

MONITORING REPORT

MONITORING AND EVALUATION OF LAWS AND POLICIES
FOR ACTION AGAINST HUMAN TRAFFICKING AND THEIR
IMPLEMENTATION IN THE REPUBLIC OF NORTH MACEDONIA

FOURTH REPORT
2020-2021



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MONITORING AND EVALUATION OF LAWS AND POLICIES FOR ACTION AGAINST HUMAN TRAFFICKING AND THEIR IMPLEMENTATION IN THE REPUBLIC OF NORTH MACEDONIA

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ABBREVIATIONS

CSW	Center for Social Work
MoI	Ministry of Interior
MLSP	Ministry of Labour and Social Policy
MoJ	Ministry of Justice
MoU	Memorandum of Understanding
NGOs	Non-governmental Organizations
NRM	Office of the National Referral Mechanism
SLI	State Labour Inspectorate

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A. EXECUTIVE SUMMARY

The profile of victim of human trafficking in North Macedonia is a women/girl, country nationals, exploited through sex trafficking and forced labor. Number of child victims of human trafficking is in rise, mainly trafficked through forced marriage. Online recruiting method has been reinforced during COVID and was also used for cybersex trafficking.

- | | |
|-------------------------|---|
| Legislation | <ul style="list-style-type: none">→ Legislation well developed law-making processes inclusive and open.→ Progress in introduction of a special reintegration program, expanded mandate of the multi-sectoral teams, determined prices of social services provided within a place of temporary residence, adoption of a new National Strategy and Action Plan.→ Legal gaps relate to victims' testimony, specialization of judges, making medical appointments and complex compensation procedure. |
| Identification | <ul style="list-style-type: none">→ The number of officially identified victims is low.→ Victims are reluctant to identify themselves.→ The mobile teams are a good practice in proactive identification and cooperation between civil society and government.→ Barriers that prevent identification exist, related to knowledge, specialization, absence of resources, high employee turnover, etc.→ Victims from the minority groups receive equal support, handling of cases possibly influenced by a prevalent in the society discrimination against the Roma. |
| Assistance | <ul style="list-style-type: none">→ Assistance and support are available but limited. Shelter has only six places, offered only to female and girls, some medical services are limited or not available. Foster families and small group homes exist, not available to human trafficking victims. Accommodation services for men do not exist.→ Legal status and lack of documents affects access to health care, social protection, and education services, preventing victims to receive needed support.→ Reintegration in the education system is limited and non-functional.→ Access active employment measures hindered with lack of data protection. |
| Compensation | <ul style="list-style-type: none">→ Right to compensation exists, but it's poorly executed in practice. The complexity of the process often discourages victims from pursuing action. |
| Institutional Framework | <ul style="list-style-type: none">→ No system in place to measure the impact of the training, although conducting trainings is a dominating priority.→ Lack of sufficient human and operational resources.→ Special interview rooms are available in few cities around the country.→ Capacity of the anti-trafficking system is heavily influenced by a high turnover of staff.→ The national cooperation is well established with non-state actors actively participating in policy planning, development of legislation and delivery of services.→ Need for data with better quality and reliability. |

A. BACKGROUND

This report is based on the Monitoring and Evaluation of Anti-trafficking Policies: A Handbook for Victims' Advocates (hereafter: the Handbook) developed in 2016.

The Handbook was designed with the idea to enable monitoring of national anti-trafficking policies and practice. The Handbook gives a comprehensive list of indicators divided in two sections. Section 1 looks at the legal and policy development. Section 2 looks at the practice. Both policy and practice are examined through seven areas: general investigation and prosecution, identification of trafficking victims, the protection of victims of human trafficking, assistance and support to victims, compensation and legal redress, institutional framework, and finally data protection, data availability and protection of private life.

The Handbook uses as its reference points the obligations accepted by governments by signing and ratifying international instruments in the area of combatting human trafficking. The Handbook was developed by independent experts in close collaboration with civil society organizations from Serbia, North Macedonia, Bosnia and Herzegovina, Montenegro, the Netherlands, and France.

This is the fourth report prepared by the Open Gate/La Strada, since publishing of the Handbook. This report aims to describe North Macedonia's progress in four out of seven areas, namely: identification, assistance, compensation, and institutional framework and cooperation. It also provides a snapshot of the latest legal and policy changes.

The period covered with this report is two years, from 1 January 2020 to 31 December 2021.

The report was prepared based on a desk review of reports produced by state authorities, non-governmental and international organizations, interview with ten key-stakeholders from various institutions and organizations and data provided from the Ministry of Interior, Basic Court 1 Skopje and Open Gate/La Strada.

The final users of this report are policymakers and practitioners from North Macedonia working on combatting human trafficking. It is hoped that this report will encourage and assist them to use it to improve their own anti-trafficking response.

B. TRENDS IN TRAFFICKING IN HUMAN BEINGS

The **profile** of victim of human trafficking in North Macedonia is a women/girl, country national, victim of double/combined exploitation i.e., sexual and labour. The average age of adult victim of human trafficking is 24 years, while for children is 15 years. Vulnerability factors that characterize most trafficking victims are poverty, gender discrimination, domestic violence, age, health condition, special needs, etc. There is a continuous increase in the number of child victims of human trafficking.

The exception is 2021, when the number of international victims was higher compared to the country nationals. This was as a result on one large group of persons of Taiwanese origin, who legally entered the country and were trafficked for the purpose of labour exploitation.

The **purpose** of exploitation is sexual, labour or a combination of both. In the hospitality business, nightclubs and in trafficking through forced marriage the purpose is for sexual exploitation and/or labour exploitation. In agriculture, animal husbandry and in trafficking through forced begging the purpose is for labour exploitation. Children who are forced into a marriage primarily come from the Roma population and the forced marriage is usually arranged by parents or close relatives.³

The online method of **recruiting** has been on the rise. This trend has been reinforced during COVID-19 pandemic, when restrictions of freedom of movement were in force. The traffickers use fake promises job opportunities or a marriage with a person from an EU country to trick and coerce their victims. However, internet is no longer used only for recruitment or for production and distribution of pornographic materials. It is also used for **cybersex trafficking** when traffickers coerce the victim into online sexual exploitation and livestream it.

When it comes to **sentencing**, there were 50 persons sentenced to prison in 2020, for crimes related to human trafficking and/or illegal migration. The sentences ranged from 1 to 13 years.⁴

C. PROGRESS

In this section, the report provides information on key changes in the legislation and the existing legal gaps. Furthermore, it goes deeper in how the national anti-trafficking framework is implemented in practice, looking at how victims are identified, what kind of assistance they receive, the status of compensation claims, the national and international cooperation, and the capacity of the anti-trafficking system.

