



**G R E T A**  
GROUP OF EXPERTS  
ON ACTION AGAINST  
TRAFFICKING IN HUMAN BEINGS

GRETA(2017)39

Report concerning the implementation  
of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
by “the former Yugoslav Republic of  
Macedonia”

SECOND EVALUATION ROUND

Adopted on 24 November 2017

Published on 21 February 2018

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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## Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA's country-by-country monitoring deals with all parties to the Convention on an equal footing. In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to all parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental. By the beginning of 2014, most of the parties had been or were being evaluated for the first time, whilst the number of parties to the Convention continues to grow.

GRETA decided to launch the second evaluation round of the Convention on 15 May 2014. Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA has decided to examine during this new evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of the second evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - "urge", "consider" and "invite" - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb "urge" when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of an obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the national authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to provide, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual final comments made by the national authorities, are made public and sent to the Committee of the Parties to the Convention.

## I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter “the Convention”) by “the former Yugoslav Republic of Macedonia” took place in 2012-2014. Following the receipt of the national authorities’ reply to GRETA’s first questionnaire on 29 May 2012, a country evaluation visit was organised from 20 to 23 May 2013. The draft report on “the former Yugoslav Republic of Macedonia” was examined at GRETA’s 18th meeting (4-8 November 2013) and the final report was adopted at GRETA’s 19th meeting (17-21 March 2014). Following the receipt of the national authorities’ comments, GRETA’s final report was published on 17 June 2014.<sup>1</sup>

2. In its first evaluation report, GRETA noted that the authorities of “the former Yugoslav Republic of Macedonia” (hereinafter “the national authorities”) had taken a number of important legislative and organisational steps to prevent and combat trafficking in human beings (THB). However, GRETA considered that the national authorities should take further measures to ensure that action to combat human trafficking is comprehensive, and in particular pay increased attention to prevention and protection measures addressing the vulnerability of children to trafficking. GRETA also invited the national authorities to further strengthen co-ordination between public bodies and civil society actors and to ensure that the latter are provided with the financial resources necessary to carry out anti-trafficking activities. In addition, GRETA urged the authorities to improve the identification of victims of trafficking and to ensure that all assistance measures provided for in law are guaranteed in practice. While welcoming the provision in national law of a recovery and reflection period longer than the minimum of 30 days envisaged under the Convention, GRETA urged the national authorities to ensure that this period was not conditional on the victim’s co-operation with the law enforcement authorities. Furthermore, GRETA called on the national authorities to ensure that victims of trafficking are systematically informed of, and can fully benefit from, the right to obtain a renewable residence permit. GRETA also stressed that the authorities should provide for effective access to compensation, including by setting up a State compensation scheme, and take legislative measures allowing for the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so. Moreover, GRETA considered that full use should be made of the available measures to protect victims during the investigation and before, during and after court proceedings.

3. On the basis of GRETA’s report, on 7 July 2014, the Committee of the Parties to the Convention adopted a recommendation to the national authorities, requesting them to report back on the measures taken to comply with this recommendation by 7 July 2016.<sup>2</sup> The report submitted by the national authorities was considered at the 19th meeting of the Committee of the Parties (4 November 2016). The Committee of the Parties decided to transmit this report to GRETA for consideration and to make it public.<sup>3</sup>

4. On 8 June 2016, GRETA launched the second round of evaluation of the Convention in respect of “the former Yugoslav Republic of Macedonia” by sending the questionnaire for this round to the national authorities. The deadline for submitting the reply to the questionnaire was 8 November 2016, the date on which the national authorities submitted their reply.<sup>4</sup>

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<sup>1</sup> Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by “the former Yugoslav Republic of Macedonia”, GRETA (2014)12, available at: <http://rm.coe.int/1680631ee1>

<sup>2</sup> Recommendation CP(2014)13 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by “the former Yugoslav Republic of Macedonia”, adopted at the 14th meeting of the Committee of the Parties on 7 July 2014, available at: <http://rm.coe.int/1680631ede>

<sup>3</sup> Report submitted by the national authorities on measures taken to comply with Committee of the Parties Recommendation CP(2014)13 on the implementation of the Convention on Action against Trafficking in Human Beings, available at: <http://rm.coe.int/16806c0639>

<sup>4</sup> Reply by the national authorities 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, available at: <http://rm.coe.int/greta-2017-6-rq2-mkd/168078a4f2>

5. In preparation of the present report, GRETA used the reply to the questionnaire by the national authorities, the above-mentioned report submitted by them to the Committee of the Parties, and information received from civil society. An evaluation visit to “the former Yugoslav Republic of Macedonia” took place from 20 to 23 February 2017 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Mr Ryszard Piotrowicz, member of GRETA;
- Ms Alina Braşoveanu, member of GRETA;
- Ms Ursula Sticker of the Secretariat of the Convention.

6. During the visit, the GRETA delegation met Ms Sanja Dimitrievska, National Co-ordinator for Combating THB and Illegal Migration and State Secretary at the Ministry of the Interior, Mr Aleksandar Todosiev, National Rapporteur on Combating THB and Illegal Migration and Head of Sector for International Co-operation at the Ministry of the Interior, and officials from the Ministry of the Interior, the Ministry of Labour and Social Policy, the Ministry of Justice, the Ministry of Education and Science, the Ministry of Health, the Ministry of Foreign Affairs, the Public Prosecutor’s Office, the Basic Court Skopje 1 and the Ombudsman’s Office. The delegation also met representatives of the local commissions for combating trafficking in human beings and illegal migration in Bitola, Shtip, Veles and Prilep.

7. Separate meetings were held with representatives of non-governmental organisations (NGOs), lawyers specialised in assisting victims of trafficking and officials from the local offices of the International Organization for Migration (IOM), the Organization for Security and Co-operation in Europe (OSCE), the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children’s Fund (UNICEF) and the International Centre for Migration Policy Development (ICMPD).

8. In the course of the visit, the GRETA delegation visited the State shelter for victims of trafficking, the holding centre for foreign victims of trafficking and irregular migrants, a day centre for children in street situations and a safe house for vulnerable categories of migrants and asylum seekers, all located in Skopje.

9. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.

10. GRETA wishes to put on record the co-operation provided by the national authorities and in particular by the contact person appointed to liaise with GRETA, Ms Svetlana Vlahovic Dimanovska, Deputy National Co-ordinator for Combating Trafficking in Human Beings and Illegal Migration.

11. The draft version of the present report was approved by GRETA at its 29th meeting (3-7 July 2017) and was submitted to the national authorities for comments on 31 July 2017. The authorities’ comments were received on 16 October 2017 and were taken into account by GRETA when adopting the final report at its 30th meeting (20-24 November 2017). The report covers the situation up to 24 November 2017; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 41-47).

## II. Main developments in the implementation of the Convention by “the former Yugoslav Republic of Macedonia”

### 1. Emerging trends in trafficking in human beings

12. “The former Yugoslav Republic of Macedonia” continues to be a country of origin, transit and destination of victims of THB. According to statistical data provided by the national authorities, 33 victims of THB were formally identified during the period 2013 to 2016, of whom 21 were children (in 2013: six adult and nine child victims; in 2014: two adult and six child victims; in 2015: one adult and three child victims; in 2016: three adult and three child victims). All but one of the victims were female. About half of the identified victims were nationals of “the former Yugoslav Republic of Macedonia”, trafficked either transnationally (the main countries of destination being France, Switzerland, Croatia and Italy) or within the country. There were 15 victims of internal trafficking. The foreign victims originated from Albania, Bosnia and Herzegovina, Serbia, Kosovo\* and Romania. The main form of exploitation was sexual, followed by trafficking for the purpose of forced marriage (10), forced labour (3), exploitation of begging (1), or a combination of exploitative purposes.

13. Further, according to data provided by the national authorities, in the period 2013-2016, there were 298 potential victims of THB (in 2013: 82; in 2014: 83, of whom 66 were children; in 2015: 11; in 2016: 83, of whom 44 were children; in 2017: 12 adults). As regards the considerable difference between potential victims and formally identified victims, see paragraph 102.

14. Since 2015, there has been a sharp increase in the number of refugees and migrants passing through “the former Yugoslav Republic of Macedonia”, due to its strategic location along the route from conflict-torn regions, mainly in the Middle East, to the European Union (EU). From July 2015 to March 2016, a period when the migration movement was at its peak, 778,768 refugees and migrants are reported to have transited through the country.<sup>5</sup> The number of new arrivals, entering primarily through Greece, reached around 5,000 per day. In March 2016, the border with Greece was closed to new arrivals. Despite the formal closure, irregular movements have continued, making the transiting persons more vulnerable to exploitation. The challenges created by the increased arrival of refugees and migrants have shifted resources from the bodies dealing with detecting and investigating THB cases (see paragraph 155). According to the national authorities, in 2015, two unaccompanied children from Syria were detected as presumed victims of trafficking among migrants transiting “the former Yugoslav Republic of Macedonia”, and, in 2016, 35 presumed victims of THB (17 adults and 18 children) were detected among migrants. However, no actual victims of trafficking have been formally identified among asylum seekers or migrants.

15. GRETA notes that the real scope of human trafficking in “the former Yugoslav Republic of Macedonia” is higher than the above-mentioned figures of formally identified victims of trafficking suggest, and this was acknowledged by officials, representatives of civil society and international organisations met during GRETA’s second evaluation visit.

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\* All reference to Kosovo, whether to the territory, institutions or population, in this report shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

<sup>5</sup> UNHCR, Regional Refugee and Migrants Response Plan for Europe, Eastern Mediterranean and Western Balkans Route, January-December 2016, p.73.

## 2. Developments in the legal framework

16. In 2015, Article 418d (trafficking in children) of the Criminal Code (CC) was amended to include forced begging and exploitation for the purpose of a legally prohibited activity among the forms of exploitation.<sup>6</sup> In addition, the penalties for child trafficking were increased (see paragraph 145). Simultaneously, the Government deleted Article 191a of the CC on child prostitution.

17. The adoption of a new Law on Foreigners is underway and the national authorities have stated that it would provide that the recovery and reflection period and renewable residence permit are not conditional on the victim's co-operation with the authorities in charge of the investigation or criminal proceedings. A draft was sent to the European Commission for its opinion. Once this has been received, the Ministry of the Interior will start a procedure for the law's adoption. GRETA would like to be kept informed of the adoption of the new Law on Foreigners.

18. The above-mentioned legal developments are examined in greater detail in later parts of the report (see paragraphs 145-147).

## 3. Developments in the institutional framework

19. As noted in GRETA's first report, the National Commission for Combating THB and Illegal Migration (hereinafter "National Commission") is the inter-ministerial co-ordination body tasked with the implementation, co-ordination, monitoring and analysing of the Government's policy for combating THB and irregular migration.<sup>7</sup> Since GRETA's first evaluation, the National Commission has been enlarged by six additional members: four members from the Ministry of the Interior, one member from the Employment Agency and one member from the State Labour Inspectorate.<sup>8</sup> GRETA welcomes the enlargement of the National Commission and in particular the inclusion of the State Labour Inspectorate. As reported by the national authorities, the National Commission continues to meet at least once every three months. The implementation of the National Commission's decisions is carried out by the Secretariat of the National Commission", which brings together representatives of civil society, intergovernmental organisations, international donors and experts from governmental institutions. The Secretariat works on a voluntary basis. The current Secretariat was appointed in 2016.<sup>9</sup>

20. A new National Co-ordinator, who directs the work of the National Commission, was appointed in 2016.<sup>10</sup> Like her predecessor, she is State Secretary at the Ministry of the Interior. In its first evaluation report, GRETA considered that the national authorities should establish a fully-fledged post of National Co-ordinator, supported by a dedicated office, to enable this body to effectively carry out its mandate. The national authorities have stated that the National Action Plan for the Implementation of the Strategy for Combating THB and Illegal Migration for the period 2017-2020 (see paragraph 29) envisage strengthening of the capacities of the co-ordinating structures (National Commission) by selecting professionals to be assigned to duties in the National Co-ordinator's Office. This action is scheduled for 2017-2018. GRETA considers that the national authorities should establish a dedicated post of National Co-ordinator, provided with sufficient human and financial resources, to enable it to effectively carry out the tasks under its mandate.

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<sup>6</sup> Law on Amendments and Supplements to the Criminal Code, Official Gazette No. 226 from 25 December 2015.

<sup>7</sup> See GRETA's first report, paragraphs 21-23.

<sup>8</sup> The National Commission is composed of the following representatives of ministries and public agencies: the National Co-ordinator for Combating THB and Illegal Migration, the Deputy National Co-ordinator for Combating THB and Illegal Migration, the Secretary of the National Commission, a judge from the Basic Court Skopje 1, a prosecutor from the Basic Public Prosecution Office, senior police officers from the Ministry of the Interior, officials from the Ministry of Labour and Social Policy, the Ministry of Health, the Training Centre of the Ministry of the Interior, the Customs Office, the Ministry of Foreign Affairs, the Ministry of Justice and the Bureau for Development of Education (see also first report, paragraph 21).

<sup>9</sup> Resolution No. 42-860/1.

<sup>10</sup> Official Gazette No. 163/2016.

21. The National Referral Mechanism (NRM) for victims of THB, which was institutionalised through the setting up of the Office of the NRM at the Ministry of Labour and Social Policy in 2009,<sup>11</sup> remains responsible for co-ordinating the referral of identified victims to assistance, their accommodation, protection, re-integration and re-socialisation.

22. The sub-group on child trafficking, set up in 2003, continues to function as a working body within the National Commission. It is headed by the representative of the Office of the NRM and includes representatives of the Ministry of the Interior (Unit for Combating THB and Smuggling of Migrants and the Sector for Border Affairs and Migration), ICMPD, IOM, Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ), UNICEF, the US Embassy in Skopje and the NGOs Open Gate/La Strada, "For a Happy Childhood" and "Equal Access", as well as a Deputy Ombudsman as an external observer.

23. A new National Rapporteur on Combating THB and Illegal Migration, who holds the post of Head of the Sector for International Co-operation at the Ministry of the Interior, was appointed in 2016. As part of its tasks, the National Rapporteur publishes annual reports on the human trafficking situation in the country containing statistical data and information on trends. In its first evaluation report, GRETA invited the national authorities to establish the National Rapporteur as a *de jure* independent post with a mandate to monitor the anti-trafficking activities of the state institutions. The national authorities have stated that the National Strategy and Action Plan for Combating THB and Illegal Migration for the period 2017-2020 envisage several activities related to the function of the National Rapporteur, including conducting a comparative analysis of EU practices of National Rapporteurs and defining a national model that will contribute to strengthening the position of the National Rapporteur. GRETA would like to stress that Article 29 of the Convention makes a clear distinction between National Co-ordination and National Rapporteur. In GRETA's view, the key features of National Rapporteurs' mechanisms in the sense of Article 29, paragraph 4, of the Convention,<sup>12</sup> should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. The human rights-based approach to anti-trafficking policies advocated by the Convention requires adequate monitoring and evaluation. A structural separation between monitoring and executive functions promotes an objective evaluation of the implementation of anti-human trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations.<sup>13</sup> GRETA considers that the national authorities should establish an independent National Rapporteur or designate another mechanism as an independent organisational entity with a view to ensuring effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned.

24. Since the first visit, in addition to the two already existing local commissions for combating THB and illegal migration in the towns of Bitola and Shtip,<sup>14</sup> new local commissions were set up in Gevgelija, Prilep and Veles in 2016. GRETA was informed that three further local commissions were to be set up, so that there would be eight in total. The national authorities have stated that an analysis of the need for enlarging these commissions and/or forming new commissions will be carried out after the completion of the local elections process. GRETA would like to be kept informed on the setting up of new local commissions for combating THB.

