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# **GROUP OF EXPERTS ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS (GRETA)**

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**Reply from “the former Yugoslav Republic of Macedonia”  
to the Questionnaire for the evaluation of the implementation of  
the Council of Europe Convention on Action against Trafficking  
in Human Beings by the Parties  
1st evaluation round**

Reply submitted 29 May 2012

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This reply has been made public at the request of the authorities of  
"the former Yugoslav Republic of Macedonia"



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## Preliminary Questions

### Question 1

**1.a. Please specify which State body/agency was responsible for co-ordinating and collecting the replies to this questionnaire.**

Responsible institution for coordination and collection of answers to the GRETA questionnaire is the National Committee for fight against trafficking in human beings and illegal migration within the Government of the Republic of Macedonia.

**1.b. Please specify the name and professional title of the person heading this State body/agency.**

**Name**

Ms Violeta Andonovska

**Professional title**

National Coordinator and State Secretary within the Ministry of Interior of the Republic of Macedonia,

**1.c. Please indicate if this person is the "contact person" appointed by your country to liaise with GRETA (or a different person).**

~~Yes~~ No

Nominated contact person is Mr Sande Kitanov, Head of Anti-trafficking in human beings and smuggling of migrants Unit within the Center for suppression of organized and serious crime of the Ministry of Interior of the Republic of Macedonia.

### Question 2

**2. Which State bodies/agencies contributed to responding to this questionnaire? Please indicate the main responsibilities and/or fields of competence of each of these bodies/agencies. State body/agency contributing to responding**

Ministry of Interior of the Republic of Macedonia

**Main responsibilities and/or fields of competence of this State body/agency**

tasked with detection of criminal acts and prosecution of perpetrators of crimes, international police cooperation in view of exchange of information and conducting joint international criminal investigations.

**State body/agency contributing to responding**

Ministry of Labor and Social Policy

**Main responsibilities and/or fields of competence of this State body/agency**

tasked to work in the social domain of citizens, covering the Law on Social Protection, Law on protection of children.

Within this Ministry, there is a National Referral Mechanism for referring THB victims as a body coordinating activities in receiving identified THB victims, their accommodation, protection, re-integration and re-socialization.

Within this Ministry, there is a National Center for THB victims. The Ministry implements the activities at local level through Social Affairs Centers.

**State body/agency contributing to responding**

Ministry of Justice

**Main responsibilities and/or fields of competence of this State body/agency**

tasked with monitoring of the regulations in the Republic of Macedonia, proposing laws, implementing international regulations ratification procedures, international legal assistance, international cooperation in criminal matters.

**State body/agency contributing to responding**

Basic Public Prosecution Office for prosecution of cases of organized crime and corruption

**Main responsibilities and/or fields of competence of this State body/agency**

tasked with prosecution of crimes in the area of organized crime and corruption, including crimes of trafficking in human beings.

**State body/agency contributing to responding**

Basic Court Skopje 1

**Main responsibilities and/or fields of competence of this State body/agency**

competent for court procedures in criminal matter and the only criminal court tasked with procedures in cases in the area of organized crime, including trafficking in human beings

**Question 3**

**3.a. Did any non-governmental organisations (NGOs) or other entities of civil society contribute to responding to this questionnaire?**

Yes

~~No~~

**3.b. If so, please indicate the main activities of each of the NGOs and/or other entities of civil society which contributed**

**Name of NGO or other entity of civil society**

IOM – International organization for migration in Skopje

**Main activities of NGO or other entity of civil society**

Monitoring of migrations and THB. It cooperates for a longer period of time with the National Committee with projects in the part of migrations and illegal migration and THB in view of prevention, support of protection and repatriation.

**Name of NGO or other entity of civil society**

NGO "Open Gate – La Strada"

**Main activities of NGO or other entity of civil society**

with activities in fighting THB at preventive level, resocialization and reintegration and protection of THB victims. Until 2010 there was a Shelter Center for protection of THB victims. Since the opening of the state center for THB victims, it is actively involved in THB victims protection with its own personnel.

**3.c. If not, please comment**

(Not answered)

## I. Integration of the core concepts and definitions contained in the Convention in the internal law of the parties

### Section I.1. Integration of the Human Rights approach to action against trafficking in human beings

#### Question 4

4. Please indicate if, in your internal law, THB is considered as a human rights violation (or only a criminal offence, see Section II.3. below)

Yes

~~No~~

#### Possible comments concerning your reply

THB is a criminal act and it is incriminated in the Criminal Code, but it is also a violation of human rights, and it is classified in Chapter XXI in the Criminal Code – CRIMES AGAINST HUMANITY AND INTERNATIONAL LAW.

#### Question 5

5. Please indicate what special legal protection exists under your internal law (including case law, if any) in cases of violations of human rights, which would apply in cases of THB (For example, constitutional protection, positive obligation of the state, priority examination, etc.)

