurship and corporate responsibility;
- ▶ Map existing policies and codes of conduct (internal and supplier) in co-operation with other stakeholders, such as anti-trafficking NGOs, to identify coverage of risks related to human trafficking;
- ▶ Where not in place, develop human rights policies and due diligence processes;
- ▶ Commit to implement the UN Guiding Principles on Business and Human Rights;
- ▶ Join the UN Global Compact⁹¹;
- ▶ Encourage communication and engagement up and down the supply chain;
- ▶ Ensure that all contracts include clauses on human trafficking and risk factors;
- ▶ Deliver training on human trafficking to some key employers, such as human resources officers, in particular in the sectors where the risk of exploitation is higher.
- ▶ Recognise freedom of association and help workers understand their rights;
- ▶ Enter into a framework agreement with a trade union;
- ▶ Avoid hasty, knee-jerk reactions, such as immediate supplier termination, without considering the risks and well-being of workers;
- ▶ Avoid imposing blanket bans on employment of certain categories of workers, such as young workers or refugees, as this could expose them to greater harm;
- ▶ Promote complaint mechanisms and whistleblowing procedures that will enable workers to raise complaints about abuses;
- ▶ Ensure that workers are not charged recruitment fees or any other hidden fees (such as for transportation, visa facilitation and translation services);
- ▶ Know who your workers are, conduct regular worker survey and ensure that workers are enabled to feedback and whistle blow without repercussions;
- ▶ Promote direct and long-term employment rather than sub-contracting and overreliance on temporary labour;
- ▶ Formalise relationships with suppliers and other business partners and encourage suppliers to establish such relationships with their own suppliers.

91 <https://www.unglobalcompact.org>

Annex IV – Description of concepts and tools

1. Decent work

The ILO defines decent work as “work that is productive and delivers a fair income, security in the workplace and social protection for families, better prospects for personal development and social integration, freedom for people to express their concerns, organise and participate in the decisions that affect their lives and equality of opportunity and treatment for all women and men.”⁹²

Decent work is the optimal situation (as opposed to forced labour), that should be achieved in the workplace. Any situation that is not decent work is exploitative in one way or another, with the most extreme form of exploitation being forced labour, often as a result of trafficking.

Understanding the role of decent work, and subscribing to the decent work agenda is a key tool for each state in their ability to combat trafficking for the purpose of labour exploitation.

Decent work and economic growth is also one of the goals (Goal no. 8) of the Global Sustainable Development Goals⁹³. One of the targets, 8.7 recognises the direct correlation between creation of decent work and addressing of human trafficking:⁹⁴

Goal 8.7: Take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.

The Framework on the Measurement of Decent Work⁹⁵ that covers the ten substantive elements which are closely linked to the four strategic pillars of the Decent Work Agenda, that is, (i) International labour standards and fundamental principles and rights at work (ii) Employment creation (iii) Social protection and (iv) Social dialogue and tripartism, can be a helpful tool.

92 <http://www.ilo.org/global/topics/decent-work/lang--en/index.htm>

93 The Sustainable Development Goals (SDGs), officially known as Transforming our world: the 2030 Agenda for Sustainable Development, is a set of 17 “Global Goals” with 169 targets between them. They were adopted by the United Nations in 2015 <http://www.un.org/sustainabledevelopment/sustainable-development-goals/>

94 <http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-8-decent-work-and-economic-growth/targets/>

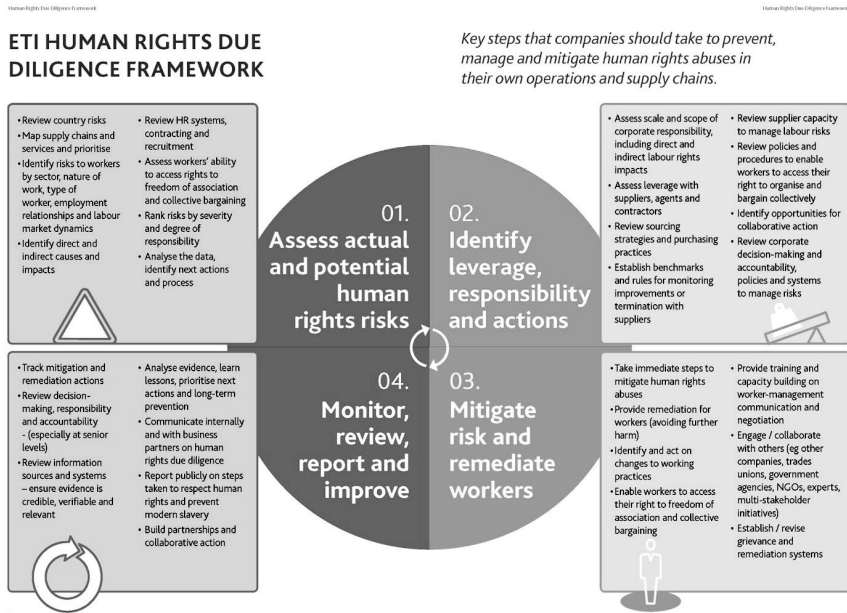
95 Decent work (http://www.ilo.org/wcmsp5/groups/public/---dgreports/-integration/documents/publication/wcms_229374.pdf)

2. Human Rights Due Diligence

The term **human rights due diligence** relates to steps taken by a company to both identify and act upon actual and potential risks for workers in its operations, supply chains and the services it uses. Human rights due diligence can assist in the detection of trafficking, but also identify and address areas of risk and remedy the situation of trafficking workers.