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<sup>11</sup> See GRETA's first report, paragraph 30.

<sup>12</sup> "Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements."

<sup>13</sup> In this context, see also the Summary report on the Consultative Meeting on Strengthening Partnerships with National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms organised by the UN Special Rapporteur on trafficking in persons, especially women and children, in Berlin, 23-24 May 2013.

<sup>14</sup> See GRETA's first report, paragraph 26.

25. The Ministry of Labour and Social Policy continues to be responsible for running the State centre (shelter) for victims of THB (see paragraph 108). In addition, it co-finances a safe house opened by the international NGO Jesuit Refugee Service in June 2015 for vulnerable categories of migrants and asylum seekers (see paragraphs 78 and 109).

26. The Ombudsman was established by the Constitution of “the former Yugoslav Republic of Macedonia” and elected for the first time in 1997. In total, 72 persons work for the Ombudsman’s Office in Skopje and the regional offices. Among other fields of work, the Ombudsman’s Office fulfils the function of National Preventive Mechanism under the Optional Protocol to the UN Convention against Torture (OPCAT) and monitors the situation in places of deprivation of liberty, including holding centres for migrants, focusing on the protection of the rights of vulnerable groups, including unaccompanied children. GRETA was informed that the Ombudsman does not participate in the meetings of the National Commission and has not been consulted in the drafting of the National Strategy and Action Plan 2017-2020. The National Commission plans to review its membership and possibly involve representatives of the Ombudsman’s Office. GRETA invites the national authorities to engage with the Ombudsman’s Office in the implementation of anti-trafficking activities and the preparation of national strategies and action plans.

27. NGOs continue to play a vital role in anti-trafficking action, through participating in the Secretariat of the National Commission, implementing projects, engaging in prevention and assistance to victims of trafficking, and carrying out research (see paragraphs 50, 54, 56, 63-66, 108, 113 and 180).

#### 4. National Strategy and Action Plans

28. In 2016, with the financial support of IOM, an external evaluation of the implementation of the National Strategy and National Action Plan for Combating THB and Illegal Migration 2013-2016 was conducted by an independent expert.<sup>15</sup> Among other findings, the evaluation pointed to the need for establishing a systematic approach to data management, as well as ensuring sustainable financing structures. Further, the evaluation noted the lack of a standardised evaluation form for training sessions and written criteria for the selection of trainers. The national authorities have affirmed that the results of the evaluation were taken into account when drafting the new National Strategy and Action Plan.

29. At the time of GRETA’s second evaluation visit, a new National Strategy and National Action Plan for Combating THB and Illegal Migration for the period 2017-2020 had been drafted with IOM support. They were adopted by the Government on 22 March 2017. The National Action Plan contains measures in the same areas as the previous plan (support framework, prevention, support for and protection of victims of trafficking and migrants, pre-investigation proceedings and criminal prosecution of THB and smuggling of migrants), adding the integration and voluntary return of victims of trafficking and migrants as a new thematic area. Particular emphasis is placed on the fostering of increased understanding of the interface between THB and migration, as well as the improvement of the co-ordination mechanisms. The activities envisaged by the Action Plan will be funded from the budget of the National Commission, the budgets of the relevant ministries and agencies and through projects funded by international organisations. However, the authorities have not specified the amount of the envisaged funding for implementing the Action Plan. GRETA stresses that securing funding from the budget will be indispensable for the implementation of the National Action Plan and Strategy 2017-2020. Recalling the recommendation made in its first evaluation report, GRETA considers that the authorities should allocate appropriate funds in the State budget to action against THB, in consultation with all relevant actors, and reflecting the actual requirements of a co-ordinated and effective human rights-based approach to combating human trafficking.

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<sup>15</sup> Sunchica Dimitrijoska, Evaluation of the Implementation of the National Strategy and National Action Plan for Combating Human Trafficking 2013-2016, May 2016.

30. As noted in GRETA's first report, national anti-trafficking policy is frequently associated with action against smuggling of migrants, as evident from the title of the National Strategy and Action Plan, and several bodies are tasked with tackling both phenomena (e.g. the National Commission for the Fight against Trafficking in Human Beings and Illegal Migration, the Ministry of the Interior Unit against THB and Smuggling of Migrants).<sup>16</sup> GRETA recalls that while these two phenomena may sometimes be linked, they are legally distinct and subject to different treaty obligations. GRETA invites the national authorities to continue raising awareness among professionals and the general public as regards the scope of the definition of trafficking in human beings and the differences, as well as the links, between human trafficking and migrant smuggling.

31. On the basis of the National Action Plan, the five local commissions for combating THB and illegal migration set up their own local Action Plans in March 2017. Due to the fact that the municipal budgets for 2017 were adopted before the end of the previous year, there are no funds provided for the activities included in the action plans of the local commissions; therefore these activities needed to be funded by NGOs in 2017. The new budgets for 2018 will determine the funding available to the local commissions. GRETA considers that the authorities should reinforce the work of the local commissions for combating THB, including by providing sufficient funding for their activities.

## 5. Training of relevant professionals

32. The national authorities have made reference to a number of training measures which were implemented during the reporting period, funded to a large extent by external financial resources.<sup>17</sup> The National Commission has adopted an Inter-Institutional Training Plan 2016-2017 for stakeholders at central, regional and local level.

33. By way of example, within the framework of the Inter-Institutional Training Plan and in co-operation with IOM, four one-day training sessions were held in October-November 2016 on the "Indicators for the Identification of Victims of Human Trafficking in Mixed Migration Flows" which were developed in 2016 in order to strengthen the capacities of relevant stakeholders for early identification of potential and presumed victims of THB (see also paragraph 93). In total, 160 participants from the Ministry of the Interior, the Ministry of Labour and Social Policy, the local commissions, NGOs, the Red Cross and the Office of the Ombudsman attended the training. Further, in co-operation with UNHCR, the National Commission organised six two-day training sessions in October-December 2016 on the implementation of the Standard Operating Procedures (SOPs) for Dealing with Unaccompanied and Separated Children (see paragraph 67) and the SOPs for Processing Vulnerable Categories of Foreign Nationals (see paragraph 77). In total, 120 representatives from the National Commission, other competent authorities, international organisations, NGOs and the Office of the Ombudsman were trained.

34. In 2016, the Ministry of Labour and Social Policy conducted workshops on "Recognising Potential Victims of THB among Refugees" for social workers and representatives of the NRM in co-operation with the OSCE Mission to Skopje.

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<sup>16</sup> See paragraph 62 of GRETA's first report.

<sup>17</sup> For more details, see replies to questions 6, 8 and 22 of the Reply of "the former Yugoslav Republic of Macedonia" to GRETA's Questionnaire for the 2nd Evaluation Round, available at: <http://rm.coe.int/greta-2017-6-rq2-mkd/168078a4f2>

35. A number of inter-institutional training sessions were conducted in 2015. By way of example, with the support of GIZ, three one-day training sessions on the indicators for the identification of victims of THB were held for 75 police officers, social workers and the NGO "Equal Access". In addition, the Ministry of Labour and Social Policy conducted a two-day training on the protection of children and the prevention of child trafficking, in co-operation with the Ministry of the Interior, the Institute for Social Affairs, the NGO Open Gate/La Strada and GIZ. The training was targeted at employees of children's homes and other public institutions providing care for children and the participants were appointed as contact points in their respective institutions. Further, in co-operation with the OSCE Mission to Skopje, the Ministry of Labour and Social Policy trained 60 professionals in a two-day training which included practical training for detecting victims in the Reception Centre for asylum seekers and the Reception Transit Centres in Tabanovce and Vinojug.

36. Training sessions on THB were organised in 2015 by the OSCE Mission to Skopje, in co-operation with the Macedonian Young Lawyers Association, for 17 lawyers and representatives of civil society who provide free legal aid to victims of trafficking. In addition, the NGO Open Gate/La Strada conducted a training for law students on monitoring court cases of THB.

37. Further, specialised training sessions on THB for border police officers took place during the reporting period.<sup>18</sup> By way of example, IOM organised a training entitled "Combating THB and Migrant Smuggling" which was attended by 180 border police officers. IOM also organised training courses on humanitarian border management with staff from the Regional Centres of the Border Police, the Ministry of Labour and Social Policy, the Regional Centres for Social Policy, the Red Cross, NGOs and international actors.

38. Furthermore, a two-day training event for police officers, social workers and NGOs on the gender dimension of THB was organised by the Macedonian Young Lawyers Association and UN Women in Struga in September 2016.

39. Several training sessions on THB were organised for judges and prosecutors during the reporting period. By way of example, the Academy of Judges and Public Prosecutors "Pavel Shatev" organised two seminars on organised crime with a focus on THB and migrant smuggling, which was attended by 45 judges, prosecutors, lawyers, representatives from the Ministry of the Interior and other officials. A two-day round table, organised in 2015 by the OSCE Mission to Skopje, "Identifying and Prosecuting Crimes of THB for the Purpose of Labour Exploitation", was attended by 25 judges, prosecutors and police officers. Furthermore, the NGO Open Gate/La Strada conducted a regional training for judges and public prosecutors on facilitating compensation for victims of THB in 2015.

40. At the time of second evaluation visit, GRETA was informed that labour inspectors had not received training related to human trafficking in the reporting period. Subsequently, such training started being provided under the project "Preventing and Combating THB in "the former Yugoslav Republic of Macedonia", implemented as part of the EU-Council of Europe programmatic framework "Horizontal Facility for the Western Balkans and Turkey" (see also paragraph 58). First, a two-day training-of-trainers took place on 19-20 October in Mavrovo, with 25 labour inspectors participating. The aim of this training was to further the capacities of labour inspectors to carry out proactive inspections with a view to detecting possible trafficking victims, to provide victims with access to assistance, as well as to enhance inter-institutional co-operation among the relevant stakeholders. A second training for labour inspectors on THB for the purpose of labour exploitation took place on 1-2 November 2017 in Berovo, involving 25 labour inspectors.

41. Staff posted in diplomatic missions and consulates of "the former Yugoslav Republic of Macedonia" continue to receive basic introductory training on THB before they go abroad.

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<sup>18</sup> For more details, see reply to question 6 of the Reply of "the former Yugoslav Republic of Macedonia" to GRETA's Questionnaire for the 2nd Evaluation Round: <http://rm.coe.int/greta-2017-6-rq2-mkd/168078a4f2>

42. The National Action Plan 2017-2020 foresees training activities for police officers, public prosecutors, judges, labour inspectors, health professionals, social workers, members of the Local Commissions, diplomatic and consular office staff, teachers in secondary and higher education, students, professionals working in social care institutions, lawyers, representatives of the media, members of the Federation of Trade Unions and Chambers of Commerce, foster families and guardians.

43. GRETA welcomes the investment made in training relevant professionals on THB and considers that these efforts should be continued and strengthened in a systematic way, paying particular attention to training labour inspectors, medical staff and other professionals who are likely to come into contact with victims of trafficking, including children. Further, GRETA invites the national authorities to evaluate at regular intervals the relevance, effectiveness and reach of training activities.

## 6. Data collection and research

44. In its first evaluation report, GRETA considered that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the national authorities should develop and maintain a comprehensive and coherent statistical system on THB by compiling reliable statistical data from all main actors and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination).

45. The National Rapporteur is the national contact point for data collection on THB from relevant stakeholders. The form for identification of victims of THB (entitled "Template for monitoring cases of victims"), which was adopted by the National Commission in 2009 to collect information from all bodies covered by the SOPs for the Treatment of Victims of THB, is still in use.<sup>19</sup>

46. The statistical data provided by the national authorities concerning formally identified victims of trafficking is broken down by year, number, sex, age, nationality, type of exploitation, whether the trafficking was internal or transnational, and identifying body. However, the statistical data concerning presumed victims (see paragraph 13) is not broken down and is difficult to interpret. Representatives of civil society and international organisations met during the second evaluation visit have noted that publicly available governmental data on human trafficking is inconsistent and incomplete, hindering analysis, comparison and accountability.<sup>20</sup> For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA considers that the national authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on presumed and identified victims of trafficking and measures to protect and promote their rights, as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to ensure the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

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<sup>19</sup> See GRETA's first report, paragraph 28.

<sup>20</sup> Open Gate/La Strada, *Monitoring and Evaluation of Anti-Trafficking Laws and Policies and their Implementation in the Former Yugoslav Republic of Macedonia in 2014 and 2015, 2016*, p. 52.

47. GRETA recommended in its first evaluation report that, for the purpose of creating an important source of information for the evaluation and planning of anti-trafficking measures, the national authorities should conduct and support research on THB-related issues, in particular on trafficking for the purpose of labour exploitation, forced begging and internal trafficking. Since GRETA's first evaluation, several research projects on THB-related issues have been carried out by public bodies, international organisations and civil society.

48. In 2014, with support of the OSCE Mission to Skopje and involvement of the civil sector, the National Commission carried out an empirical research on the application of the non-punishment provision in national legislation and practice (see paragraph 151). The findings and recommendations were discussed at an event in 2015. Further, with support from GIZ, an analysis of the identification and protection of child victims of THB was conducted by the Ministry of Labour and Social Policy and the subgroup on child trafficking.

49. Reference should also be made to a research report produced in 2014 under the Mario project "Protecting Children on the Move", with funding from the European Commission and the Oak Foundation, which studies the intersections of child migration, street children and child labour with the aim of identifying issues and possibilities of improving the protection of children who experience migration and mobility, both transnationally and internally.<sup>21</sup>

50. The NGO Open Gate/La Strada has carried out research on a number of issues and has published the following reports:

- "Compensation of Victims of Violent Crimes - How Much Will it Cost to Create a State Fund?" published in 2016 and providing an analysis of the possible sources of funds that could be allocated when setting up a state fund for the compensation of victims of violent crime;
- "Life after THB – Reintegration of the Victims of THB 2007-2014", summarising the most important results of reintegration programme (see also paragraph 113);
- Report on the anti-trafficking legislation and policies and their implementation in "the former Yugoslav Republic of Macedonia", published within the context of the EU-funded project "Balkans ACT (Against Crime in Trafficking) Now!" (BAN) in 2016;<sup>22</sup>
- Research on citizens' perception and understanding of THB and labour exploitation (see also paragraph 56), in view of designing future measures to raise public awareness.

51. In 2015, IOM published a regional report on unaccompanied children, and, in 2014, a needs assessment on the human trafficking situation in the Western Balkans, including in "the former Yugoslav Republic of Macedonia", both financed by the IOM Development Fund.

52. GRETA notes that the National Action Plan 2017-2020 refers to future research initiatives, including on trafficking in children and other vulnerable groups, as well as on access to compensation for victims of trafficking. GRETA welcomes the research efforts made by the national authorities and considers that they should continue to conduct and support research on THB-related issues, paying particular attention to THB for the purpose of labour exploitation, child trafficking and internal trafficking.