This report confirms that the law makers in North Macedonia are open to change and adapt the legislation in accordance with the international standards. The processes are inclusive and open to public with practitioners from government and non-government sector, academia and independent national/international experts participating in the process.

There were few changes in the legislation and policy in the reporting period. A new Strategy was adopted, complemented with an action plan how to bring the strategic priorities into life. An important legal reform has been initiated with drafting a new Law on Compensation to Victims of Crime, which was adopted in November 2022. Another change was in the legislation on violence against women where the reintegration services such as housing, counselling, education, training, and employment are available to any victim of violence. The multi-sectoral teams' competences were extended to all forms of gender-based violence.

The number of officially identified victims was low, with some victims reluctant to identify themselves. Numerous barriers prevent a more efficient identification such as insufficient human resources within the institutions mandated to do the identification, lack of cooperation from the victims, lack of trained and specialized personnel, better coordination with the public prosecutors and the courts, lack of sensitivity among local police to screen for trafficking indicators, etc.

When it comes to assistance, victims face many challenges, such as lack of availability and limited access to some medical services, limited education services, nationals who are missing birth certificates or other types of personal documentation and foreign victims without legal right to stay in the country cannot access assistance services, lack of financial support, drug treatment tailored to the adults needs, etc. The one shelter available to human trafficking victims, is a state-licensed service provided by an NGO. It has a very limited capacity for six persons.

The victims have claimed compensation in few cases. The procedure is complex associated with legal fees, long duration, complex legal system to navigate through and a state compensation fund with limited resources and very difficult to be accessed. Some of the difficulties surrounding compensation should be resolved with the newly adopted law.

The capacity of the anti-trafficking system is heavily influenced by a high turnover of staff. Trainings are regularly organized, most often funded, and planned by a donor. Despite the continuous investment in trainings, the high turnover among staff who are trained prevents the specialization of the system. As a result, there is a need to improve the treatment of victims in the various stages of the procedure. The national cooperation is well established between state and non-state actors.

I. THE LAWS AND KEY LEGAL GAPS

The Handbook contains six sections against which the progress in policy and law making should be assessed. This report gives only a snapshot of the legal and policy changes that happened in 2020 and 2021, and key legal gaps, without providing information against all six sections and all indicators in those six sections.

1. Changes in the legislation and policy

In 2021, the Parliament adopted a new **Law on Prevention and Protection from Violence Against Women and Domestic Violence**.⁵ The new Law covers women victims of all forms of gender-based violence. It provides for a definition of “Violence against women,” “Gender-based violence,” and it also defines reintegration of victims of violence. The law foresees a special reintegration program that allows for victims to access services such as: temporary housing, psychological counselling with mentoring, financial assistance, education and training opportunities and employment measures.. The multi-sectoral teams’ competences are extended to all forms of gender-based violence, not limited to domestic violence only.⁶

In 2021, through the National Commission to Combat Human Trafficking and Illegal Migration (hereafter: the National Commission) an **internal procedure between the State Labour Inspectorate (SLI) and the Ministry of Interior (Mol)** was adopted. The procedure is applicable in cases when a labour inspector come in contact with a potential victim of human trafficking to report the case to the focal point in the National Commission.⁷ This procedure is the basis for the development of a Memorandum of Understanding (MoU) that will regulate the cooperation and referral between the SLI and Mol. The MoU is expected to be signed in 2022 or early 2023.

In 2021, the National Commission adopted a new **National Strategy and National Action Plan (2021-2025)**. The strategy is structured around five strategic goals: the institutional framework, prevention, identification and referral, direct assistance and support, and efficient detection and prosecution.

A multi-disciplinary working group comprised of government, non-government, and international organization representatives, drafted a **Law on the Payment of Monetary Compensation to Victims of Violent Criminal Offences**, including victims of gender-based violence. The draft law provides for compensation for the direct and the indirect victims, such as children, parents, grandparents etc. The law was adopted in November 2022.

In 2021, the National Commission adopted a **decision to establish an Operational team for coordination and management of human trafficking cases**. This body has been established in order to do the formal identification of victims of human trafficking, and to coordinate and monitor individual cases.

In 2021, the MLSP adopted a **new Rulebook standardizing the social service provision** in a temporary residence. With this Rulebook, the MLPS determined the prices of social services provided within a place of temporary residence that covers the services provided in the Center for victims of human trafficking.⁸

2. Key legal gaps

There is a consensus among professionals that the legal framework is well developed and is continuously upgraded. The key legal gap is the right to compensation and the complex and long procedure to realize this right. Other legal gaps include lengthy procedure to obtain victim's statement before a public prosecutor, option for general judges and panels working on criminal matters to hear cases where child is a victim of violence, lack of availability to schedule emergency medical appointment in "Moj Termin," etc.

▪ Investigations and prosecutions

There are cases where the victim for a long period of time (one to two years) was not summoned to give a testimony before the public prosecutor. There is a need to change the criminal procedure law and introduce a short deadline within which the prosecutor should be obliged to call the victim to give a testimony.

▪ Identification of trafficking victims

There is lack of identification and more lenient punishment of the perpetrators, due to Criminal Code 201 article. This article prescribes as a criminal act, when parent, adoptive parent, guardian, or any other person is neglecting and maltreating a child as a result of crudely neglecting his/her duty of caring and upbringing. The article further prescribes the punishment in cases where the child suffers from a serious physical injury or a severe deterioration of the health as a result of this criminal act. This article causes confusion in practice. In some cases, although the case has elements of human trafficking in accordance with article 418-a and 418-d, criminal charges are brought in against article 201.

There is a need to introduce a new term for victim of human trafficking, as presumed victim. Currently, the regulation describes only potential and official victims of human trafficking, however there is a growing consensus to introduce a presumed victim where the level of protection and assistance offered to the victim will be higher compared to potential victim of human trafficking.

The Labour Relations Law does not have any provisions relating to human trafficking. There is a need for the Labour Relations Law to include a clear role/mandate for the labour inspector to work on human trafficking cases. In absence of such mandate, the labour inspectors focus on verifying the compliance with labour law without making the connection with other legislation relevant to human trafficking.

▪ Protection of victims of trafficking

The Law on Justice for Children stipulates that all court cases where the indicted perpetrators are children will be processed and decided by a specialized juvenile judges and juvenile panels elected from professions with in-depth understanding of the children rights. The juvenile judges and panels are working within the specialized court departments of the courts with expanded competence and are solely focused on hearing criminal cases where the indicted perpetrators are children. The cases where the children are victims of violent criminal acts conducted by adult perpetrators are heard and tried by the general judges and panels working on criminal matters. In those cases, the judges are

deciding in a regular criminal procedure with inclusion of the procedural guaranties stipulated in the Law on Justice for Children. The judges do not have any additional specialized training in the area of the rights of the child and the protection of children victims of violence beside the basic training.⁹

- **Assistance and support to victims**

The right to a financial support for the guardians of the child victim of trafficking is not prescribed by a law. Often the Center for Social Work (CSW) is appointed as the legal guardian of a child trafficking victim. The expenses associated with the child needs, such as for example transport cost to attend a court hearing, or to visit the child and maintain a regular contact, are not covered as part of the legal guardian`s role. As a result, the type and quality of support that the CSW guardian can give is constrained by lack of finance.