States should encourage businesses to develop human rights due diligence framework throughout their supply chains. At the same time, governments should ensure that they undertake human rights due diligence in their procurement processes at all levels of government.

The Ethical Trading Initiative⁹⁶ and its members developed a human rights due diligence framework which recommends businesses and others to undertake a 4-step process:



⁹⁶ <http://www.ethicaltrade.org/resources/human-rights-due-diligence-framework>

Annex V – Resources

1. List of contacts met during the fact finding mission in Skopje:

Ministry of Labour and Social Policy

Ministry of the Interior

Ministry of Foreign Affairs

Labour judges

State Labour Inspectorate

Centres for Social Work

State Employment Agency

Inspectorates' Council

NGO Open Gate/La Strada

NGO Happy Childhood

NGO Equal Access

Federation of Trade Unions

Partner agency – private recruitment agency

Chamber of Commerce

Marriott Hotel

Zhitomarketi

ICMPD

2. List of contacts met during the fact finding in the regions (Gevgelija and Valandovo):

Labour inspectorate

Centres for Social Work

3. References and resources for further information

- ▶ UN Guiding Principles on Business and Human Rights
http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

- ▶ United Nations Global Compact
<https://www.unglobalcompact.org>

- ▶ United Nations Sustainable Development Goals
<http://www.undp.org/content/undp/en/home/sustainable-development-goals/goal-8-decent-work-and-economic-growth/targets/>

- ▶ ILO resources on decent work, fair recruitment and forced labour
<http://www.ilo.org/global/topics/fair-recruitment/lang--en/index.htm>
<http://www.ilo.org/global/topics/decent-work/lang--en/index.htm>
http://www.ilo.org/wcmsp5/groups/public/---dgreports/integration/documents/publication/wcms_229374.pdf
<http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>

- ▶ Council of Europe Convention on Action against Trafficking in Human Beings
<http://www.coe.int/en/web/anti-human-trafficking/about-the-convention>

- ▶ 3rd General Report on GRETA's activities, GRETA (2013)17
<https://rm.coe.int/16805aa45d>

- ▶ 4rd General Report on GRETA's activities, GRETA (2015)1
<https://rm.coe.int/16805aa45f>
Dottridge, M; Emerging Good Practice by State Authorities, the Business Community and Civil Society in the Area of Reducing Demand for Human Trafficking for the Purpose of Labour Exploitation., Council of Europe, Strasbourg, 2016. <https://rm.coe.int/16806b61f0>

- ▶ European Union Agency for Fundamental Rights (FRA) (2015). Severe labour exploitation: workers moving within or into the European Union. States' obligations and victims' rights.
<http://fra.europa.eu/en/publication/2015/severe-labour-exploitation-workers-moving-within-or-european-union>

- ▶ Ethical Trading Initiative Human Rights Due Diligence Framework
<http://www.ethicaltrade.org/resources/human-rights-due-diligence-framework>
- ▶ ITUC: Never Work Alone – *NGOs and Trade Unions Join Forces to Combat Forced Labour and Trafficking in Europe*. ITUC, *Anti-Slavery International*. 2011
http://www.ituc-csi.org/IMG/pdf/Forced_labour_EN_FINAL.pdf
- ▶ Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by "the former Yugoslav Republic of Macedonia", Council of Europe, Strasbourg, 2014
- ▶ 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)
- ▶ An Annual operating Plan for 2017 for the implementation of the NAP 2017-2020;
- ▶ Annual Report of the National Commission for Combating Trafficking in human beings and Illegal Migration from 2003 to 2016;
- ▶ Handbook for early detection of cases involving human trafficking for labour inspectors, 2014, Skopje;
- ▶ Strategy for combatting trafficking in human beings and illegal migration 2017-2020;
- ▶ National action plan for combatting trafficking in human beings and illegal migration 2017-2020;
- ▶ Action plan for combating trafficking in children 2017-2020;
- ▶ Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings, 2010, Skopje; <http://nacionalnakomisija.gov.mk/?p=144>
- ▶ Standard Operating Procedures for Treatment of vulnerable categories of foreign nationals, 2016 Skopje;
- ▶ Standard Operating Procedures for dealing with unaccompanied and separated children, 2015 Skopje.

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Trafficking in human beings for the purpose of labour exploitation is an emerging area of focus in the country. The report reviews the efforts undertaken by the national authorities, trade unions, businesses and civil society to address human trafficking for the purpose of labour exploitation and the related risk factors. The report includes recommendations for concrete measures to reduce demand for human trafficking and identify possible victims. The report on trafficking for the purpose of labour exploitation in "the former Yugoslav Republic of Macedonia" has been produced as a part of the European Union and Council of Europe programmatic framework "Horizontal Facility for the Western Balkans and Turkey" within the Action "Preventing and Combating Trafficking in Human Beings".

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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