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<sup>21</sup> Vathi, Zana, Children and Adolescents Engaged in Street Work in "the former Yugoslav Republic of Macedonia": Mobilities, Vulnerabilities and Resiliencies, Mario project, Budapest, December 2014, available at: [http://tdh-europe.org/upload/document/7228/Mario\\_Macedonia\\_Web.pdf](http://tdh-europe.org/upload/document/7228/Mario_Macedonia_Web.pdf)

<sup>22</sup> Available at: <http://www.lastrada.org.mk/mainarchive/monitoring%20report%20MAK-ENG.pdf>

### III. Article-by-article findings

#### 1. Prevention of trafficking in human beings

##### a. Measures to raise awareness of THB (Article 5)

53. Raising awareness about THB has continued to be a key part of the preventive action taken by the national authorities. A number of awareness-raising activities on THB have been implemented in the reporting period in partnership with NGOs, international organisations and foreign donors.<sup>23</sup> The National Commission conducts the national campaign “Week of Combating THB” every year, timed to coincide with the European Anti-Trafficking Day on 18 October.

54. The NGO Open Gate/La Strada conducted a national media campaign entitled “Raise Your Voice against Human Trafficking” in 2014-2015 with the aim of raising public awareness, especially among young people, and contributing to the improvement of victim identification. As part of this campaign, videos and radio jingles were broadcast, information materials were distributed, and media actions and open events organised. Open Gate/La Strada also organised a competition for journalists on reporting about THB. In addition, Open Gate/La Strada organised workshops in Gevgelija, Veles and Skopje to sensitise the population located in these regions. Further, Open Gate/La Strada promoted a mobile application called “BAN Human Trafficking” which is part of the project “Balkans ACT (Against Crime in Trafficking) Now!”. The Civil Initiative SEMPER, based in Bitola, has produced several leaflets and information materials on THB, with funding from the EU.

55. Apart from the above-noted media campaign “Raise Your Voice against Human Trafficking”, the impact of these awareness-raising measures has not been assessed. Despite the measures mentioned above, in the opinion of representatives of civil society and international organisations, there is still insufficient awareness of THB among the general public. GRETA considers that the national authorities should continue to carry out information and awareness-raising campaigns on THB. Future awareness-raising measures should be designed in light of the impact assessment of previous measures, focusing on identified needs and target groups and drawing attention to new legislative changes and emerging trends. Special attention should be paid to raising awareness of THB for the purpose of labour exploitation, forced begging, forced marriage, forced commission of criminal offences and internal trafficking.

##### b. Measures to prevent THB for the purpose of labour exploitation (Article 5)

56. The national authorities have referred to several awareness-raising measures for the prevention of THB for the purpose of labour exploitation. By way of example, within the framework of the “Week of Combating THB” in 2014, the National Commission, the Ministry of the Interior, the Ministry of Labour and Social Policy and the NGO Open Gate/La Strada organised a national conference with a special focus on labour exploitation. In 2015, the NGO “For a Happy Childhood” conducted a media campaign to raise public awareness on THB for the purpose of labour exploitation. Further, in 2014, it conducted two workshops targeting students who plan to work abroad. Reference has already been made to the research on citizens’ perception and understanding of THB and labour exploitation conducted by the NGO Open Gate/La Strada (see paragraph 50).

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<sup>23</sup> For more details, see reply to questions 8 and 22 of the Reply of “the former Yugoslav Republic of Macedonia” to GRETA’s Questionnaire for the 2nd Evaluation Round and the Report submitted by the authorities on measures taken to comply with Committee of the Parties Recommendation CP(2014)13 on the implementation of the Convention.

57. As already noted in GRETA's first evaluation report, labour inspectors have a mandate to inspect all economic sectors, to enter business premises at any moment, to examine all rooms and to check if the persons present have employment contracts.<sup>24</sup> However, labour inspectors have no powers to check non-registered businesses and private homes. At the time of GRETA's second evaluation visit, 150 labour inspectors were employed by the State Labour Inspectorate. According to the national authorities, in 2015, the State Labour Inspectorate conducted 22,973 inspections and acted upon 2,512 complaints from employees with regard to the protection of their employment rights. During these inspections, 237 persons were detected without employment contracts, which led to the adoption of 177 resolutions ordering the employers to sign an employment contract with the unregistered employees. Fines were imposed in 264 cases.

58. In 2016, as part of the EU and Council of Europe programmatic framework "Horizontal Facility for the Western Balkans and Turkey", the Council of Europe started the project "Preventing and Combating THB" in "the former Yugoslav Republic of Macedonia", which is implemented in partnership with the National Co-ordinator, the Ministry of the Interior, the Ministry of Labour and Social Policy, the State Labour Inspectorate, the Ministry of Foreign Affairs, the Ministry of Justice and civil society organisations. The project seeks to support the national authorities in preventing and combating THB for the purpose of labour exploitation, as well as addressing victims' access to compensation and safe return and reintegration of victims of trafficking. As part of this project, a report on trafficking for the purpose of labour exploitation analysing the national situation, legal and institutional framework and international standards was drawn up, providing recommendations for future actions. The report was presented at a seminar held on 28 June 2017 in Skopje. Training for labour inspectors is organised as part of the project (see paragraph ...) and the publication of a manual for labour inspectors is also planned.

59. According to the National Action Plan 2017-2020, the National Commission will be enlarged by members of the Federation of Trade Unions, the Organisation of Employers and the Chambers of Commerce. GRETA would like to be kept informed of developments in this respect.

60. GRETA considers that the national authorities should increase their efforts to prevent THB for the purpose of labour exploitation, in particular by:

- continuing to raise awareness of the risks of human trafficking for the purpose of labour exploitation both within the country and abroad;
- training and sensitising relevant officials, in particular labour inspectors, prosecutors and judges, about THB for the purpose of labour exploitation and the rights of victims;
- expanding the mandate of labour inspectors to cover non-registered businesses and private homes and providing them with resources and guidance so that they can be actively engaged in the prevention of THB;
- introducing licensing and monitoring of recruitment and temporary work agencies;
- engaging with the private sector and trade unions, in line with the Guiding Principles on Business and Human Rights.<sup>25</sup>

<sup>24</sup> See GRETA's first report, paragraph 138.

<sup>25</sup> [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

c. Measures to prevent trafficking in children (Article 5)

61. In its first report, GRETA considered that the national authorities should pay increased attention to prevention measures addressing the particular vulnerability of children to trafficking, in particular children from socially vulnerable groups.

62. The national authorities have referred to numerous prevention measures addressing child trafficking implemented by public bodies, international organisations and civil society during the reporting period.<sup>26</sup> By way of example, the Ministry of the Interior conducted 336 workshops on THB and child trafficking for students from primary and secondary schools in Bitola, Tetovo and Kumanovo, which were attended by a total of 8,767 students. In 2014, the Ministry of Labour and Social Policy conducted a training for teachers and psychological and pedagogical counsellors on "Preventing Social Risks and THB", in co-operation with the Municipal Centre for Social Services in Probishtip.

63. The NGO Open Gate/La Strada ran two workshops on THB with 130 students from the Institute of Social Work at the Faculty of Philosophy in Skopje and the International Slavic University in Sveti Nikole and Bitola. Furthermore, Open Gate/La Strada conducted a multimedia competition for high school students on combating THB, the results of which were presented on Facebook. In addition, the latter organised seven workshops in Skopje, Shtip and Delchevo on the issue of child marriages in which 127 children and 93 parents participated, focusing in particular on the Roma community.

64. Each year, the Civil Initiative SEMPER and the Local Commission on Combating THB and Illegal Migration in Bitola organise a children's art exhibition on THB. In 2015, they produced a publication entitled "Recognise Human Trafficking through a Picture" which includes some 100 artworks made by children. A public launch event was organised and the publication was distributed to educational institutions. In addition, SEMPER produced in 2014 a peer education handbook on human trafficking intended for primary school pupils (funded by the EU) and organised educational workshops on combating THB for teachers and students as well as young people and parents from the Roma community in the municipalities of Bitola, Mogila, Demir Hisar and Novaci.

65. In 2014, the Red Cross of "the former Yugoslav Republic of Macedonia" conducted workshops on THB in 16 towns, which were attended by 22 educators and 2 415 students. A play about THB entitled "Scar" was performed and presented to an audience of primary and secondary school pupils. On the occasion of the European Anti-Trafficking Day in 2017, workshops for peer education of young people were organised through the Red Cross branches in Kisela Voda, Karpos, Kocani, Demir Hisar, Gostivar, Kavadarci, Kichevo, Negotino, Ohrid, Radovis, Resen, Struga, Veles, Berovo, Debar, Delcevo, Makedonski Brod and Sveti Nikole, covering some 500 elementary and high school students.<sup>27</sup>

66. Furthermore, NGOs organised training sessions for 26 representatives of the Roma Civil Association and Roma Informative Centres and 699 pupils and students. During this training, 21 professionals from primary schools in the municipalities of Karposh and Gjorche Petrov were trained. In addition, 41 interactive performances of the play "I Travel Alone" took place.

<sup>26</sup> For more details, see reply to questions 8 and 22 of GRETA's Questionnaire for the 2nd Evaluation Round: <http://rm.coe.int/greta-2017-6-rq2-mkd/168078a4f2> and the Report submitted by the national authorities on measures taken to comply with Committee of the Parties Recommendation CP(2014)13 on the implementation of the Convention on Action against Trafficking in Human Beings, available at: <http://rm.coe.int/16806c0639>

<sup>27</sup> <http://ckrm.org.mk/en/october-18-european-anti-trafficking-day/>

67. Unaccompanied and separated children are recognised as being at particular risk of trafficking and abuse. The number of unaccompanied foreign children in “the former Yugoslav Republic of Macedonia” grew from 40 in 2011 to 3,199 in the period 19 June-30 September 2015, when the migratory flows reached their peak. Acknowledging the need for a multidisciplinary, inter-sectoral and international approach to the protection of the rights of unaccompanied and separated children, the national authorities have SOPs for Dealing with Unaccompanied and Separated Children which were drafted with the support of UNHCR and were launched in November 2016. By way of example, GRETA was informed of the case of a young Nigerian woman who had been granted subsidiary protection. During the procedure, it was considered that she was 21 years old and may have been trafficked at some point of her journey. She was placed at the safe house run by the NGO Jesuit Refugee Service in June 2016. At the time of GRETA’s visit, she had left the safe house and the country.

68. The existence of children in street situations is a persistent phenomenon in “the former Yugoslav Republic of Macedonia”. In 2005, UNICEF reported that there were some 1,000 children in street situations, 95% of whom were Roma.<sup>28</sup> The 2015 report of the State Statistical Office on “Social Welfare for Children, Juveniles and Adults” refers to 161 registered children in street situations.<sup>29</sup> Representatives of NGOs met during GRETA’s second visit expressed concern about the lack of accurate data on children in street situations in the country.

69. Children in street situations aged four to 14 are taken care of in day centres which have been opened by the Ministry of Labour and Social Policy or are run by NGOs and co-financed by the Ministry.<sup>30</sup> GRETA was informed that, in addition to the three already existing day centres, one new centre had been opened by an NGO. The GRETA delegation visited the day centre for children in street situations in Skopje’s neighbourhood of Kisela Voda, which had also been visited during the first evaluation.<sup>31</sup> Some 15 children were present on the day of the visit. Staff highlighted the severe problems faced by children in street situations with regard to access to health care, social protection and school enrolment, and stressed the urgent need for reducing their vulnerability, in particular of children from Roma communities, by ensuring registration at birth for all children.

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<sup>28</sup> UNICEF, Assessment of the Situation of Children on the Street, Skopje, 2005; Assessment Report on Specific Needs, Challenges and Measures for Institutional Support of Roma Street Children, 2016, implemented by a consortium led by Eptisa Southeast Europe doo, p. 14, available at:

[http://www.mtsp.gov.mk/content/pdf/dekada/proekt\\_lokalna\\_integracija/1.Act%201%206\\_Assessment%20report%20with%20recommendations%20for%20care%20for%20Roma%20street%20children\\_Output%2012\\_EN.pdf](http://www.mtsp.gov.mk/content/pdf/dekada/proekt_lokalna_integracija/1.Act%201%206_Assessment%20report%20with%20recommendations%20for%20care%20for%20Roma%20street%20children_Output%2012_EN.pdf)

<sup>29</sup> <http://www.stat.gov.mk/Publikacii/2.4.16.12.pdf>

<sup>30</sup> According to the “Assessment Report on Specific Needs, Challenges and Measures for Institutional Support of Roma Street Children”, approximately 190 children in street situations were taken care of in the day centres in 2015, and 600 children in street situations have made use of the services of two day centres in Skopje since their opening, see p. 8 and p. 15.

<sup>31</sup> See GRETA’s first report, paragraph 121.

70. In its first report, GRETA urged the national authorities to ensure the registration of all children at birth as a preventive measure against trafficking. GRETA was informed that there continue to be cases, in particular in Roma communities, where children are not registered at birth and, due to the lack of registration and personal documents of their parents and/or themselves, have no access to health care, social protection and education. As noted in GRETA's first evaluation report, additional complications arise when the children and their parents were born in Kosovo\*.<sup>32</sup> The inter-ministerial working group comprising representatives of the Ministry of Labour and Social Policy, the Ministry of the Interior, the Ministry of Justice, the Birth Registry Administration, Roma NGOs and Roma Informational Centres, which had been established at the time of GRETA's first evaluation, continues to make way for the issuance of birth certificates to all children. The national authorities have noted the need to change several laws and the National Action Plan 2017-2020 foresees taking action for improving the birth registry system through administrative measures. According to UNHCR data, as of December 2014, there were 734 stateless persons in the "former Yugoslav Republic of Macedonia".<sup>33</sup> This data is not disaggregated by age, so there is no indication as to how many of these persons were children. The authorities have indicated that in August 2017, experts were selected for the preparation of a methodology for collecting data on unregistered persons and children in street situations. This methodology has been prepared in co-operation with the Office for Management of Registers and the Ministry of Interior and will be start being implemented following a public call.

71. The National Action Plan 2017-2020 envisages research on Roma children as well as the development of a database on children in street situations. The national authorities have referred to the work of the previously mentioned day centres for children in street situations. In 2017, staff of these centres were given the task of registering new cases of such children through outreach work, as well as working on motivating the parents of the registered children to let them attend one of the day care centres. The authorities have also referred to a project implemented by the Ministry of Labour and Social Policy, in co-operation with the Roma Education Fund, in 19 municipalities, aimed at the inclusion of Roma children in kindergartens. Under this project, a number of workshops were organised for Roma women on the importance of pre-school education, immunisation and preventive care of their children. A new application has been submitted to the Roma Education Fund for the period 2017-2019.

72. During the evaluation visit, GRETA's attention was drawn to cases of child, early or forced marriages in the Roma community. According to the authorities, the centres for social work monitor the situation and adopt measures to prevent child marriages, including through strengthening parental competences, supervising the exercise of parental rights and taking measures to protect the rights and interests of the child, if need be by placing the child with another family or in an institution and starting a procedure for deprivation of parental rights. A consultative process is under way, involving competent State institutions and associations, on possible amendments to the legislation in order to overcome the problems in this area.

73. Recalling the recommendation made in its first report, GRETA once again urges the national authorities to take steps to ensure that all children are registered at birth.

74. Further, GRETA considers that the national authorities should strengthen their efforts in the area of prevention of child trafficking, using the results of research on new trends, by strengthening the capacity and resources of child protection professionals, raising awareness of child trafficking and its different manifestations (including forced begging, forced marriage and forced criminality), and ensuring a protective environment for children in street situations and unaccompanied or separated children.

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<sup>32</sup> See GRETA's first report, paragraph 118.