The laws do not provide for free-of-charge psycho-social support and medicine.

The national system for electronic scheduling of appointments and interventions “Moj Termin,” does not give an option to schedule an emergency medical examination or treatment for victims of human trafficking. Victims need to wait for the next available appointment with a specialist, which can be long waiting time. Therefore, there is a need to change the regulation, so it will allow to have some timeslots available for urgent cases for victims of human trafficking.

- **Compensation**

The laws give the victim of human trafficking the right to a compensation, however the current possibilities for this right to become a reality are restrictive. The Law on Criminal Procedure provides legal grounds for compensation of damages from state funds to victims of crime for which the Criminal Code prescribes minimum four years of imprisonment. However, only child victim of human trafficking, sexual assault, and rape can get compensation from a state fund. This right is guaranteed under the Law on Justice for Children.¹⁰ The current compensation procedure is complex and bureaucratic, involving the courts (criminal and/or civil), lawyers, executors etc. The new Law on the Payment of Monetary Compensation to Victims of Criminal Offences was adopted in November 2022, and it should address this gap.

- **The institutional framework, including coordination, capacity, and international cooperation**

The Standard Operating Procedure (SOPs) are outdated, do not reflect the current situation, and need to be changed. There is a need to change the identification indicators, to update the forms and to add the newly established operational team as part of the standard operating procedure. There is already agreement in place among key stakeholders, and the change is expected to be done in 2023.

The State Labour Inspectorate and the Ministry of Interior (MoI) prepared an MoU regulating the cooperation between the two institutions in identification and referral of human trafficking cases.

II. NATIONAL ANTI-TRAFFICKING FRAMEWORK IN PRACTICE

In this section, there are four different topics that are discussed: identification of victims of human trafficking, the assistance and support, compensation and the anti-trafficking institutional set-up and cooperation.

There is a consensus among practitioners, that the number of officially identified victims is low and does not reflect the reality. Exception is 2021, where a one large group of Taiwanese human trafficking victims were identified by the authorities. Victims are reluctant to identify themselves, especially in cases where the parents or close relatives are the alleged traffickers. There are numerous barriers that prevent a more efficient identification that are discussed further down the text. Most of the interviewees agreed that the victims from the minority groups receive equal support and assistance once they have been identified as potential or official victims of human trafficking. However, some point out that in the country there is a prevalent discrimination against the Roma, that can also affect the handling of human trafficking cases.

Everyone who was identified as a presumed or officially recognized victim of trafficking was offered immediate assistance and support, including emergency shelter, medical assistance, information, and legal advice, appropriate to their particular needs. There is a lack of availability and limited access to some medical services, education and reintegration services such as employment. The one shelter in the country has capacity for six persons.

In spite of a good legislation framework, the prescribed compensation procedure is complex with a long duration and designed in a way to discourage compensation claims. The victims of human trafficking can claim compensation for material and non-material damage, by joining the criminal proceedings and/or before the civil court. In addition, there is a state fund for compensation of child victims of trafficking.

This report also shows that the capacity of the anti-trafficking system is heavily influenced by a high turnover of staff. Despite the continuous trainings and investment in the of knowledge and in the development skill of professionals, there is still a need to improve the treatment of victims in the various stages of the procedure. Trainings are regularly organized, most often funded, and planned by a donor. The national cooperation is well established between state and non-state actors.

1. Identification of trafficking victims

The Handbook prescribes one overarching indicator for identification of victims of human trafficking namely: *Victims of trafficking were quickly and accurately identified*, followed by fifteen sub-indicators that should answer how many human trafficking victims there were, who did the identification, what is their gender and nationality, are they officially recognized or presumed etc.

The Office of the National Referral Mechanism (NRM) within Ministry of Labour and Social Policy (MLSP) remained responsible for coordinating the identification and referral procedures. First responders referred potential victims to the anti-trafficking unit and/or the NRM, which are authorized to officially identify victims. NRM officials and social workers participated in interviews with potential victims, however the police did not consistently include NRM officials and social workers at the outset of identifying potential trafficking cases.¹¹

There is a consensus that **the number of officially identified victims does not reflect the reality** on the ground. Despite the fact that the number of officially identified victims in 2021 (as shown below in Table 2), was significantly higher compared to the previous year/s. However, this was due the identification of one large group of Taiwanese persons trafficked for the purpose of labour exploitation. Taiwanese traffickers recruited Taiwanese workers with false promises of work in North Macedonia. Traffickers confiscated passports, withheld wages, restricted movement, and set up a call center where they forced the Taiwanese victims to make fraudulent calls.¹²

Victims are reluctant to identify themselves. Once a potential victim is identified, the institutions start the process of gathering evidence to confirm the status as an official victim of human trafficking. While the evidence gathering is ongoing, the victims tend to change their initial testimony before the authorities. This is especially the case, when the parents or close relatives are the alleged traffickers, then the victims tend to recant their testimony and not follow through on pursuing charges against the alleged perpetrators.

In 2020 and 2021, a total of 16 individuals were identified as **presumed or potential victims of human trafficking**, out of whom 62 percent were children. The majority or 13 were female. The data regarding the form of exploitation was not available for all cases. From the data that was available, almost all cases were a combined form of labour and sexual exploitation in a forced marriage.

It was not possible to analyze the number of individuals who had presented themselves to the authorities (i.e., rather than being identified by the police or another authority while being moved, exploited or while recovering), or numbers of individuals who report having been trafficked before they reached the age of 18, since such data was not made available. The data on the form of exploitation is available only for some of the cases, so it was not possible to make a conclusion for the prevalent form of sexual exploitation.

Table 1: Presumed or potential victims of human trafficking, adults and children		
Description	Year	
	2020	2021
Adults		
Total number of individuals identified by the authorities	1	5
Total number of women	1	5
Total number of foreign nationals	0	2
Total number of individuals subjected to (or intended for) a form of sexual exploitation.	0	1
Total number of individuals subjected to a form of sexual exploitation and a form of labour exploitation (non-sexual forms of exploitation) ¹	1	1
Children		
Total number of individuals identified by the authorities	5	5
Total number of girls	4	3
Total number of foreign nationals	1	3
Total number of individuals subjected to (or intended for) a form of sexual exploitation.	1	not available
Total number of individuals subjected to a form of labour exploitation (non-sexual forms of exploitation)	1	not available
Total number of individuals subjected to a form of sexual exploitation and a form of labour exploitation (non-sexual forms of exploitation) ²	2	1
Total number of unaccompanied children	1	2

Source: Ministry of Interior

In 2020 and 2021, a total of 55 individuals were identified and **officially recognized as victims of human trafficking**, out of whom 78 percent were adults. The majority were male, foreign national trafficked for the purpose of labour exploitation. The children who were trafficked for the purpose of non-sexual forms of exploitation were forced to begging. The children who were trafficked for the purpose of sexual and labour exploitation were forced into marriage.