<sup>33</sup> European Network on Statelessness, Ending Childhood Statelessness, Working Paper 02/15, p. 4, available at: [http://www.statelessness.eu/sites/www.statelessness.eu/files/Macedonia\\_0.pdf](http://www.statelessness.eu/sites/www.statelessness.eu/files/Macedonia_0.pdf)

d. Social, economic and other initiatives for groups vulnerable to THB (Article 5)

75. In its first evaluation report, while welcoming the measures taken by the national authorities vis-à-vis groups vulnerable to THB, GRETA considered that the national authorities should continue to develop the aspect of prevention through social and economic empowerment measures.

76. Reference should be made to the “Macedonia Employing” project, which was initiated by the authorities to decrease unemployment by promoting the creation of new jobs, taking the needs of different groups of unemployed persons as well as the employers’ interests into account. It does not address victims of THB as a specific target group, but refers to unemployed persons who may be vulnerable to THB, such as young people and long-term unemployed persons, single parents, victims of domestic violence and disabled persons.

77. In their comments on the draft GRETA report, the authorities have referred to work carried out by Roma Information Centres, of which there are eight located within centres for social work, three in municipalities and one run by an NGO. These centres provide information, counselling and logistical support in the areas of social protection, employment, health, housing, education and the obtaining of personal documents. Further, as part the Council of Europe ROMED programme, Roma mediators are active in 10 municipalities and assist the Roma population to access employment, health services and education. Another Council of Europe programme, entitled ROMACTED (“Promoting good governance and Roma empowerment at local level”), started being implemented in December 2017.<sup>34</sup> Another relevant project is “Local Integration of Refugees, Internally Displaced Persons and Minority Groups”, as part of which workshops were held in 12 municipalities.

78. As noted in paragraph 14, the number of migrants passing through “the former Yugoslav Republic of Macedonia” in 2015-2016 was particularly high. In July 2016, the Government developed SOPs for Processing Vulnerable Categories of Foreign Nationals, in collaboration with UNHCR. Their aim is to ensure protection and assistance to vulnerable categories of foreigners in mixed migration flows.

79. The GRETA delegation visited a safe house for vulnerable categories of migrants and asylum seekers run by the international NGO Jesuit Refugee Service (JRS) since June 2015, with co-funding from the Central European Bank and the Ministry of Labour and Social Policy. The safe house can accommodate up to 36 persons, including presumed victims of trafficking detected among migrants and asylum seekers (see paragraph 109). Asylum seekers can stay at the safe house until a decision on their application for asylum is taken; however, GRETA was told that only a small number of them await the result of the application procedure.

80. GRETA refers to the concluding observations on the combined fourth and fifth periodic report on “the former Yugoslav Republic of Macedonia”, adopted by the United Nations Committee on the Elimination of Discrimination against Women at its fifty-fourth session (11 February - 1 March 2013), wherein the Committee called on the national authorities to take all appropriate measures to raise the awareness of the media on the need to eliminate gender stereotypes, to raise public awareness and provide mandatory training for judges, prosecutors, lawyers, police officers, health-service providers and social services and teaching staff in order to ensure that they are sensitised to all forms of violence against women and girls and can provide adequate gender-sensitive support to victims, and to integrate a gender-sensitive approach in all asylum and refugee process, including the application stage.<sup>35</sup> As already noted in paragraph 38, a training event for police officers, social workers and NGOs addressing the gender dimension of THB was organised in 2016.

<sup>34</sup> <http://pjp-eu.coe.int/en/web/roma-local-governance/>

<sup>35</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/MKD/CO/4-5&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/MKD/CO/4-5&Lang=En)

81. While acknowledging the measures being taken to address the vulnerability to THB of refugees and migrants, GRETA considers that the national authorities should pursue their efforts in this area and continue to take steps to reduce the vulnerability of persons belonging to Roma communities, particularly women and children, to human trafficking through social, economic and other measures. Further efforts should be made to promote gender equality, combat gender-based violence and stereotypes, and support specific policies for the empowerment of women as a means of combating the root causes of THB.

e. Measures to prevent trafficking for the purpose of organ removal (Article 5)

82. GRETA notes that while THB for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs, are distinct crimes, they share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.<sup>36</sup> Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation of each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the "donor" and ensuring that "donors" are treated as victims of trafficking in human beings. GRETA encourages the national authorities to sign and ratify the Council of Europe Convention against Trafficking in Human Organs.

83. In "the former Yugoslav Republic of Macedonia", THB for the purpose of organ removal is criminalised under Articles 418a (trafficking in human beings) and 418d (trafficking in children) of the CC. Article 10 of the Law on Removal and Transplantation of Human Body Parts prohibits trade in human organs, as well as the advertisement of offers to sell or buy human body parts. The Macedonian Association for Transplantation of Organs and Tissues supported the Declaration of Istanbul on the ban on human trafficking and transplant tourism issued in 2008 and is obliged to incorporate the principles of this Declaration into its transplantation activities.

84. According to the national authorities, the procedures for donating and receiving organs, tissues and cells are set out in governmental decrees.<sup>37</sup> The Ministry of Health, the National Co-ordinator for Transplantation of Human Body Parts and the National Co-ordinator for Hematopoietic Stem Cells are in charge of overseeing the transplant procedures and the medical care and recovery of donors and recipients. The Ministry of Health maintains, monitors and administers a waiting list for the transplantation of human body parts.

85. GRETA was informed that there have been no known cases of THB for the purpose of organ removal.

86. GRETA considers that medical professionals involved in organ transplantations and other relevant professionals should be sensitised about THB for the purpose of organ removal through training and the provision of guidance.

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<sup>36</sup> See Joint Council of Europe/United Nations Study, Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs, 2009, in particular pages 55-56; OSCE, Trafficking in human beings for the purpose of organ removal in the OSCE region: Analysis and Finding, Occasional Paper No. 6 (2013).

<sup>37</sup> Official Gazette No. 47/2011, 136/2011, 91/2013 and No. 168 of 3 December 2013. For more details, see the reply to question 21 a. and b. of GRETA's Questionnaire for the 2nd Evaluation Round.

f. Measures to discourage demand (Article 6)

87. In its first evaluation report, GRETA invited the national authorities to continue their efforts to discourage demand for the services of trafficked persons, for all forms of exploitation, in partnership with the private sector and civil society.

88. The national authorities have referred to numerous awareness-raising activities (such as the organisation of workshops, media campaigns, competitions, lectures and conferences) that were implemented to inform the public about all aspects of the phenomenon of human trafficking, including to discourage demand for the services of trafficked persons.<sup>38</sup>

89. Reference should be made to a research report published by the NGO Open Gate/La Strada on the working conditions in the shoe industry in “the former Yugoslav Republic of Macedonia” and five other European low-wage production countries.<sup>39</sup> The report raises awareness of the interlinkages of global shoe supply chains and low-wage countries and stresses the need for social responsibility and protecting the human rights of the workers in supply chains.

90. Further, the national authorities have referred to the project “Prevention of THB in Supply Chains through Government Practices and Measures”, developed by the Office of the OSCE Special Representative and Co-ordinator for Combating THB, which will provide OSCE participating States with tools and model guidelines.

91. The National Action Plan 2017-2020 foresees the organisation of public campaigns on the criminalisation of the use of services from victims of THB as well as awareness-raising measures targeting the private sector and chambers of commerce in order to reduce THB for labour exploitation.

92. GRETA considers that the national authorities should continue to make efforts to discourage demand for the services of trafficked persons, by adopting legislative, administrative, educational, social and cultural measures to discourage demand that fosters all forms of exploitation that leads to trafficking, in partnership with civil society, trade unions and the private sector.

g. Border measures (Article 7)

93. In its first evaluation report, GRETA considered that the national authorities should make further efforts to detect cases of THB in the context of border control and introduce a checklist to identify potential THB-related risks during the visa application system.

94. In 2016, the National Commission, in co-operation with IOM and with support from the Migrant and Refugee Fund and the Council of Europe Development Bank, developed Indicators for the Identification of Victims of Human Trafficking in Mixed Migration Flows. This document is meant to serve as an identification tool for professionals who come in contact with possible victims of THB. An initial check is performed at the border control by an authorised official or a representative of civil society or an international organisation.

95. In order to better identify persons vulnerable to THB among visa applicants, the Ministry of Foreign Affairs and the Ministry of the Interior have developed a questionnaire to be used by diplomatic and consular staff as well as the border crossing points when interviewing visa applicants.

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<sup>38</sup> For more details, see replies to questions 8 and 22 of GRETA's Questionnaire for the 2nd Evaluation Round and the Report submitted by the national authorities on measures taken to comply with Committee of the Parties Recommendation CP(2014)13 on the implementation of the Convention on Action against Trafficking in Human Beings.

<sup>39</sup> Available at: <http://www.lastrada.org.mk/mainarchive/labour-on-a-shoestring.pdf>

96. The national authorities have acknowledged that there is a need for awareness-raising among staff working for commercial carriers to detect and report THB cases. GRETA considers that the national authorities should include such staff in the Inter-Institutional Training Plan.

97. While welcoming the development of Indicators for the Identification of Victims of Human Trafficking in Mixed Migration Flows, GRETA considers that the national authorities should continue their efforts to detect potential victims at border crossings and provide relevant officials with training to enable early detection and referral of possible victims of THB among vulnerable groups, such as migrants and asylum seekers, including unaccompanied and separated children.

## 2. Measures to protect and promote the rights of victims, guaranteeing gender equality

### a. Identification of victims of THB (Article 10)

98. In its first evaluation report, GRETA urged the national authorities to take further steps to ensure that victims of trafficking are properly identified and can benefit from the assistance and protection measures provided for under the Convention. GRETA stressed the need to pursue a proactive approach to the identification of victims of trafficking for the purpose of labour exploitation and to pay more attention to the identification of victims among irregular migrants and asylum seekers.

99. The SOPs for the Treatment of Victims of THB,<sup>40</sup> adopted in 2008 and revised in 2010 and 2012, prescribe the roles and responsibilities of different actors during the identification process. The identification starts from the moment of obtaining information about, or making the first contact with, a possible victim. This can take place in various ways: through the activities of the police, centres for social work, labour inspectors, prosecutors, health institutions, schools, embassies, NGOs, or by presumed victims contacting themselves the authorities or NGOs. Identification is performed through an interview carried out by representatives of the Police Unit against THB and Smuggling of Migrants and/or the Office of the NRM, which operates a network of trained social workers throughout the country.<sup>41</sup> NGO representatives met during the second evaluation visit voiced their concern that the SOPs had not been reviewed since 2012.<sup>42</sup> GRETA invites the national authorities to ensure that the SOPs for the Treatment of Victims of THB are reviewed on a regular basis in order to stay abreast of emerging trends in THB.

100. In the first evaluation report, GRETA noted as a promising practice the operation of six mobile teams who proactively detect victims of THB and offer reintegration services.<sup>43</sup> After the completion of the pilot project under which these mobile teams were set up, taking into account their effective performance, the National Commission, in co-operation with the Ministry of Labor and Social Policies, launched a procedure for establishing mobile teams that will be sustainable and integrated in the system. In September 2017, a working meeting was organised with representatives of the Ministry of Labour and Social Policy, members of the Secretariat of the National Commission, NGOs and members of mobile teams, at which the functioning and responsibilities of the teams were discussed.

101. Regarding measures for the identification of victims of trafficking among refugees and migrants entering "the former Yugoslav Republic of Macedonia", reference has already been made to the adoption of the Indicators for the Identification of Victims of THB in Mixed Migration Flows developed in 2016 (see paragraph 93).

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<sup>40</sup> Available at: [http://www.mtsp.gov.mk/content/pdf/operativni\\_eng.pdf](http://www.mtsp.gov.mk/content/pdf/operativni_eng.pdf) and <http://www.mtsp.gov.mk/content/pdf/operativni.pdf>

<sup>41</sup> See GRETA's first report, paragraphs 133 and 134.

<sup>42</sup> Open Gate/La Strada, *Monitoring and Evaluation of Anti-Trafficking Laws and Policies and their Implementation in the Former Yugoslav Republic of Macedonia*, 2016, p. 53.

<sup>43</sup> See GRETA's first report, paragraph 137.

102. GRETA notes with concern that, despite the above-mentioned SOPs and the considerable efforts made in terms of training and awareness-raising, the number of formally identified victims of THB have decreased over the last years. There are concurring reports from representatives of public bodies, NGOs and international organisations that in light of the changing migration situation, the Government has decreased the financial and human resources dedicated to the identification of victims of trafficking, in particular in the Office of the NRM and the Police Unit against THB and Smuggling of Migrants.

103. As noted in paragraphs 12 and 13, the number of potential victims of THB was considerably higher than the number of formally identified victims. The authorities have clarified that a potential victim of trafficking is a person in respect of whom, based on his/her vulnerable situation and circumstances, there are indicators suggesting that he/she is or could be a victim of human trafficking, but the identification is not completed or no exploitation of the person has taken place. During the mixed migration that occurred in 2015-2016, hundreds of potential victims of trafficking were identified and offered assistance and protection, but they declined it because their sole purpose was to leave the country as soon as possible and continue to their final destination, in most cases Germany. The authorities have stressed that both identified and potential victims of trafficking receive the same treatment, but assistance and protection cannot be given without a person's consent. Unaccompanied children were assigned a social worker as a guardian and were taken care of in a special facility. Outside the mixed migration situation that occurred in 2015-2016, there have been no cases of identified potential victims of trafficking in the reporting period.

104. While the number of identified cases of trafficking for the purpose of labour exploitation is low, NGOs have expressed concerns about indications of possible cases of trafficking for the purpose of labour exploitation in different sectors (in particular agriculture, textile and show production, food processing). Officials as well as representatives of civil society and international organisations met during GRETA's second evaluation visit have stated the need to strengthen the capacity of staff of the State Labour Inspectorate to proactively detect THB for the purpose of labour exploitation. GRETA notes that the SOPs for the Treatment of Victims of THB do not include labour inspectors.

105. While acknowledging the efforts made to adopt new instruments for the identification of victims of trafficking, GRETA urges the national authorities to take additional steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:

- promoting a multi-agency involvement in victim identification by formalising the role and input of specialised NGOs;
- providing necessary human and financial resources to enable law enforcement officials, social workers, NGOs and other relevant actors to adopt a more proactive approach and increase their outreach work to identify victims of human trafficking;
- increasing efforts to proactively identify victims of trafficking for the purpose of labour exploitation by reinforcing the role and training of labour inspectors, and providing the Labour Inspectorate with the tools and resources required to effectively prevent and combat THB;
- paying increased attention to detecting potential victims of trafficking among migrants and asylum seekers and securing access to interpretation to facilitate the process.

b. Assistance measures (Article 12)

106. In its first evaluation report, GRETA welcomed the setting up of the Office of the NRM and the State centre (shelter) for victims of THB. However, GRETA urged the national authorities to strengthen their efforts to provide assistance to victims of trafficking, in particular by securing adequate financing and facilitating the reintegration of victims of THB. Further, GRETA urged the national authorities to provide suitable accommodation to child and male victims of trafficking and to ensure that presumed foreign victims are moved to the State shelter as soon as there are reasonable grounds to believe that they are victims of trafficking.

107. The assistance and protection of victims of THB is provided by the Ministry of Labour and Social Policy and its Office of the NRM, in collaboration with centres for social work<sup>44</sup> and NGOs. The Law on Social Protection provides for the right of victims of THB to receive assistance and protection in a centre for victims of THB.<sup>45</sup>

108. According to NGOs met during the visit, public funding for assistance measures for victims of trafficking has decreased significantly during the reporting period due to the significant strain on government resources caused by the influx of refugees and migrants into the country. The previous, already rather limited, public funding available for the State shelter was cut to zero in 2015 and 2016. In addition, the yearly public grants amounting to approximately 5,000 Euros for up to five NGOs specialised in THB were not awarded in 2015 and 2016. Both the National Co-ordinator and the National Rapporteur have acknowledged the urgent need for sustainable public funding for the anti-trafficking work of NGOs, in particular with regard to the State shelter for victims of trafficking. The National Co-ordinator indicated that a request for public grants had been sent to the Government in February 2017, stressing the importance of making grants to organisations providing assistance, support, reintegration and public awareness in the field of human trafficking.

109. The GRETA delegation visited the State shelter for victims of THB (which had previously been visited during GRETA's first visit).<sup>46</sup> According to figures provided by Open Gate/La Strada, 15 victims were accommodated at the shelter in 2013-2016.<sup>47</sup> All of them were female, most were citizens of "the former Yugoslav Republic of Macedonia" and the majority were under 18 years of age. At the time of GRETA's second evaluation visit, no victims were being accommodated at the shelter. Due to budgetary cuts, the NGOs Open Gate/La Strada and "For a Happy Childhood", which provide assistance to the victims at the shelter based on a Memorandum of Co-operation with the Government, had to find themselves money to cover the care of any victims. At the time of GRETA's visit, it was uncertain whether public funding for the shelter would be made available in 2017. In 2017, the Ministry of Labour and Social Policy provided 295,836 MKD (around 4,800 Euros) from its budget for the running of the State shelter for victims of THB.

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<sup>44</sup> In total, there are 30 centres for social work in "the former Yugoslav Republic of Macedonia"; see IOM National Report, Supporting Western Balkan Countries in Efficiently Responding to the Challenges Posed by Migration of Unaccompanied Minors, 2015, p. 29.

<sup>45</sup> See GRETA's first report, paragraphs 147 and 148.

<sup>46</sup> See GRETA's first report, paragraphs 148-151.

<sup>47</sup> According to statistics provided by Open Gate/La Strada, eight female victims were housed at the shelter in 2013: six national citizens and two Serbians. In 2014, five female victims stayed at the shelter: four national citizens and a 20-year-old Romanian woman. In 2015 and 2016, two 16-year-old national female victims were accommodated at the shelter.

110. Further, as noted in paragraph 78, GRETA visited a safe house for vulnerable categories of migrants and asylum seekers run by the international NGO Jesuit Refugee Service (JRS). At the time of GRETA's visit, 14 persons were staying at the safe house, including three families and two unaccompanied boys (from Afghanistan and Pakistan). GRETA was informed that since the opening of the safe house, five presumed victims of THB had been accommodated there. The safe house offers very good material condition, with families, single women, men and children being accommodated in separate bedrooms. Social workers, guardians for unaccompanied children, psychologists, teachers and translators into Arabic and Farsi work at the safe house. The delegation was informed that staff have received training on THB.

111. The GRETA delegation also visited the holding centre for foreigners in Skopje, which holds various categories of persons whose stay in the country is irregular, including victims of trafficking until they are issued a residence permit.<sup>48</sup> The centre, which had been visited by GRETA at the time of the first evaluation visit,<sup>49</sup> was in a rather poor material condition, even though it had been partially renovated in 2016. GRETA was informed that the centre would be closed and a site for the construction of a new centre had already been selected. At the time of GRETA's visit, five migrants were held at the centre while their identity was being established.

112. NGOs have indicated that persons who are recognised as victims of trafficking do not receive any formal notification as such, making it at times difficult for them to justify their entitlement to free medical or legal assistance.

113. Victims of trafficking are included among the categories of persons entitled to health protection if they cannot receive health insurance on other grounds.<sup>50</sup>

114. Since GRETA's first evaluation, a Programme for Assistance and Support in the Reintegration of Victims of THB has been adopted. Individual reintegration plans are drawn up for victims of THB and centres for social work are responsible for following their implementation, in partnership with other institutions at the local level such as the Employment Service Agency, local self-government units and NGOs. The national authorities have made particular reference to the reintegration support provided by the NGO Open Gate/La Strada (such as the provision of psycho-social counselling, medical assistance, educational programmes and standard kits including clothes, food and hygiene articles).<sup>51</sup> The Ministry of Labour and Social Policy has organised training sessions on how to implement the reintegration programme in the municipalities of Kochani, Probishtip, Kumanovo and Debar for 60 representatives from the Social Affairs Centres, the Police, health centres, local self-government and educational centres. Two projects on the reintegration of victims, involving the Ministry of Labour and Social Policy and the NGOs Open Gate/La Strada and "Equal Access", were financially supported by the King Baudouin Foundation of Belgium and GIZ.<sup>52</sup> GRETA understood that these projects have ended.

115. GRETA urges the national authorities to take steps to improve the assistance for victims of trafficking, and in particular to:

- ensure that there are adequate financial and human resources for the assistance of presumed and formally identified victims of trafficking, including by specialised NGOs mandated to provide assistance;

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<sup>48</sup> According to figures provided by officials of the centre for foreigners at the time of GRETA's visit, 19 foreigners had been accommodated in January and February 2017, including two women. In 2016, the number of foreigners accommodated at the centre was 389, of whom 49 were women. In 2015, the number of foreigners was 1,346, of whom 249 were women. Most of the accommodated foreigners came from Syria, Afghanistan and Iraq.

<sup>49</sup> See GRETA's first report, paragraph 155.

<sup>50</sup> See GRETA's first report, paragraph 153.

<sup>51</sup> For further details, see Report submitted by the national authorities on measures taken to comply with Committee of the Parties Recommendation CP(2014)13 on the implementation of the Convention.

<sup>52</sup> See GRETA's first report, paragraphs 36 and 137.

- provide adequate assistance measures, including accommodation, to presumed and formally identified male victims of THB;
- strengthen support for the reintegration of victims of trafficking into society, by offering vocational training, assistance to find jobs and providing adequate resources to services assisting victims in their integration;
- ensure that presumed foreign victims of trafficking are moved to the State shelter for victims of THB as soon as there are reasonable grounds to believe that they are victims of trafficking.

c. Identification and assistance of child victims of THB (Articles 10 and 12)

116. When a presumed child victim of trafficking is detected, the centre for social work should be contacted in order to ensure the protection of the rights and safety of the child and appoint a guardian.<sup>53</sup> The Law on Foreigners and the Law on Asylum and Temporary Protection are the core laws regulating unaccompanied children. According to Article 112 of the Law on Foreigners, the Ministry of the Interior, upon identification of an unaccompanied child, has to immediately inform the diplomatic or consular mission of the country of the child's citizenship in order to identify members of her/his immediate family, and notify competent authorities which will appoint a legal guardian. The centres for social work appoint the legal guardian who represents the unaccompanied child and ensures her/his best interests. If the unaccompanied child cannot be immediately transferred to the authorities of her/his country of nationality, the child will be placed in a special unit for children within the reception centre for foreigners (see paragraph 110). During her/his placement at the reception centre for foreigners, the unaccompanied child is entitled to legal, social, medical and psychological assistance, as well as to education. Articles 80, 81 and 82 of the Law on Foreigners regulate the temporary residence permit of unaccompanied children issued for humanitarian reasons. According to Article 23, paragraph 1, of the Law on Asylum and Temporary Protection, there is no explicit time frame for the appointment of the guardian, but the words "as soon as possible" are used to set the timing. Pursuant to Article 23, paragraph 4, of the Law on Asylum and Temporary Protection, the Ministry of the Interior is obliged to take all necessary measures to trace the members of the family of the unaccompanied child.

117. In their comments on the draft GRETA report, the national authorities have indicated that the Ministry of Labour and Social Policy, through the competent centres for social work, keeps records of the situation of recorded children in street situations and measures taken in relation to them. In cases where a centre for social work has determined that the parent has recruited the child for begging or uses the child for begging, the centre issues a warning and can take a decision to assume permanent supervision over the performance of parental rights and duties. If the parent does not act in accordance with the instructions of the centre for social work, the child is removed from the parent, the centre initiates a procedure for revoking the parental rights before the competent court and files criminal charges against the parent.

118. Child victims of trafficking are accommodated at the State shelter for victims of THB before they return to their family or are placed with a foster family. Foreign child victims can be accommodated at the safe house for vulnerable categories of migrants and asylum seekers (see paragraph 78). In 2016, the Ministry of Labour and Social Policy conducted specialised training for foster parents in order to enhance their capacities in providing assistance to child victims of THB. The training, which was supported by GIZ, was conducted in co-operation with the Social Affairs Institute and the NGO "For a Happy Childhood".

<sup>53</sup> See GRETA's first report, paragraph 139.

119. Further, in 2014, the Government adopted a Programme of Support in the Reintegration of Child Victims of Trafficking. The programme aims at enabling a comprehensive application of legal instruments, providing for systematic support and assistance by the relevant institutions, facilitating access to services, sustaining reintegration and preventing re-trafficking. The programme is implemented through the Ministry of Labour and Social Policy and staff from the centres for social work, in co-operation with NGOs. It forms the basis for drafting an individual plan for the reintegration of child victims of THB, which defines the measures concerning the victim and his/her family members. The individual reintegration plan, which takes into account the child's physical, psychological, psychiatric, legal and social needs, is prepared by a team of experts from centres for social work and the responsible professionals from the shelter for victims of THB and reception centre for foreigners. The individual reintegration plan has a minimum duration of one year. According to the SOPs for the Treatment of Victims of THB, the expert team from the centre for social work makes a risk assessment according to the Family Assessment Form, which is foreseen in the Programme for Assistance and Support for Reintegration and Re-socialisation of Children Victims of Trafficking. The assessment of the family is carried out in order to determine the eligibility of the family and its capacities for participation in reintegration and re-socialisation. The monitoring of the implementation of the children's reintegration programme lasts at least one year, but can be extended if the expert team of the centre for social work considers this necessary.

120. According to Article 112 of the Law on Foreigners, unaccompanied children who cannot be transferred to the authorities of their country of origin are to be accommodated at the holding centre for foreigners referred to in paragraph 110. According to officials, during the reporting period, unaccompanied children had not been placed at the holding centre for foreigners which was visited by GRETA. However, GRETA was informed by representatives of NGOs and international organisations met during the visit that unaccompanied children had been housed at the centre in recent years.<sup>54</sup> As stressed in GRETA's first evaluation report, the holding centre is effectively a detention facility and not the appropriate environment for victims of trafficking.<sup>55</sup> GRETA recalls paragraph 155 of the Explanatory Memorandum to the Convention and Article 37 (b) of the UN Convention on the Rights of the Child, according to which any detention of children shall be used only as a measure of last resort and for the shortest appropriate period of time.<sup>56</sup> GRETA stresses that, in line with Article 12.7 of the Convention, the accommodation of presumed child victims of trafficking has to be appropriate in terms of their specific needs.

121. If the age of the victim is not known, but there are reasons to believe that she/he has not reached 18 years of age, there is a presumption that the victim is a child and she/he benefits from appropriate assistance measures until the age is determined. However, there does not appear to be a standardised procedure for age assessment. According to the national authorities, the age is assessed during an interview, paying attention not only to physical indicators, but also to the psychological maturity of the person. Trained experts from the Ministry of Labour and Social Policy (psychologists and social workers), together with police officers of the Unit for THB and smuggling of migrants, interview the person concerned in order to obtain basic data concerning his/her country of origin, date and place of birth, parents, relatives, education history and age difference with siblings. Information about the person is also sought from the countries through which the person reportedly passed before arriving in the "former Yugoslav Republic of Macedonia", regarding the possibly of prior possession of a valid identification document. A medical examination is foreseen only in exceptional cases.

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<sup>54</sup> According to the report to the Government of "the former Yugoslav Republic of Macedonia" on the visit by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 17 October 2014, at the time of CPT's visit, the establishment was accommodating 265 foreign nationals (245 male and 20 female) including 29 children of whom 13 were unaccompanied.

<sup>55</sup> See GRETA's first report, paragraph 155.

<sup>56</sup> <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>. See also the Council of Europe's Strategy for the Rights of the Child 2016-2021 and the UN Guidelines on Alternative Care for Children.

122. While welcoming the adoption of a Programme of Support in the Reintegration of Child Victims of Trafficking, GRETA urges the national authorities to take further steps to improve the identification of, and assistance to, child victims of trafficking, and in particular to:

- ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, by paying particular attention to children in street situations, Roma children and unaccompanied children;
- provide further training to stakeholders (police officers, social workers, health-care and education professionals) as well as guidance for the identification of child victims of THB;
- provide support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training;
- in line with the best interests of the child and the Council of Europe's Action Plan on protecting refugee and migrant children (2017-2019),<sup>57</sup> seek alternatives to the detention of unaccompanied children;
- ensure long-term monitoring of the reintegration of child victims of trafficking;
- ensure that proper risk assessment is conducted before returning children to their parents, taking into account the best interests of the child.

d. Protection of private life (Article 11)

123. The national authorities have made reference to the Law on the Police, which obliges police officers to preserve the confidentiality of data and information they have obtained during or for the purpose of performing police work, and which are personal or classified. The obligation to preserve the confidentiality of data and information continues after the termination of employment by the Ministry of the Interior. Moreover, officials in charge of a THB case are obliged to keep and protect relevant documents pursuant to the CC and the Law on Classified Information.

124. GRETA was informed that the Ministry of Labour and Social Policy keeps the records of victims of THB, whereas the Ministry of the Interior keeps the records of perpetrators of criminal acts. Further, the Directorate for Personal Data Protection supervises the processing of personal data and its protection.

125. The SOPs for the Treatment of Victims of THB provide a statement template for interpreters whereby they confirm that they will treat all information and data obtained during interviews of victims of human trafficking as confidential and shall not abuse, comment upon or otherwise publicly expose the respective information after the interview.

e. Recovery and reflection period (Article 13)

126. In its first evaluation report, GRETA welcomed the provision in the Law on Foreigners of a recovery and reflection period (referred to as a "decision-making period" in national law) longer than the minimum of 30 days envisaged under the Convention and the application of this period to both domestic and foreign victims of THB. However, GRETA urged the national authorities to ensure that this period is not conditional on the victim's co-operation with the law enforcement authorities and that no termination of the period is carried out on the grounds of the victim having renewed contacts with the suspected traffickers without due regard to the person's individual situation.

<sup>57</sup>

Adopted at the [127th Session of the Committee of Ministers](#) in Nicosia, Cyprus, on 19 May 2017.

127. There have been no changes to the legal provisions concerning the recovery and reflection period. It must be recalled that, in “the former Yugoslav Republic of Macedonia”, the recovery and reflection period is regulated by Article 81 of the Law on Foreigners, pursuant to which: “a foreigner for whom there are grounds to suspect that he/she is a victim of the criminal offence of trafficking in human beings is given a decision-making period of up to two months in order to provide him/her with protection, assist him/her to recover and escape the influence of the traffickers”. In the course of the decision-making period, the foreign victim of THB must agree to co-operate with the competent authorities in the detection of the criminal offences or return to his/her country of origin or legal residence. In the case of children, taking account of their best interests, the period may be extended. During the decision-making period, the foreigner cannot be expelled from the country. The decision-making period may be terminated if the foreign victim of trafficking voluntarily, actively or upon her/his own initiative renews contacts with the suspected traffickers, or for reasons of public order and national security.<sup>58</sup>

128. As stated in the SOPs for the Treatment of Victims of THB, both foreign and national victims are to be offered a “decision-making period”.<sup>59</sup> According to statistics provided by the national authorities, 21 female victims of trafficking were granted a recovery and reflection period since GRETA’s first evaluation (in 2013: six women and five girls; in 2014: one woman and one girl; in 2015: one woman and two girls; in 2016: two women and three girls). Most of the victims originated from Serbia, Albania and Romania.