It was not possible to analyze the number of individuals who report having been trafficked before they reached the age of 18, since such data was not made available.

¹ A case of forced marriage.

² All are cases of forced marriage.

Table 2: Officially recognized victims identified by the authorities, adults and children		
Description	Year	
	2020	2021
Adults	2020	2021
Total number of individuals identified by the authorities	1	42
Total number of women	0	7
Total number of foreign nationals	0	40
Total number of individuals who had presented themselves to the authorities (i.e. rather than being identified by the police or another authority while being moved, exploited or while recovering).	0	2
Total number of individuals subjected to (or intended for) a form of sexual exploitation.	not available	1
Total number of individuals subjected to a form of labour exploitation (non-sexual forms of exploitation)	1	4
Total number of individuals subjected to a form of sexual exploitation and a form of labour exploitation (non-sexual forms of exploitation) ³	0	1
Children	2020	2021
Total number of individuals identified by the authorities	6	6
Total number of girls	6	5
Total number of foreign nationals	0	0
Total number of individuals who had presented themselves to the authorities (i.e. rather than being identified by the police or another authority while being moved, exploited or while recovering).	0	1
Total number of individuals subjected to (or intended for) a form of sexual exploitation.	5	1
Total number of individuals subjected to a form of labour exploitation (non-sexual forms of exploitation)	1	1
Total number of individuals subjected to a form of sexual exploitation and a form of labour exploitation (non-sexual forms of exploitation) ⁴	0	4

Source: Ministry of Interior

In 2020 and 2021, as reported by the MoI, there were no cases investigated of adults/children working or earning in the **unprotected sectors**. However, the SLI conducts regular announced and unannounced inspections in the unprotected sectors. These visits are based on the annual programme for planned visits, prepared by the Inspectorate. On case-by-case basis, the SLI cooperates with the police in conducting the inspections, where there is a need for a police force support due to safety and security concerns. If a labour inspector identifies a potential victim of human trafficking, refers the case to the police. But the SLI does not receive feedback from the police, if the person was confirmed as protentional or officially recognized victim.

The mobile teams, established in 2018 as part of a donor supported project to the MoLSP, identify

³ This is a case of forced marriage.

⁴ All are cases of forced marriage.

the majority of potential victims every year. They consist of police officers from the National Unit to Combat Human Trafficking and Migrant Smuggling (Task Force), social workers and representatives of non-governmental organizations. The mobile teams are considered as a good practice in proactive identification and cooperation between civil society and government. In 2020/2021, funding constraints and the pandemic, limited the mobile teams' ability to proactively identify potential victims.¹³ The teams were reactivated in august 2021, with a donor support.

Table 3: Mobile teams, number of assisted and potential victims of human trafficking	
Description	2021
Total number of assisted persons	260
Total number of men	88
Total number of foreigners	15
Potential victims of human trafficking	
Total number of potential victims of human trafficking	67
Total number of men	12
Total number of foreigners	2

Source: National Commission Annual Report 2022

Some of the **barriers** that prevent a more efficient **identification** of human trafficking victims are insufficient human resources, lack of cooperation of victims as witnesses, lack of trained and specialized personnel, better coordination between the public prosecutors and the courts, high employee turnover (especially among CSW personnel and prosecutors), lack of consistently screening for trafficking indicators at border crossings or during raids in casinos, nightclubs, and bars, detaining and deporting individuals in commercial sex without screening for trafficking indicators or notifying the Task Force, etc.¹⁴ In addition, the context in which the professionals operate is the widely accepted that trafficking happens for the purpose of sexual exploitation. So, the efforts to identify victims are concentrated in the commercial sex. As a result, victims trafficked for the purpose of labour exploitation might not be identified. Another reason is that the labor inspectors, who are responsible for identifying labor exploitation, they don't recognize it as such, and during regular inspections, they do not pay attention to whether there are victims of human trafficking, rather they evaluate the compliance of the inspected place with the employment related laws.¹⁵

There are some instances where the **authorities have ignored or overlooked a case**. Some of the possible reasons why this happens in practice is lack of knowledge about human trafficking as a criminal act resulting in not pressing charges, pressing charges for sexual violence crime or reclassification of the crime. Furthermore, there is a lack of respect to the principle of non-punishment by prosecutors and judges. Other reasons are, lack of political will where other forms of organized crime have a higher priority, authorities' misconceptions about women and men involved in prostitution resulting in failure to be recognized as a victim of human trafficking, lack of proactive work and field presence, lack of sensitivity among local police to screen for trafficking indicators, etc.

The victims from the **minority groups** receive equal support and assistance once they have been identified as potential or official victims of human trafficking. However, the identification of victims of human trafficking among the Roma population is hindered due to prejudice that certain behaviour, for example child marriage or arranged marriage with payment of goods and/or money is part of their tradition. Another thing that has influence over the identification is how much the victims are informed on their rights, are able and willing to ask for help and report a case.

2. Assistance and support for victims

The Handbook prescribes two overarching indicators for assistance and support to the victims of human trafficking namely:

Indicator 1: Everyone who was identified as a presumed or officially recognized victim of trafficking was offered immediate assistance and support, including emergency shelter, medical assistance, information and legal advice, appropriate to their particular needs (e.g. gender, language, ethnicity and age) and the State provided sufficient finance to pay for such assistance.

Indicator 2: Child victims were offered immediate age-appropriate assistance and support, including emergency shelter, medical assistance, and information and legal advice, appropriate to their particular needs (e.g. age and maturity, gender, language and ethnicity)

The information for two overarching indicators can be obtained through forty-four sub-indicators that should answer is state funding available to the civil society organizations, what kind of assistance exists and is provided to the victims for example, shelter, finance, medical, psychological etc, are training and income earning opportunities available to victims etc.

Everyone who was identified as a presumed or officially recognized victim of trafficking was offered immediate assistance and support, including emergency shelter, medical assistance, information and legal advice, appropriate to their particular needs (e.g. gender, language, ethnicity and age).¹⁶ However, there are certain services that were inadequate or not accessible.

Open Gate/La Strada runs the only shelter in the country i.e., a **Center for victims of human trafficking** (hereafter the Center). The Center is a government licensed service with capacity for six persons, women and girls, nationals and foreign citizen who have temporary residence permit. The shelter is located in the capital and offers housing, food, access to medical, access to education, legal, and psychosocial assistance, vocational training, creative and educational workshops. In 2020, there were 5 victims of human trafficking out of whom 3 were newly identified and all children.¹⁷ In 2021, seven persons were sheltered in the Center. Four were accommodated in 2021, and they were two children (nationals) and two adults (foreigners). Three, all girls, were placed in the Center in the previous year. The average length of stay is from one week to 10 months. The law permits foreign victims a two-month reflection period to decide whether to testify against their traffickers, followed by a six-month temporary residence permit, regardless of whether they testify; no foreign victims requested residence permits in 2020.¹⁸

North Macedonia has a developed network of foster families and small group homes. These services are offered to children who need protection and temporary accommodation. However, these services are not specialised to accommodate and provide support to human trafficking victims.

Open Gate-La Strada provides shelter services as a state licenced service. As such it should receive state funds to cover the shelter`s operational costs. In 2020, as a result of the COVID19 the funds that MoLSP earmarked for the functioning of the shelter, were reallocated to COVID19 related services. In the same year, Open Gate/La Strada received 1 200 000.00 Macedonian Denars from the Government from their COVID19 budget. Those funds were used to cover the operational costs for the shelter. The funds were sufficient to cover 11 percent the total costs necessary to run the shelter. In 2021, Open Gate/La Strada did not receive funds from the Government. In 2022, received 900,055.00 Macedonian Denars, an amount to cover 8 percent of the costs. The funding provided by the state covers a small percentage of the shelter`s operating expenses. In order to be operational, the shelter relies heavily on funding from the international community.

All victims that are nationals or foreign victims with a permit to stay, have a right to free-of-charge **medical services**. This right does not apply to nationals who are missing birth certificate or other types of personal documentation, and to foreign victims without legal right to stay in the country. This right to medical help is limited. There is a lack of availability and limited access to some public health services, such as psychiatric treatment, there is a long waiting time to have an appointment though the "Moj termin" platform, all victims need to pay for the medicine they receive as part of a medical treatment, and the administrative personnel working in the medical institutions is not always informed and know about the right to free medical assistance. Access to medical services was difficult during COVID19. Free-of-charge testing was available to victims, however there were very long waiting time to get a medical appointment to test, up to few months. Due to the immediate need for testing, the NGO Open Gate was covering the expenses for COVID19 testing.

The **drug treatment** is tailored for adults not for children, thus depriving child victims of human trafficking who at the same time have drug addiction to access services needed for their rehabilitation. Absence of such service has a great impact on the court case and its final outcome. Namely, if a child is not offered an age-appropriate drug treatment, the child cannot stabilize and give a statement to the authorities, based on which the authorities can prosecute the case.

Reintegration of child victims of trafficking in the **education** system is limited and non-functional.¹⁹

There is one **helpline** dedicated to victims/survivors of human trafficking. The helplines remain largely inaccessible for women that do not speak the majority, Macedonian, language. Only one helpline provides limited support in Albanian language, while no helpline services exist in other ethnic minority languages.²⁰ In 2020, the the SOS Helpline run by Open Gate/La Strada received 340 calls.²¹ In 2021, the SOS Helpline received 403 calls. The helpline operators provided general information on human trafficking, safety tips for working abroad, crisis intervention, emotional and psychological assistance, legal counselling for (potential victims and their parents, relatives), etc. Due to COVID 19, the helpline had a large number of calls related to psychological support and advice.²²

In 2020, only one victim has received one-time **financial assistance** from the state. In 2021, one victim received financial support from the International Organization for Migration covering expense for daily living, education, and reintegration activities.

The Employment Agency implements the **active employment measures** provided by the state. The human trafficking victims do not use active employment measures mostly because the Agency does

not guarantee the personal data protection of the victims and protection of their status and privacy as victims. This affects the reintegration of the victims into the community after leaving the shelter is and increases the possibility of their re-entering the human trafficking chain.²³

3. Compensation

The Handbook prescribes one overarching indicator for compensation of victims of human trafficking namely: *Everyone who was trafficked was provided with real and effective access to compensation for harm and loss suffered as a result of having been trafficked.* This indicator has twelve sub-indicators that should answer who has received a compensation, where i.e., in civil or criminal procedure, from the amount that was granted as a compensation, etc.

In North Macedonia, the victims of human trafficking **can claim compensation** for material and non-material damage. It can be done by joining the criminal proceedings and/or before the civil court. Within the criminal proceedings is sufficient to notify the prosecutor or the court verbally or in writing of the intention to seek compensation before the end of the main hearing. The compensation claim must be decided by the criminal court when the first-degree verdict is delivered. Victims can claim compensation through civil proceedings, however the complexity of the process often discourages victims from pursuing action.

Since 2016, there is a **Program run by the Ministry of Justice (MoJ)** for compensation of children who are victims of violent crimes, including human trafficking. Both in 2020 and in 2021, the MoJ allocated one million denars to the Programme. One trafficking victim was successfully compensated in 2020. In 2021, four children were paid compensation at a total cost of 1,500,000.00 denars, one of which was a victim of human trafficking.²⁴

Data from the Basic Court 1 Skopje show that in the reporting period four child victims of human trafficking claimed their right to compensation. The victims were all nationals of North Macedonia and were trafficked for the purpose of sexual exploitation and trafficked into forced marriage.

Table 4: Child victims who claimed compensation		
Description	Year	
	2020	2021
Children		
Number of children presumed and officially-recognized as trafficking victims who claimed compensation in the course of criminal proceedings	2	2
Total number of children foreign nationals	0	0

Source: Basic Court 1, Skopje

The Table 4 shows all cases where the compensation claim was made as part of the criminal proceedings. Within the reporting period, the court awarded three compensations claims. Two were awarded 300.000,00 Macedonian Denars each, and one victim was awarded 180.000,00 Macedonian Denars. Data about the number of individuals presumed and officially-recognized as trafficking victims who claimed compensation in the course of civil proceedings and the number of presumed and officially-recognized trafficking victims who were ordered to receive compensation as a result a civil proceedings was not provided for this report.

Table 5: Compensation claims and payment		
Description	Year	
	2020	2021
Total number of trial judgments (at first instance) ordered compensation payment	1	2
Total number of presumed and officially-recognized trafficking victims who were ordered by a trial court to be paid compensation, damages or another payment to victims	1	2
Total number of foreign presumed and officially-recognized trafficking victims who were ordered by a trial court to be paid compensation, damages or another payment to victims	0	0
Average amount of compensation awarded to victims by courts.	300.000,00	300.000,00 180.000,00

Source: Basic Court 1, Skopje

In some cases of human trafficking, the victims apparently **could not file a compensation claim** because neither they nor their lawyers were invited to the main hearing. In other cases, victims were directed to claim **compensation through civil proceedings**. The latter means new court procedure, prolonged waiting time for the final verdict on the compensation claim, extended need for legal aid resulting in increased legal fees, etc.