129. According to the national authorities, a new Law on Foreigners would incorporate GRETA’s recommendations. GRETA urges the national authorities to review the legislation in order to ensure that the recovery and reflection period provided for in Article 13 of the Convention is specifically defined in law, and that all possible victims of trafficking are offered a recovery and reflection period as well as all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period. The authorities performing identification should be issued with clear instructions stressing the need to offer the recovery and reflection period as stipulated in the Convention, i.e. not making it conditional on the victim’s co-operation, and offering it to victims before formal statements are made to investigators; furthermore the procedure for granting a recovery and reflection period should be spelled out.

f. Residence permits (Article 14)

130. In its first evaluation report, GRETA urged the national authorities to ensure that victims of THB are systematically informed of the right to be granted a renewable residence permit and can take full advantage of it. In addition, GRETA invited the national authorities to consider granting temporary residence permits to victims who do not co-operate with the competent authorities.

131. As explained in GRETA’s first report, pursuant to Article 82 of the Law on Foreigners, upon the expiry of the “decision-making period”, a foreign victim of THB may be granted a temporary residence permit on the following conditions: her/his stay in the country is necessary for the conduct of court proceedings, she/he shows a clear intention to co-operate with the competent authorities in the detection of criminal offences, and she/he has severed contacts with the suspected traffickers. The permit is issued for a period of up to six months, which can be extended if the previously-mentioned conditions persist. The temporary residence permit can be withdrawn if the foreign victim voluntarily, actively and on their own initiative renews contacts with the traffickers, for reasons of public order and national security, if the victim no longer co-operates with the competent authorities or if the competent authorities decide to stop the procedure.<sup>60</sup>

<sup>58</sup> See GRETA’s first report, paragraphs 158 and 159.

<sup>59</sup> See GRETA’s first report, paragraph 160.

<sup>60</sup> See GRETA’s first report, paragraphs 165-167.

132. According to governmental statistics, five victims of trafficking were granted a residence permit during the reporting period (in 2013: three victims; in 2014: two victims). In 2017, one Nigerian girl was given subsidiary protection, but she subsequently left “the former Yugoslav Republic of Macedonia” (see paragraph 67).

133. According to the national authorities, the new Law on Foreigners would incorporate GRETA’s recommendations. GRETA recalls that Article 14 of the Convention allows Parties to choose between either granting a residence permit for the purpose of co-operation with the authorities or on account of the victim’s needs, or indeed to allow the granting of permits on both of these grounds. There are situations in which victims might be afraid to co-operate in the investigation because of threats from the traffickers. Granting a residence permit to a victim on account of their personal situation takes in a range of situations, such as the victim’s safety, state of health and family situation, and tallies with the human-rights based approach to combating THB. GRETA once again invites the national authorities to consider granting temporary residence permits to victims of THB on the basis of their personal situation, in addition to the residence permit on the basis of the victim’s co-operation in the investigation or criminal proceedings.

134. Further, GRETA considers that the national authorities should ensure that all foreign victims of human trafficking are properly informed about their right to receive a renewable residence permit, without prejudice to the right to seek and enjoy asylum.<sup>61</sup>

g. Compensation and legal remedies (Article 15)

135. In its first evaluation report, GRETA urged the national authorities to adopt measures to enable victims of trafficking to exercise their right to compensation, in particular by setting up a State compensation scheme accessible to victims of THB.

136. There have been no changes to the legal provisions concerning compensation since the first evaluation report. Victims of THB may file a request for compensation for material and non-material damages at any stage of the criminal proceedings. The court may also refer the victim to the civil procedure for exercising her/his right to receive compensation, but the civil procedure is reportedly never used as it is expensive and the offender’s presence in court is required. Pursuant to the Criminal Procedure Law, a victim of a crime for which a prison sentence of at least four years is prescribed is entitled to compensation from a State fund under the terms and in the manner prescribed by a special law, if compensation cannot be recovered from the defendant. However, such a law is yet to be adopted.

137. The national authorities have indicated that no victim of THB applied for and received compensation during the reporting period. There were two judgements in THB-related cases resulting in the confiscation of the perpetrator’s assets and four judgements in the confiscation of instrumentalities of crime (see also paragraph 159).

138. Reference should be made to a programme adopted by the Ministry of Justice in 2016 pursuant to the Law on Juvenile Justice, on compensation of child victims of trafficking or children harmed by a violent crime or other acts of individual or group violence. GRETA was informed that 500,000 MKD were allocated by the Ministry of Justice for the implementation of this programme. The compensation is granted by the Ministry of Justice at the latest 30 days after the receipt of the decision on compensation issued by a competent court. However, the national authorities did not provide GRETA with information on the number of child victims who had received such compensation and the funding allocated to it in the budget for 2017.

<sup>61</sup> See [UNHCR, Guidelines on International Protection: The application of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking, HCR/GIP/06/07, 7 April 2006.](#)

139. According to officials, the Government intends to set up a State fund for the compensation of victims of violent crime. Reference was already made in paragraph 50 to the report prepared by the NGO Open Gate/La Strada in 2016 on the modalities for setting up a State fund for the compensation of victims of violent crime. The National Action Plan 2017-2020 foresees the conduct of a research study in order to improve access to compensation for victims of trafficking as well as the setting up of a working group to draft a bill for a compensation fund for victims of violent crimes. As part of the “Horizontal Facility Action on Preventing and Combating Trafficking in Human Beings”, an international seminar on good practices in establishing a State compensation scheme accessible to victims of trafficking in human beings was organised in Skopje on 10 November 2017. The objectives of the seminar were to present in other countries’ models of State compensation schemes accessible to victims of trafficking in human beings or specifically set up for such victims and to examine the modalities for setting up a State compensation scheme in the country. At the seminar, representatives of the Ministry of Justice underlined the political will of the Ministry to build an effective mechanism for compensation of victims of human trafficking. In addition, an information leaflet was produced for victims of human trafficking on their rights and the services available.

140. Victims of THB are entitled to free legal aid, according to the Law on Free Legal Aid.<sup>62</sup> Similar to the situation at the time of the first evaluation, GRETA was informed that the procedure was complicated and the conditions for obtaining free legal aid too difficult to meet. As a result, victims of trafficking continue to be assisted by a lawyer paid for by the NGO Open Gate/La Strada.

141. GRETA once again urges the national authorities to take steps to facilitate and guarantee effective access to compensation to victims of THB, and in particular to:

- ensure that all victims of human trafficking are systematically informed of their right to compensation and the procedure to be followed;
- enable victims of THB to exercise their right to compensation by guaranteeing them effective access to legal aid, if necessary by reviewing the procedure for granting legal aid, and by building the capacity of legal practitioners to support victims to claim compensation;
- set up a State compensation scheme accessible to victims of THB, regardless of their nationality and immigration status;
- include victim compensation in training programmes for law enforcement officials, prosecutors, judges and lawyers.

h. Repatriation and return of victims (Article 16)

142. In its first evaluation report, GRETA considered that the national authorities should take further steps to ensure that the return of victims of trafficking to another state is conducted with due regard for the rights, safety and dignity of the person and for the status of any legal proceedings related to the fact that the person is a victim, and is preferably voluntary.

143. Pursuant to the SOPs for the Treatment of Victims of THB, the Office of the NRM, in co-operation with the Police Unit against THB and Smuggling of Migrants and NGOs, is responsible for the safe return of victims of THB. The competent institutions are the Ministry of the Interior, the Ministry of Labour and Social Policy and the Ministry of Foreign Affairs, with a possible involvement of NGOs and IOM.<sup>63</sup>

<sup>62</sup> See GRETA's first report, paragraph 152.

<sup>63</sup> See GRETA's first report, paragraphs 178-182.

144. The IOM Office in Skopje continues to run a Programme for Assisted Voluntary Return and Reintegration of migrants, which is accessible to victims of THB. The victim's return is financed entirely by IOM. The Border Police provides assistance in order to facilitate the procedure at the border crossings. IOM is in regular communication with the relevant institutions involved in the return process.

145. According to the national authorities, eight female victims of THB, originating from Serbia, Albania, Kosovo\* and Romania, were repatriated to their countries of origin in the reporting period (in 2013: five women and one girl; in 2014: one woman; in 2016: one woman). In the same period, six female victims were repatriated to "the former Yugoslav Republic of Macedonia" from other countries (in 2013: one woman, three girls; in 2014: one girl; in 2015: one girl) from France, Croatia, Switzerland and Italy.

146. GRETA invites the national authorities to continue their efforts to ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity, is preferably voluntary and complies with the obligation of *non-refoulement*. This includes informing victims about existing support programmes, protecting them from re-victimisation and re-trafficking. Full consideration should be given to the UNHCR's guidelines on the application of the Refugees Convention to trafficked people.<sup>64</sup>

### 3. Substantive criminal law

#### a. Criminalisation of THB (Article 18)

147. Trafficking in adults continues to be criminalised in Article 418a of the CC as described in the first report.<sup>65</sup> Pursuant to the 2015 amendments to the CC, the list of exploitative purposes in Article 418d of the CC concerning trafficking in children has been expanded to include exploitation of begging and exploitation for illegal activities, and the penalties have been increased where the victims under 14 years of age. The amended Article 418d of the CC reads as follows:

"Article 418d CC - Trafficking in children

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

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

(3) Whosoever uses or enables another to use for sexual services or other type of exploitation a child while knowing, or should have known, that the child is a victim of human trafficking, shall be sentenced to imprisonment of at least eight years.

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

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

<sup>64</sup> <http://www.unhcr.org/publ/PUBL/443b626b2.pdf>

<sup>65</sup> See GRETA's first report, paragraph 14.

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

(7) The consent of the child to the actions envisaged in paragraph 1 is not relevant for establishing the crime in paragraph 1.

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

(9) The immoveables, objects and means of transport used for the commission of the crime shall be seized."<sup>66</sup>

148. In its first evaluation report, GRETA invited the national authorities to ensure that all the aggravating circumstances included in the Convention are appropriately taken into account and that all the actions listed under Article 20 of the Convention are established as criminal offences. In reply to these recommendations, the national authorities have stated that legal analyses were on-going. GRETA would like to be kept informed of their outcome.

149. Article 418b of the CC, entitled "smuggling of migrants", criminalises an offence which is a combination of means and actions similar to those related to human trafficking, the difference being that there is no element of exploitation. GRETA noted in its first report that the co-existence of this offence with the offence of THB under Article 418a of the CC might account for the low number of formally identified victims of trafficking and invited the national authorities to examine the relationship between Articles 418a and 418b of the CC with a view to clarifying the scope of application of these two provisions. To GRETA's knowledge, such an examination has not taken place. The national authorities have highlighted that the plan for inter-institutional training on combating THB (see paragraph 32) includes training of all involved actors (police officers, judges, public prosecutors, labour inspectors, social workers and others) with regard to the differentiation of these two crimes. In their comments on the draft GRETA report, the national authorities have stated that the reduced number of identified victims of THB is not due to a confusion between Articles 418a and 418b of the CC, but to the abolition of dedicated staff dealing exclusively with THB, the continuous reduction of the capacity of the Unit for THB and Smuggling of Migrants, and the insufficient engagement of labour inspectors, health professionals, educational staff and social workers. GRETA considers that the national authorities should take further steps to ensure that relevant professionals have a good understanding of the differences between human trafficking and smuggling of migrants.

b. Criminalisation of the use of services of a victim (Article 19)

150. As explained in the first evaluation report, the known use of services of victims of trafficking is criminalised by Article 418a, paragraph 3, of the CC (concerning adults) and Article 418d, paragraph 3, of the CC (concerning children). The authorities have indicated that there were four convictions for the use of services of a victim of trafficking in 2014. GRETA welcomes the practical application of the criminalisation of the use of services of a victim of trafficking and invites the national authorities to continue promoting its application.

c. Corporate liability (Article 22)

151. The criminal liability of a legal entity is established in Article 418a, paragraph 6, of the CC (concerning trafficking in adults) and Article 418d, paragraph 8, of the CC (concerning trafficking in children). The sanction envisaged is a fine. Further, pursuant to Articles 96a and 96b of the CC, other sanctions may be imposed by courts on legal entities, including a temporary or permanent ban on performing a specific activity and termination of the legal entity.<sup>67</sup> GRETA invites the national authorities to keep under review the application of the corporate liability provisions in THB cases with a view to ensuring that they are effectively applied in practice.

d. Non-punishment of victims of THB (Article 26)

152. At the time of the first evaluation, there was no specific provision in national law stipulating that victims of THB are not to be punished for their involvement in unlawful activities, to the extent that they have been compelled to do so. GRETA urged the national authorities to take legislative measures allowing for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, and to issue guidance to the prosecutorial and judicial authorities on the issue of non-punishment of victims of THB.

153. GRETA was informed that there were no reported cases of trafficked persons being charged or prosecuted for unlawful activities that they were compelled to commit in the period 2013 to 2016. In 2014, the National Commission conducted, in co-operation with civil society and supported by the OSCE Mission to Skopje, an analysis of the application of the non-punishment provision in domestic legislation and legal practice. The analysis resulted in concrete recommendations for harmonisation of the national law and practice with international standards in this respect. In 2015, a debate among relevant stakeholders was held during which the findings and recommendations of the analysis were presented and discussed. In June 2016 the National Commission organised a workshop for a variety of stakeholders which covered, *inter alia*, the application of the non-punishment principle.

154. In the course of the second evaluation visit, GRETA was informed by officials of plans to introduce a non-punishment provision in law. Upon the initiative of the National Commission, draft amendments were prepared by a national expert in order to incorporate the non-punishment provision in the Criminal Code. The authorities have stated that after verification of the proposal, steps will be taken to amend the CC.

155. GRETA welcomes the steps taken since the first visit to analyse the application of the non-punishment provision and to further promote its application in practice. Nevertheless, GRETA urges the national authorities to take additional measures to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as contained in Article 26 of the Convention. Such measures should include the adoption of a specific legal provision and/or the development of guidance for police officers and prosecutors on the scope of the non-punishment provision, including with regard to administrative/civil law sanctions. Reference is made in this context to the recommendations on non-punishment for legislators and prosecutors contained in the paper issued by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Co-ordination Team.<sup>68</sup>

<sup>67</sup> See GRETA's first report, paragraph 190.

<sup>68</sup> <http://www.osce.org/cthb/101002>

## 4. Investigation, prosecution and procedural law

### a. Measures related to ensuring effective investigations (Articles 1, 27 and 29)

156. In its first evaluation report, while welcoming the law enforcement and prosecution efforts against THB in “the former Yugoslav Republic of Macedonia”, GRETA considered that the national authorities should further develop the specialisation and training of prosecutors and judges with view to an effective prosecution of THB crimes.

157. As described in the first report, a criminal investigation into THB is initiated *ex officio* by the Public Prosecutor’s Office for Organised Crime and Corruption. The investigation of all THB cases is entrusted to the specialised Police Unit against THB and Smuggling of Migrants, which works in close co-operation with the Financial Crime Department. At the time of GRETA’s visit, seven police officers were working in this unit, which is four less than during GRETA’s first evaluation.<sup>69</sup> Officials stressed the need for more staff to effectively carry out the work involved. The Basic Court Skopje 1 remains the only court in “the former Yugoslav Republic of Macedonia” dealing with cases of THB.<sup>70</sup>

158. Special investigation techniques are regulated by Articles 252-256 of the Criminal Procedure Law and include, among others, interception of communication, secret surveillance and use of undercover agents.<sup>71</sup> Further, the interception of communications is regulated by the Law on Interception of Communications which, among other things, regulates the procedure, manner of taking actions, keeping and use of data obtained by the means of interception of communications.