Even if there is a court approved compensation, the **compensation procedure to access the MoJ Programme is very complex**. In practice this means, that once the compensation is approved by a court decision, the victim has to initiate the procedure for the execution of the judgment. Then once this procedure is completed, another court has to pass a decision that the victim was unable to claim the compensation from the defendant through the procedure for the execution of the judgment. Then that court issues a decision, based on which the Ministry of Justice is bound to pay the compensation claim. In one example from the practice, the compensation claim was made in 2019 and the victim received the compensation in august 2021.²⁵

4. The institutional framework, coordination, capacity, and international cooperation

This section in the Handbook looks at the capacity, gender, national and international cooperation. The Handbook prescribes two overarching indicators, one for capacity and one for gender. The national and international cooperation is assessed through 14 sub-indicators.

One looks at the capacity of the system, it states *Law enforcement officials and the staff of state-run organisations in contact with presumed or officially recognised trafficking victims manifested an appropriate level of expertise and had adequate resources to carry out their work satisfactorily*. It has 10 sub-indicators that look into adequate resources, training, special interview rooms etc.

In this section, there are numerous indicators that measure the capacity of the system to process human trafficking cases, based on the percent of professionals that have gone through basic and advanced training. These professionals are judges, prosecutors, police officer and employees in the social sector.

The second looks at the gender it states *Specialist anti-trafficking investigative unit personnel had the necessary gender profile to implement reactive and proactive trafficking investigations (in accordance with Standard Operating Procedures)* and there are five sub-indicators.

In 2020 and 2021, the police and prosecutors did not have adequate **resources and equipment** to conduct proactive investigations. As a result, authorities relied almost exclusively on victim testimony with little corroborating evidence. The Organized Crime and Corruption Prosecution Office, with only 10 prosecutors in the office to handle all cases under its jurisdiction, lacked sufficient resources to handle all cases.²⁶ The problem with insufficient human resources that are also shared by the CSW, the Mol and the SLI. Mol reports complementing their operational needs with donations from international organizations and institutions, and the SLI is using resources from other state institutions to help them perform some of their duties.²⁷ The Mol Task Force is not specifically included in the annual budget calculation as a separate budget item. The Task Force does not have adequate resources (staff and budget) to implement reactive and proactive trafficking investigations, as appropriate in accordance with the standard operating procedures in force.

There are thirty-two persons working in the Task Force, inspectors at different levels (junior, senior, chief etc) including two head of Mol units. The Mol Task Force has five **female investigators**, and the female investigators take part in the investigations of human trafficking cases. In 2020, in all six cases and in 2021 in all four cases of girls (aged under 18) victims of sexual violence (including in the context of human trafficking) were carried out by specialist women investigators.

Special interview rooms are available in few cities around the country. Some are within police stations and others in CSWs. The police are also using the premises of the NGO Open Gate/La Strada to interview victims.

The government, mostly with technical and financial support from international organizations and NGOs, **trained professionals** working on combatting human trafficking. Trainings are regularly organized. In 2021, the professionals were targeted with local and regional trainings, regional conferences, and panel-discussions. The target groups were social workers, NGOs, labour inspectors, primary and secondary school teachers, bureau for education development, educational councilors, health workers, members of the mobile teams, judges, young police cadets and journalists. Many of the trainings completed in 2021 were targeting one group of professionals, for example labour inspectors, or teachers. There were few multi-disciplinary trainings. The topics were from detection, identification and referral, reintegration reason, non-punishment, gender perspective of human trafficking, etc. The What is missing a lack of systematic approach in organizing trainings, to continuously upgrade the knowledge of professionals. In addition, there is a need to have less focus on the right guaranteed under the legislation, and more focus on obtaining practical skills and techniques for example, on how to talk to human trafficking victim, trauma-based approach in working with human trafficking victims etc.

Despite the fact that building the capacities and conducting training is a dominating priority, most of the institutions have **no system in place to measure the impact of the training**. Usually, it is done by non-formal evaluation of the performance of the individual who attended the trainings. The CSW work is monitored through the Institute for Social Activities that oversees the quality of the work delivered based on the CSW standards and procedures for work, including training delivered through the institute. For the police there is a semi-annual and annual–performance evaluation, where on individual level is evaluated the result a police officer achieved or how they have led a case, etc. For every employee the trainings that s/he has attended are noted down, however, an overall mechanism to follow the impact of the trainings is missing.

The **capacity of the anti-trafficking system** is heavily influenced by a high turnover of staff. Despite the continuous investment in the knowledge and in the development of skill of professionals, there is still a need to improve the treatment of victims in the various stages of the procedure. Some problems related to the capacity are the following. The local police officers, usually the first point of contact with the victim of human trafficking lacked an understanding of trafficking. As a result, it did not consistently notify the Task Force of potential trafficking cases. Some professionals lack the sensitivity to deal with human trafficking victims and/or don't have the knowledge of the indicators to identify victims of human trafficking. Some labour inspectors keep their focus limited within their mandate to inspect, assess, and report breach of employment legislation. Public prosecutors that ask from the victim to repeat the testimony. Victims are sometimes forced to give a testimony, even though they are not ready. For examples, if all professionals have gathered, and they have a camera and room available to take the testimony, then they force the victim to give a testimony regardless of if s/he is ready to do so. In this way victims are pressured, revictimized, they close for cooperation and the testimony is of poor quality and can have a major impact on the case leading to unsuccessful prosecution of the alleged perpetrator.

The **national cooperation** is well established between state and non-state actors. NGOs have formal and informal role in prevention, identification, and protection of human trafficking victims. They contribute towards policy and law development through their participation in the work of the Secretariat and the Trafficking in Children Subgroup of the National Commission. The NGOs provide training to professionals, prevention lectures in primary and secondary schools, they contribute with raising awareness activities etc. The NGOs have a formal role in the identification and protection of victims of human trafficking through their participation in the mobile teams and they are also foreseen as a member in the yet-to-be established new Operational team. The NGO Open Gate is a state-licensed service provider, and they are managing the only shelter in the country.

The **NGOs contribute towards improving the legislation and policy** in the country. The new Law on Prevention and Protection from Violence Against Women and Domestic Violence, the Law on the Payment of Monetary Compensation to Victims of Criminal Offences and the new Strategy and Action plan was prepared with the comments or recommendations made by some NGOs. The National Commission would benefit from additional administrative support.