159. Criminal acts related to THB which are performed through the Internet are criminalised through Articles 193 (displaying pornographic material to a child) and 193-a (production and distribution of child pornography) of the CC. The Ministry of the Interior has created an application, “Red Button”, for reporting crimes, including child pornography and child abuse. Information about suspected offences can also be submitted by e-mail to the Sector for Cybercrime and Digital Forensics at the Ministry of the Interior. In order to detect criminal offences in the area of child pornography, the Sector for Cybercrime and Digital Forensics carries out proactive investigations on the Internet, in particular of social networks, in order to detect perpetrators, places where child sexual abuse images and materials is exchanged and cases of child abuse.

160. According to statistics provided by the national authorities, 10 investigations into THB cases were initiated during the period 2013-2016 (in 2013: one investigation; in 2014: three investigations; in 2015: three investigations; in 2016: three investigations). There were three convictions for THB in 2013, one in 2014, five in 2015 and one in 2016, with sentences ranging from four to 10 years. In the investigations opened in 2014, eight police officers were alleged to have been involved in the perpetration of THB. The Sector for Internal Control and Professional Standards initiated disciplinary procedures against them. Criminal charges were laid against all of the police officers, seven of whom were detained, subsequently convicted and sentenced to imprisonment of several years.

161. Two judgements resulted in confiscation of criminal assets (in 2015) and four judgements in confiscation of instrumentalities of crime (three in 2015 and one in 2014). According to the Public Prosecutor’s Office, there have been no prosecutions for THB for the purpose of forced labour during the reporting period.

<sup>69</sup> See GRETA’s first report, paragraph 29.

<sup>70</sup> See GRETA’s first report, paragraphs 31 and 32.

<sup>71</sup> See GRETA’s first report, paragraph 199.

162. GRETA notes that five perpetrators were sentenced to probation, which appears to go against the minimum sanctions stipulated by Articles 418a and 418d of the CC. The national authorities have indicated that Article 40 of the CC allows the court to determine a sentence lower than the sanction prescribed by law if mitigating circumstances justifying a reduced sentence exist.

163. GRETA notes with concern that the number of convictions for THB is rather low. While noting that the arrival of increased numbers of migrants had taken up most of the available resources, officials met during the country visit acknowledged that the police need to adopt a more proactive approach to combating THB. In their comments on the draft GRETA report, the national authorities have indicated that a two-day workshop was held on 13-14 September 2017 in Skopje, to assess the experience of Serbia in the establishment of a Task Force combating the smuggling of migrants and THB. The setting up of a similar task force in "the former Yugoslav Republic of Macedonia", entitled "National Unit for Combating Trafficking in Human Beings and Smuggling Migrants", is envisaged in the Action Plan and Strategy for 2017-2020. It will be composed of representatives of the Ministry of Internal Affairs, including a member of the Department of Financial Crimes within the Department for the Suppression of Organised and Serious Crime, and prosecutors from the Basic Public Prosecutor's Office for Organised Crime and Corruption. The authorities believe that this will contribute to a more efficient fight against trafficking in human beings and illegal migration through timely communication between the relevant authorities. An analysis has been made of the shortcomings in conducting financial investigations. By the end of 2017, an inter-ministerial working group is supposed to begin drafting a National Strategy for Strengthening Capacities for Carrying out Financial Investigation and Property Confiscation.

164. GRETA urges the national authorities to take further measures to ensure that THB cases are investigated proactively, prosecuted successfully and lead to effective, proportionate and dissuasive sanctions, in particular by:

- identifying gaps in the investigation and prosecution of THB cases;
- securing adequate funding and sufficient staff for the investigative work of the police;
- sensitising investigators, prosecutors and judges to the rights of victims of THB and developing further their specialisation in dealing with THB cases and apply the provisions criminalising THB.

165. Further, recalling the obligation of the Parties to the Convention to confiscate criminal assets linked to human trafficking, GRETA considers that the national authorities should intensify their efforts to identify, seize and confiscate criminal assets generated by trafficking offences.

b. Protection of witnesses and victims (Article 28)

166. In its first evaluation report, GRETA considered that the national authorities should make full use of the measures available to protect victims and witnesses of THB.

167. As explained in GRETA's first report, pursuant to the Criminal Procedure Law, victims are entitled to special measures of procedural protection. Victims of THB have the right to be interviewed through the use of audio-video devices and to ask for exclusion of the public from the main hearing. Further, the Law on Witness Protection provides for the inclusion of victims in a witness programme and there is a special Witness Protection Unit. Special measures on the protection of children during criminal proceedings are provided under the Law on Juvenile Justice and the Criminal Procedure Law, the latter providing for questioning by video conference.<sup>72</sup>

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<sup>72</sup> See GRETA's first report, paragraphs 205 and 206.

168. The national authorities have indicated that no special protection measures pursuant to the Law on Witness Protection have been applied to victims of THB during the reporting period. According to information provided by NGOs,<sup>73</sup> special measures for the protection of victims/witnesses inside and outside a courtroom were put in place on three occasions in 2015.

169. GRETA considers that the national authorities should make full use of existing measures to protect victims and witnesses of THB from potential retaliation or intimidation before, during and after criminal proceedings.

c. Jurisdiction (Article 31)

170. Article 116, paragraph 1, of the CC establishes jurisdiction over anyone who commits a criminal offence on the territory of "the former Yugoslav Republic of Macedonia". Article 116, paragraphs 2 and 3, of the CC extends jurisdiction to criminal offences committed on board a national ship or aircraft. The CC stipulates that criminal jurisdiction will apply to citizens of "the former Yugoslav Republic of Macedonia" who commit a criminal offence outside the country's territory and who find themselves on the territory of "the former Yugoslav Republic of Macedonia" or are extradited to "the former Yugoslav Republic of Macedonia". Further, the CC applies to an offender who is not a citizen of "the former Yugoslav Republic of Macedonia" if she/he commits a criminal offence against a national of "the former Yugoslav Republic of Macedonia" outside the country's territory and finds her/himself on the territory of "the former Yugoslav Republic of Macedonia" or is extradited. The criminal jurisdiction also applies to a person who is not a citizen of "the former Yugoslav Republic of Macedonia" and who commits an offence against a foreign national outside the country under the condition that the law of the country in which the crime was committed provides for a penalty of at least five years' imprisonment if the offender is caught on the territory of "the former Yugoslav Republic of Macedonia" and is not extradited to a foreign country.

171. According to the authorities, the national legislation allows a foreign victim to file a complaint in her/his country of origin if the criminal act has been performed on the territory of "the former Yugoslav Republic of Macedonia". In the period 2013-2016 one case was recorded involving a foreign victim of THB from Albania, where the complaint was submitted in the victim's country of origin.

## 5. International co-operation and co-operation with civil society

a. International co-operation (Articles 32 and 33)

172. Co-operation with other countries in combating THB is based on the Law on International Legal Assistance in Criminal Matters, the Criminal Procedure Law, treaties to which the country is a Party and relevant bilateral agreements.<sup>74</sup>

173. The national authorities have made reference to several recent initiatives for co-operation in preventing THB and illegal migration:

- Memorandum of Understanding with the Governments of Serbia, Austria and Hungary on the management of mixed migration flows, signed in Ohrid on 4 September 2015;
- Declaration adopted at the High Level Ministerial for the South-Eastern Mediterranean and Western Balkans route (Luxembourg, 8 October 2015);
- Leaders' Statement adopted at the Leaders' Meeting of the Heads of States or Countries Dedicated to the Refugee Crisis (Brussels, 25 October 2015);
- Joint Declaration adopted by the Ministerial Conference of the Salzburg Forum (Sofia, 18-19 November 2015).

<sup>73</sup> Open Gate/La Strada, Monitoring and Evaluation of Anti-Trafficking Laws and Policies and their Implementation in the Former Yugoslav Republic of Macedonia in 2014 and 2015, 2016, p. 21.

<sup>74</sup> For more details, see GRETA's first report, paragraphs 93-98, and the list of bilateral agreements in Annex 17 of the Reply of "the former Yugoslav Republic of Macedonia" to GRETA's Questionnaire for the 2nd Evaluation Round.

174. Negotiations on the signing of a protocol on co-operation in the area of combating THB between “the former Yugoslav Republic of Macedonia” and Kosovo\* were finalised in November 2017. Further, the National Commission has initiated the signing of a similar protocol with Montenegro and a meeting to discuss the draft text took place at the end of October 2017.

175. “The former Yugoslav Republic of Macedonia” is Party to the Police Co-operation Convention for the Southeast Europe. In accordance with the provisions of this Convention which provide for establishing Joint Investigation Teams, the fourth workshop “Use of the Joint Investigation Teams for Combating Trafficking in Human Beings in the Western Balkans” was held on 8-10 July 2014 in Skopje. Two more workshops on the same topic were organised in Serbia and Montenegro. However, “the former Yugoslav Republic of Macedonia” has not participated in any Joint Investigation Teams set up in THB cases.

176. “The former Yugoslav Republic of Macedonia” has a co-operation agreement with Eurojust, but has chosen not to have a Liaison Prosecutor at Eurojust and has not participated in any co-ordination meetings regarding THB in the period 2012-2017.

177. The national authorities have referred to their participation in several international co-operation activities related to combating THB during the reporting period.<sup>75</sup> The National Commission organised a regional workshop in June 2016 in Skopje dedicated to combating THB and illegal migration. On 27-28 October 2016, OSCE organised in Skopje a regional conference on the topic “Improvement of the Co-operation and Joint Approaches in the Management of THB along the Western Balkan Migration Route”. In addition, in 2015, a two-day round table on “Identification and Prosecution of Criminal Acts of THB for the Purpose of Labour Exploitation” was implemented offering judges, prosecutors and police officers from “the former Yugoslav Republic of Macedonia” the opportunity to exchange views and experiences with their colleagues from the Prosecutor’s Office of Bosnia and Herzegovina. In December 2015, three representative of “the former Yugoslav Republic of Macedonia” participated in a regional workshop, organised by the Council of Europe, on “Promoting the Protection of the Rights of Victims of THB” in Budva, Montenegro, focusing on access to compensation for victims of THB and the non-punishment provision.

178. With regard to measures related to missing children, the national authorities have indicated that “the former Yugoslav Republic of Macedonia” has not made the harmonised European telephone number for missing children available.

179. GRETA notes that the refugee and migration situation has further increased the importance of international co-operation and information sharing in the fight against human trafficking.<sup>76</sup> GRETA invites the national authorities to pursue and strengthen international co-operation with a view to preventing human trafficking, assisting victims of trafficking and investigating and prosecuting human trafficking offences.

180. Further, GRETA invites the national authorities to reinforce international co-operation facilitating the search for endangered or missing persons, in particular missing children.

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<sup>75</sup> For more details, see reply to question 56 of the Reply of “the former Yugoslav Republic of Macedonia” to GRETA’s Questionnaire for the 2nd Evaluation Round and the Report submitted by the national authorities on measures taken to comply with Committee of the Parties Recommendation CP(2014)13 on the implementation of the Convention on Action against Trafficking in Human Beings.

<sup>76</sup> See also European Commission Staff Working Document, 2015 Report on “the former Yugoslav Republic of Macedonia”, accompanying the document “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions”, p. 62.

b. Co-operation with civil society (Article 35)

181. Civil society continues to play a vital role in anti-trafficking action in “the former Yugoslav Republic of Macedonia”. The NGOs Open Gate/La Strada, “For a Happy Childhood”, the Civil Initiative for Equal Opportunities SEMPER and “Equal Access” continue to be actively engaged in the anti-trafficking field. As noted in paragraph 19, a number of NGOs participate in the activities of the National Commission through its Secretariat and the sub-group on child trafficking.<sup>77</sup>

182. The Ministry of Labour and Social Policy has signed a Memorandum of Co-operation with the NGOs Open Gate/ La Strada and “For a Happy Childhood” whereby these NGOs provide legal, medical and psychological assistance to victims placed in the State shelter (see paragraph 108).

183. During GRETA's country visit, officials and representatives of civil society highlighted their good co-operation in the anti-trafficking field. However, GRETA notes with concern that public funding for the anti-trafficking work of NGOs has been reduced significantly during the reporting period (see paragraph 107). In addition, the amount of foreign funding available for NGOs has decreased over the years, making funding from the State even more indispensable for the implementation of anti-trafficking measures.

184. While welcoming the good co-operation between the State and civil society, GRETA considers that the national authorities should provide adequate funding to specialised NGOs active in the anti-trafficking field, given their important role in combating THB. Further, GRETA considers that the national authorities should continue building strategic partnerships with civil society, including with trade unions and the private sector, with the aim of achieving the purposes of the Convention.

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<sup>77</sup> See GRETA's first report, paragraphs 25 and 33.

## IV. Conclusions

185. Since the adoption of GRETA's first report on "the former Yugoslav Republic of Macedonia" in 2013, progress has continued to be made in a number of areas.

186. The national authorities have amended the Criminal Code provision concerning trafficking in children and a new draft Law on Foreigners, containing provisions on the recovery and reflection period and residence permits for victims of trafficking, is in the process of adoption.

187. The institutional framework for action against trafficking in human beings has also evolved. With a view to adapting its composition to new trends in human trafficking, the National Commission for Combating Trafficking in Human Beings has been enlarged by adding representatives of the Employment Agency and the State Labour Inspectorate. Further, three more local commissions for combating human trafficking have been set up, bringing their total number to five.

188. The new National Strategy and National Action Plan for Combating Human Trafficking and Illegal Migration adopted in 2017 reflect new trends and needs.

189. GRETA welcomes the research carried out on different aspects of THB, including on the application of the non-punishment provision, on child trafficking and on the setting up of a State compensation scheme.

190. Efforts have been made to continue the provision of training to relevant professionals and to expand the categories of staff targeted. The adoption of an Inter-Institutional Training Plan is a welcome development. Training is carried out in co-operation with NGOs and international organisations and, whenever possible, a multi-stakeholder approach is promoted.

191. Faced with a sharp increase in the number of migrants and asylum seekers in 2015-2016, the national authorities have developed "Indicators for the Identification of Victims of Trafficking in Mixed Migration Flows" and training was provided to relevant professionals to promote the identification of possible victims of trafficking among asylum seekers and migrants. Other welcome developments are the drawing up of Standard Operating Procedures for Processing Vulnerable Categories of Foreign Nationals and Standard Operating Procedures for Dealing with Unaccompanied and Separated Children, in collaboration with UNHCR.

192. In the area of prevention of human trafficking, a number of awareness-raising activities have been implemented by the authorities, in partnership with international organisations and NGOs. Particular attention has been paid to raising awareness of the risks of child trafficking and creating a protective environment for children, including through measures to address the particular vulnerability of children in street situations.

193. Other positive developments include the practical application of the criminalisation of the use of services of a victim of trafficking and the steps taken to analyse the application of the non-punishment provision and to further promote its application in practice.

194. Efforts have also been made in the area of international legal co-operation in combating trafficking in human beings, including the conclusion of a co-operation agreement with Eurojust.

195. However, despite the progress achieved, some issues give rise to concern. In this report, GRETA requests the national authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in parentheses.