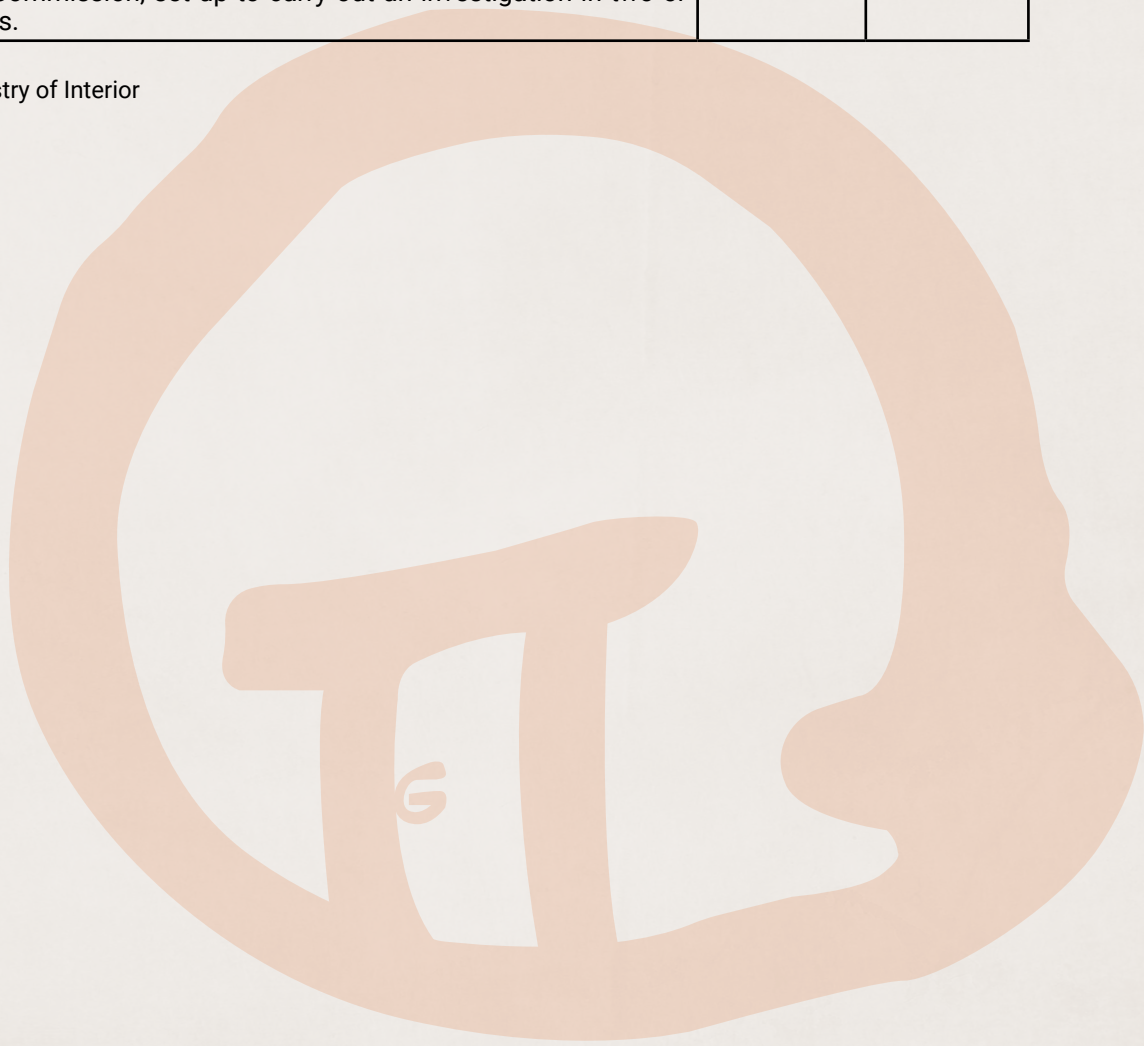
When it comes to **data collection**, each institution collects data related to the human trafficking cases it is processing. Each year, the National Commission produces an annual report that provides information on the anti-trafficking activities of governmental institutions, and non-governmental

and international organizations. However, there are not unified indicators and definitions used by all state institutions and NGOs working with human trafficking victims, case data can be incomplete or not the same for each case, sometimes data is not comparable, etc. All this affects the quality, reliability, and availability of data.

When it comes to **international cooperation**, in 2020, the Macedonian government signed a cooperation agreement with Bulgaria, Montenegro, and Serbia, but did not conduct any international investigations or extraditions.²⁸ During the reporting period, North Macedonia collaborated with Serbia, Germany, and the Republic of China – Taiwan in three cases. Also, there was one case where the Macedonian authorities investigated upon the request of the German government.

Table 6: International cooperation		
Description	Year	
	2020	2021
Number of investigations on trafficking in human beings' cases carried out in collaboration with other states.	2	1
Number of investigations concerning non-nationals reported to be 'missing', carried out at the request of a foreign government (or agency) or an international organisation (such as Interpol).	1	0
No. of cases involving mutual legal assistance (MLA) with another State, including Joint Investigation Teams (JITs), financed by the European Commission, set up to carry out an investigation in two or more states.	0	0

Source: Ministry of Interior



B. CONCLUSIONS

Legislation

- **Legislation is well developed:** Lawmakers in North Macedonia are open to change and adapt the legislation in accordance with the international standards. The processes are inclusive and open to public with practitioners from government and non-government sector, academia and independent national/international experts participating in the process.
- **There are few legal gaps:** The key legal gap is the right to compensation and the complex and long procedure to realize this right. Other legal gaps include lengthy procedure to obtain victim`s statement before a public prosecutor, option for general judges and panels working on criminal matters to hear cases where child is a victim of violence, lack of availability to schedule emergency medical appointment in "Moj Termin," lack of legal clarity between the criminal acts neglecting and maltreating a child vs. child trafficking, etc.
- **Introduce the term presumed victim of human trafficking:** There is a growing consensus to introduce a presumed victim, in addition to potential and officially recognized victim, where the level of protection and assistance offered to the victim will be higher compared to potential victim of human trafficking.

Practice

- **Low number of identified victims:** There is a consensus that the number of officially identified victims does not reflect the reality.
- **Victims are reluctant to identify themselves** especially in the case, when the parents or close relatives are the alleged traffickers.
- **Need for a better communication between SLI and the police:** The labour inspector, who identifies a potential victim of human trafficking, refers the case to the police and the police takes over the case. The SLI does not receive feedback from the police if the person was confirmed as potential or officially recognized victim.
- **Good model of outreach work:** The mobile teams are considered as a good practice in proactive identification and cooperation between civil society and government, however they are dependent on donor support.
- **Many barriers to effective identification:** There are many barriers, why victims don't get to be identified. Those barriers relate to lack of knowledge and/or, specialization, absence of resources, high employee turnover, lack of consistently screening for trafficking indicators etc.