### Issues for immediate action

- GRETA urges the national authorities to take additional steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures contained in the Convention, in particular by:
  - promoting a multi-agency involvement in victim identification by formalising the role and input of specialised NGOs;
  - providing necessary human and financial resources to enable law enforcement officials, social workers, NGOs and other relevant actors to adopt a more proactive approach and increase their outreach work to identify victims of human trafficking;
  - increasing efforts to proactively identify victims of trafficking for the purpose of labour exploitation by reinforcing the role and training of labour inspectors, and providing the Labour Inspectorate with the tools and resources required to effectively prevent and combat THB;
  - paying increased attention to detecting potential victims of trafficking among migrants and asylum seekers and securing access to interpretation to facilitate the process (paragraph 105);
- GRETA urges the national authorities to take steps to improve the assistance for victims of trafficking, and in particular to:
  - ensure that there are adequate financial and human resources for the assistance of presumed and formally identified victims of trafficking, including by specialised NGOs mandated to provide assistance;
  - provide adequate assistance measures, including accommodation, to presumed and formally identified male victims of THB;
  - strengthen support for the reintegration of victims of trafficking into society, by offering vocational training, assistance to find jobs and providing adequate resources to services assisting victims in their integration;
  - ensure that presumed foreign victims of trafficking are moved to the State shelter for victims of THB as soon as there are reasonable grounds to believe that they are victims of trafficking (paragraph 115);
- GRETA urges the national authorities to take further steps to improve the identification of, and assistance to, child victims of trafficking, and in particular to:
  - ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, by paying particular attention to children in street situations, Roma children and unaccompanied children;
  - provide further training to stakeholders (police officers, social workers, health-care and education professionals) as well as guidance for the identification of child victims of THB;
  - provide support and services which are adapted to the needs of child victims of trafficking, including appropriate accommodation, access to education and vocational training;
  - in line with the best interests of the child and the Council of Europe's Action Plan on protecting refugee and migrant children (2017-2019), seek alternatives to the detention of unaccompanied children;
  - ensure long-term monitoring of the reintegration of child victims of trafficking;

- ensure that proper risk assessment is conducted before returning children to their parents, taking into account the best interests of the child (paragraph 122);
- GRETA urges the national authorities to review the legislation in order to ensure that the recovery and reflection period provided for in Article 13 of the Convention is specifically defined in law, and that all possible victims of trafficking are offered a recovery and reflection period as well as all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period. The authorities performing identification should be issued with clear instructions stressing the need to offer the recovery and reflection period as stipulated in the Convention, i.e. not making it conditional on the victim's co-operation, and offering it to victims before formal statements are made to investigators; furthermore the procedure for granting a recovery and reflection period should be spelled out (paragraph 129);
- GRETA once again urges the national authorities to take steps to facilitate and guarantee effective access to compensation to victims of THB, and in particular to:
  - ensure that all victims of human trafficking are systematically informed of their right to compensation and the procedure to be followed;
  - enable victims of THB to exercise their right to compensation by guaranteeing them effective access to legal aid, if necessary by reviewing the procedure for granting legal aid, and by building the capacity of legal practitioners to support victims to claim compensation;
  - set up a State compensation scheme accessible to victims of THB, regardless of their nationality and immigration status;
  - include victim compensation in training programmes for law enforcement officials, prosecutors, judges and lawyers (paragraph 141);
- GRETA urges the national authorities to take additional measures to ensure compliance with the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, as contained in Article 26 of the Convention. Such measures should include the adoption of a specific legal provision and/or the development of guidance for police officers and prosecutors on the scope of the non-punishment provision, including with regard to administrative/civil law sanctions (paragraph 155);
- GRETA urges the national authorities to take further measures to ensure that THB cases are investigated proactively, prosecuted successfully and lead to effective, proportionate and dissuasive sanctions, in particular by:
  - identifying gaps in the investigation and prosecution of THB cases;
  - securing adequate funding and sufficient staff for the investigative work of the police;
  - sensitising investigators, prosecutors and judges to the rights of victims of THB and developing further their specialisation in dealing with THB cases and apply the provisions criminalising THB (paragraph 164).

## Further conclusions

- GRETA considers that the national authorities should establish a dedicated post of National Co-ordinator, provided with sufficient human and financial resources, to enable it to effectively carry out the tasks under its mandate (paragraph 20);
- GRETA considers that the national authorities should establish an independent National Rapporteur or designate another mechanism as an independent organisational entity with a view to ensuring effective monitoring of the anti-trafficking activities of state institutions and making recommendations to persons and institutions concerned (paragraph 23);
- GRETA invites the national authorities to engage with the Ombudsman's Office in the implementation of anti-trafficking activities and the preparation of national strategies and action plans (paragraph 26);
- Recalling the recommendation made in its first evaluation report, GRETA considers that the authorities should allocate appropriate funds in the State budget to action against THB, in consultation with all relevant actors, and reflecting the actual requirements of a co-ordinated and effective human rights-based approach to combating human trafficking (paragraph 26);
- GRETA invites the national authorities to continue raising awareness among professionals and the general public as regards the scope of the definition of trafficking in human beings and the differences, as well as the links, between human trafficking and migrant smuggling (paragraph 30);
- GRETA considers that the authorities should reinforce the work of the local commissions for combating THB, including by providing sufficient funding for their activities (paragraph 31);
- GRETA welcomes the investment made in training relevant professionals on THB and considers that these efforts should be continued and strengthened in a systematic way, paying particular attention to training labour inspectors, medical staff and other professionals who are likely to come into contact with victims of trafficking, including children. Further, GRETA invites the national authorities to evaluate at regular intervals the relevance, effectiveness and reach of training activities (paragraph 43);
- For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA considers that the national authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on presumed and identified victims of trafficking and measures to protect and promote their rights, as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to ensure the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database (paragraph 46);
- GRETA welcomes the research efforts made by the national authorities and considers that they should continue to conduct and support research on THB-related issues, paying particular attention to THB for the purpose of labour exploitation, child trafficking and internal trafficking (paragraph 52);
- GRETA considers that the national authorities should continue to carry out information and awareness-raising campaigns on THB. Future awareness-raising measures should be designed in light of the impact assessment of previous measures, focusing on identified needs and target groups and drawing attention to new legislative changes and emerging trends. Special attention should be paid to raising awareness of THB for the purpose of labour exploitation, forced begging, forced marriage, forced commission of criminal offences and internal trafficking (paragraph 55);

- GRETA considers that the national authorities should increase their efforts to prevent THB for the purpose of labour exploitation, in particular by:
  - continuing to raise awareness of the risks of human trafficking for the purpose of labour exploitation both within the country and abroad;
  - training and sensitising relevant officials, in particular labour inspectors, prosecutors and judges, about THB for the purpose of labour exploitation and the rights of victims;
  - expanding the mandate of labour inspectors to cover non-registered businesses and private homes and providing them with resources and guidance so that they can be actively engaged in the prevention of THB;
  - introducing licensing and monitoring of recruitment and temporary work agencies;
  - engaging with the private sector and trade unions, in line with the Guiding Principles on Business and Human Rights (paragraph 60);
- GRETA urges the national authorities to take steps to ensure that all children are registered at birth (paragraph 73);
- GRETA considers that the national authorities should strengthen their efforts in the area of prevention of child trafficking, using the results of research on new trends, by strengthening the capacity and resources of child protection professionals, raising awareness of child trafficking and its different manifestations (including forced begging, forced marriage and forced criminality), and ensuring a protective environment for children in street situations and unaccompanied or separated children (paragraph 74);
- While acknowledging the measures being taken to address the vulnerability to THB of refugees and migrants, GRETA considers that the national authorities should pursue their efforts in this area and continue to take steps to reduce the vulnerability of persons belonging to Roma communities, particularly women and children, to human trafficking through social, economic and other measures. Further efforts should be made to promote gender equality, combat gender-based violence and stereotypes, and support specific policies for the empowerment of women as a means of combating the root causes of THB (paragraph 81);
- GRETA considers that medical professionals involved in organ transplantations and other relevant professionals should be sensitised about THB for the purpose of organ removal through training and the provision of guidance (paragraph 86);
- GRETA considers that the national authorities should continue to make efforts to discourage demand for the services of trafficked persons, by adopting legislative, administrative, educational, social and cultural measures to discourage demand that fosters all forms of exploitation that leads to trafficking, in partnership with civil society, trade unions and the private sector (paragraph 92);
- GRETA considers that the national authorities should include such staff in the Inter-Institutional Training Plan (paragraph 96);
- GRETA considers that the national authorities should continue their efforts to detect potential victims at border crossings and provide relevant officials with training to enable early detection and referral of possible victims of THB among vulnerable groups, such as migrants and asylum seekers, including unaccompanied and separated children (paragraph 97);
- GRETA invites the national authorities to ensure that the SOPs for the Treatment of Victims of THB are reviewed on a regular basis in order to stay abreast of emerging trends in THB (paragraph 99);
- GRETA once again invites the national authorities to consider granting temporary residence permits to victims of THB on the basis of their personal situation, in addition to the residence permit on the basis of the victim's co-operation in the investigation or criminal proceedings (paragraph 133);

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- GRETA considers that the national authorities should ensure that all foreign victims of human trafficking are properly informed about their right to receive a renewable residence permit, without prejudice to the right to seek and enjoy asylum (paragraph 134);
  - GRETA invites the national authorities to continue their efforts to ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity, is preferably voluntary and complies with the obligation of *non-refoulement*. This includes informing victims about existing support programmes, protecting them from re-victimisation and re-trafficking. Full consideration should be given to the UNHCR's guidelines on the application of the Refugees Convention to trafficked people (paragraph 146);
  - GRETA considers that the national authorities should take further steps to ensure that relevant professionals have a good understanding of the differences between human trafficking and smuggling of migrants (paragraph 149);
  - GRETA welcomes the practical application of the criminalisation of the use of services of a victim of trafficking and invites the national authorities to continue promoting its application (paragraph 150);
  - GRETA invites the national authorities to keep under review the application of the corporate liability provisions in THB cases with a view to ensuring that they are effectively applied in practice (paragraph 151);
  - GRETA considers that the national authorities should make full use of existing measures to protect victims and witnesses of THB from potential retaliation or intimidation before, during and after criminal proceedings (paragraph 169);
  - GRETA invites the national authorities to pursue and strengthen international co-operation with a view to preventing human trafficking, assisting victims of trafficking and investigating and prosecuting human trafficking offences (paragraph 179);
  - GRETA invites the national authorities to reinforce international co-operation facilitating the search for endangered or missing persons, in particular missing children (paragraph 180);
  - GRETA considers that the national authorities should provide adequate funding to specialised NGOs active in the anti-trafficking field, given their important role in combating THB. Further, GRETA considers that the national authorities should continue building strategic partnerships with civil society, including with trade unions and the private sector, with the aim of achieving the purposes of the Convention (paragraph 184).

## Appendix

List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations

### Public bodies

- Ministry of the Interior
  - National Co-ordinator for Combatting Trafficking in Human Beings and Illegal Migration
  - National Rapporteur on Trafficking in Human Beings
  - Unit against Trafficking in Human Beings and Smuggling of Migrants
  - Sector for Border Affairs and Migration
- Ministry of Labour and Social Policy
  - Office of National Referral Mechanism
  - Sub-Group for Combatting Trafficking in Children
  - Social Affairs Centres
  - State Labour Inspectorate
- Ministry of Justice
- Ministry of Education and Science
- Ministry of Foreign Affairs
- Ministry of Health
- Public Prosecutor's Office
- Basic Court Skopje 1
- Ombudsman's Office
- Local Commissions for Combatting Trafficking in Human Beings and Illegal Migration of Bitola, Stip, Veles and Prilep

### Intergovernmental organisations

- International Centre for Migration Policy Development ICMPD
- International Organization for Migration (IOM)
- United Nations High Commissioner for Refugees (UNHCR)
- Organization for Security and Co-operation in Europe (OSCE)
- United Nations Children's Fund (UNICEF)

### NGOs and other civil society organisations

- Civil Initiative for Equal Opportunities SEMPER
- For Happy Childhood
- Open Gate/La Strada Macedonia

## Government's comments

GRETA engaged in a dialogue with the national authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the national authorities on 21 December 2017 and invited them to submit any final comments. By letter of 16 February 2018 (reproduced hereafter), the national authorities indicated that they do not see the need to submit any comments to the final GRETA report.



Влада на Република Македонија  
**Национална Комисија за борба против трговија со луѓе и  
 илегална миграција**

ДО:  
 СОВЕТ НА ЕВРОПА  
 Секретаријат на Конвенцијата на Советот на Европа за акција  
 против трговија со луѓе  
 ГРЕТА и Комисијата на страните  
 г-ѓа Петја Несторова

Почитувана г-ѓа Несторова,

Дозволете ми во мое лично име и во име на Националната комисија за борба против трговија со луѓе и илегална миграција на Република Македонија да Ве поздравам и да упатам благодарност за континуирано добрата соработка и конструктивните препораки кои за нас се мотив повеќе за понатамошно усогласување со стандардите и начелата содржани во Конвенцијата.

Во оваа прилика би сакала да упатам благодарност за инкорпорирање на техничките забелешки во предлог Извештајот за втората евалуација во однос на спроведувањето на Конвенцијата на Советот на Европа, а воедно би сакала да ја пренесам и согласноста со финалниот Извештај и заклучоците кои произлегуваат од него.

На крајот дозволете уште еднаш да го изразам моето уверување дека Владата на Република Македонија преку Националната комисија и Секретаријатот за борбата против трговија со луѓе и илегална миграција ќе вложи дополнителни напори за понатамошно усогласување со мерките и препораките содржани во Конвенцијата.

Со почит,

НАЦИОНАЛЕН КООРДИНАТОР

г-ѓа Магдалена Несторовска



рег. бр. 10-13437/1  
 дата: 16.02.2018  
 Скопје

Национална Комисија  
 за борба против  
 трговија со луѓе и  
 илегална миграција

Канцеларија на  
 Национален  
 Координатор

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Government of the Republic of Macedonia  
**National Commission for Combating Trafficking in Human Beings  
 and Illegal Migration**

TO:  
 COUNCIL OF EUROPE  
 Secretariat of the Council of Europe Convention on Action against  
 Trafficking in Human Beings  
 GRETA and Committee of the Parties  
 Ms Petya Nestorova  
 Executive Secretary

No. 10-13437/1  
 Date: 16.02.2018  
 Skopje

National Commission  
 for Combating  
 Trafficking in Human  
 Beings

Office of the National  
 Coordinator

"Dimce Mircev"  
 No. 9, Skopje

Tel: (02) 3238595  
 Fax: (02) 3142788

Respected Ms Nestorova,

Allow me, on my personal behalf and on behalf of the National Commission for Fight against Trafficking in Human Beings and Illegal Migration of the Republic of Macedonia, to express my regards and to extend my gratitude for the continued good cooperation and constructive recommendations which are additional motive for further harmonization with the standards and the principles contained in the Convention.

On this occasion, I would like to extend my gratitude for incorporating the technical remarks in the Second draft Evaluation Report on the implementation of the Council of Europe Convention, and I would also like to convey the consent to the Final Report and the conclusions deriving from it.

Finally, allow me to reiterate my conviction that the Government of the Republic of Macedonia through the National Commission and the Secretariat for Combating Trafficking in Human Beings and Illegal Migration will make additional efforts to further align with the measures and recommendations contained in the Convention.

Sincerely,  
 NATIONAL COORDINATOR  
 LL.M Magdalena Nestorovska