- **Some authorities have ignored or overlooked a case:** Some of the possible reasons for this is lack of knowledge about human trafficking as a criminal act, lack of respect to the principle of non-punishment, lack of political will to prosecute trafficking cases, authorities' misconceptions about women and men involved in prostitution, lack of sensitivity to screen for trafficking indicators, etc.
- **Equal support and assistance to victims:** The victims from the minority groups receive equal support and assistance. The context in which the professionals operate is dominated with prejudice against Roma population. As a result, some victims of human trafficking among the Roma population might receive different treatment due to prejudice related to their ethnicity.
- **Assistance and support are available, but limited:** There are various services offered to victims of human trafficking including emergency shelter, medical assistance, information and legal advice, education, etc. Access and availability of some medical services is limited, and some medical treatment and medicine not free. There are no age-appropriate drug treatments. There is no specialized service to accommodate man or foreign victims of human trafficking, and children are sometimes accommodated together with adults. The foster families and small group homes exists as services, but not specialised to work with human trafficking victims.
- **Access to active employment measures hindered with lack of data protection:** The current system of the employment agency does not guarantee the personal data protection of the victims and protection of their status and privacy as victims.
- **A state-licensed NGO provides shelter to victims:** It is a good practice for the Government to outsource its services to the civil society sector, and fully cover the NGOs expenses.
- **Reallocation of funds to fight emergency:** During COVID19 the state funds allocated to cover the expenses for the functioning of the shelter, were reallocated to fight COVID19. Reallocation of funds on which the NGO depend to cover day-to-day functioning of the shelter, can have negative impact on the quality and type of services that the victims receive.
- **Legal status and lack of documents affects access to services:** Victims who are nationals and are missing birth certificate or other types of personal documentation, and to foreign victims without legal right to stay in the country, have limited or no access to services due to their legal status and lack of documents.
- **Right to compensate exists, but poorly executed in practice:** Victims of human trafficking can claim compensation for material and non-material damage. It can be done by joining the criminal proceedings and/or before the civil court. The complexity of the process often discourages victims from pursuing action and as a result the number of persons who have claimed and received compensation is low. Effective access to compensation can be a significant factor in the recovery process of survivors of human trafficking.

- **Insufficient resources:** All institutions handling human trafficking cases, report insufficient human resources as one of their main problems. In addition, the institutions sometimes have problem with other resources such as access to vehicles, to be able to perform their regular tasks. Some are complementing their operational needs with donations from international organizations. Special interview rooms are available in few cities around the country.
- **Need for better quality, reliability, and availability of data:** There are not unified indicators and definitions used by all state institutions and NGOs working with human trafficking victims, case data can be incomplete or different for each case, data is not comparable, etc.
- **No system in place to measure the impact of the training:** Building the capacities and conducting trainings is a dominating priority, but the impact of the training is not measured. Most of the institutions have a non-formal evaluation of the performance of the individual who attended the trainings. There is a need to have more multi-disciplinary trainings.
- **Well-established national cooperation:** The cooperation state and non-state actors works well. NGOs have formal and informal role in prevention, identification, and protection of human trafficking victims, they influence policy and legal making, they provide direct support services to victims, and they are participating in the work on the national coordination bodies.

E. RECOMMENDATIONS

Legislation

- **Close the legal gaps:** Put a plan in place to address the outstanding legal gaps, with clear responsibilities and timeframe to execute the plan.
- **Introduce the term presumed victim of human trafficking:** Create a definition for a presumed victims of trafficking and introduce it in all relevant documents (legislation, policy, standard operating procedures, etc.)

Practice

- **Advance identification efforts:** Introduce a victims-center approach to identification and treatment of victims of human trafficking.
- **Expand the current services:** Increase and diversify the capacity to accommodate victims of human trafficking, by providing specialized services depending on the age or the gender of the person. Ensure that foreign victims of trafficking have access to adequate accommodate services.
- **Ensure the model of outreach work is fully funded by the state:** Create a plan for the mobile teams to transition from donor-funded, to state-funded service.
- **Introduce more effective compensation system:** Prescribe and build an effective compensation system, where the compensation will not be linked with the availability of funds and property from the perpetrator in order to cover the compensation claim.
- **Clarify roles and responsibilities of the labour inspectors:** The MoU between MoI and SLI currently prepared, should ensure that the role of labour inspectors is clearly articulated. It should ensure that the labour inspector receive feedback from the police if the person identified during an inspection, was confirmed as potential or officially recognized victim.
- **Funding for the shelter:** The MoLSP should ensure that the funding for the functioning of the shelter is stable and available every year, and sufficient to cover all operational costs.
- **Improve data collection:** Introduce common indicators and definitions for data collection, and to be used by all institutions and organizations that work on combatting human trafficking.
- **Priority access to active employment measures:** Victims should be given a priority access to active employment measures, while guaranteeing their privacy and protection of data.

- **Mapping of resources:** Conduct a mapping exercise to understand the current gaps in the capacity of the system to combat human trafficking. Put a strategic plan forward to address the findings from the mapping exercise.
- **Set up a mechanism to measure the impact of the training:** All institutions mandate to train professional who work on human trafficking cases, should have a mechanism in place to follow the impact of the training.
- **Deliver basic and continuous training:** Future trainings should systematically address the knowledge gaps on how to identify and work with human trafficking victims. There should be a system in place to train staff as soon as they start the new position, but also create on-the-job learning opportunities by teaming new with more experienced staff. Special attention should be paid to raising awareness of trafficking in human beings for the purpose of labour exploitation.

RESOURCES CONSULTED

All documents were accessed between October and December of 2022.

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¹² <https://www.state.gov/reports/2022-trafficking-in-persons-report/north-macedonia/>

¹³ Interview with key stakeholders, November 2022 and U.S. Department of State, 2021, Trafficking in Persons Report: North Macedonia, available [here](#)

¹⁴ Interview with key stakeholders, November 2022 and U.S. Department of State, 2021, Trafficking in Persons Report: North Macedonia, available [here](#)

¹⁵ Open Gate/La Strada, 2020, Предизвици во идентификацијата, заштитата и реинтеграцијата на жртвите на трговијата со луѓе [The challenges in identification, protection and reintegration of victims of human trafficking] and Interview with key stakeholders, November 2022

¹⁶ Gender Equality Platform, 2022, Shadow Report on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in North Macedonia, available [here](#) and Interview with key stakeholders, November 2022

¹⁷ National Commission to Combat Human Trafficking and Illegal Migration, 2021, Annual Report for 2020

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¹⁹ National Rapporteur, 2021, Предизвиците и ефикасноста на надлежните институции во РСМ во процесот на превенција идентификација и спроведување на заштита на жртви на трговија со луѓе во тек на 2021 година. [The challenges and efficiency of the competent institutions in RSM in the process of prevention, identification and implementation of protection of victims of human in 2021]

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