The amendments and supplements to the Criminal Procedures Law adopted in October 2004 introduce the institute of protection of witnesses, associates of justice and victims, which regulate the protection of identity and privacy of victims.

The Criminal Procedure Law adopted in 2010 in Chapter V: Victim, damaged party and private plaintiff from Article 53-56 regulate rights of the victim:

The victim of the crime has the following rights:

- 1) to participate in the criminal procedure as a damaged party by adhering to the criminal prosecution or for realization of a damage claim;
- 2) to special care and attention on the part of bodies and subjects participating in the criminal procedure and
- 3) to efficient psychological and other expert assistance and support by bodies, institutions and organizations for assistance of victims of crime.

These provisions stipulate an obligation for the police, public prosecutor and the court to treat victims of crime with special care, to see to their interests when making decisions for criminal prosecution against the defendant, i.e. when undertaking activities in the criminal procedure when the victim needs to attend them personally, with a service note or a memo is being prepared.

In accordance to the special regulations, the victim of a crime for which a prison sentence in duration of at least four years has been prescribed is entitled to:

- 1) a councilor at budget expense when giving statement, i.e. a statement or filing property claim, if there are serious psycho-physical damages or more serious consequences from the criminal act and
- 2) a compensation of material and non-material damage from a state fund under terms and in the manner prescribed by a special law, if the damage compensation cannot be covered from the defendant

These provisions also regulate some special rights to vulnerable categories of victims.

Victims are entitled to special measures of procedural protection when giving statements and during the investigation in all of the phases of the procedure. The special procedural protection measures are specified by the court upon a proposal of the Public Prosecutor or the victim or by their own discretion when necessary to protect endangered and specially vulnerable victims.

These rights also regulate special rights of victims of crimes against sexual freedom and sexual morale, humanity and international law.

Victim of crimes against sexual freedom and sexual morale, humanity and international law, is also entitled to the following rights:

- 1) talk to a councillor free of charge or a representative if he/she participates in the procedure as a damaged party;
- 2) be interviewed by a person of the same gender in the police and Prosecution Office;
- 3) to refrain from answering questions related to the victim's personal life, and not to the crime itself;
- 4) ask for interviewing with audio-video devices in the manner specified by law and;
- 5) ask for exclusion from the public at the main hearing.

The Court, the Prosecution Office and the Police are obliged to inform the victim of her/his rights by the first interviewing at the latest, compiling of it an official note or a record.

The amendments of the Criminal Procedure Law of 2008 (“Official Gazette of the Republic of Macedonia” of 10.07.2008 ) introduce new Chapter containing provisions for witness protection in the procedure: Chapter XIX-a PROTECTION OF WITNESSES, ASSOCIATES OF JUSTICE AND VICTIMS.

In the same time, Article 223 introduces special protection for a juvenile victim of trafficking in human beings, violence or sexual abuse by interrogation by way of technical communication means (video conference or another video link).

Application of witness protection measures outside the procedure is done by his/her inclusion into a Witness Protection Program, applying the provisions regulated with a separate law, specifically the Law on Witness Protection from 2005 (“Official Gazette of the Republic of Macedonia” No. 38/05 of 26.05.2005 )

## **Section I.2. Comprehensive approach to THB, co-ordination of all actors and actions to prevent and combat THB and to protect its victims, and international co-operation**

### **Question 6**

**6. Please indicate the titles of the main internal legal provisions and/or regulations containing measures to prevent THB, to protect and assist its victims, and to criminalise THB and prosecute traffickers**

The Law on Family (“Official Gazette of the Republic of Macedonia” No.84/08) in 2008 posed the question of protection of children victims of trafficking in human beings for the first time, adding a new Chapter V-a – “Custody over juveniles victims of trafficking in human beings” with sixteen new articles.

The amendments and supplements to the Law on children protection in 2009, specifically Article 9 ban all forms of sexual exploitation and sexual abuse of children (child pornography, child prostitution), violent pimping, sale or trafficking with children, psychological or physical violence and abuse, punishment or other inhuman treatment, all forms of exploitation, commercial use and abuse of children, violating the basic human rights and freedoms of the child.

The Law on Social Protection was adopted in June 2009 (“Official Gazette of the Republic of Macedonia” No. .79/09 Art.26 and Art.31) which provides for protection of persons – victims of trafficking in human beings in the Center for persons – victims of trafficking in human beings (Article 132).



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In this context, the Ministry of Labor and Social Policy prepared “Rulebook on the norms and standards for premises, equipment, expert personnel and means necessary for operationalization of social protection facility Center for persons – victims of trafficking in human beings” (Official Gazette of the Republic of Macedonia No. 100/10 of 23.07.2010).

Chapter XXXIV of the Criminal Code incriminates prosecution of traffickers:

1. Trafficking in human beings Article 418a
2. Smuggling of migrants Art.418b
3. Organizing group and instigation to commit acts of trafficking in human beings, smuggling of migrants and trafficking with juvenile, Art. 418c.
4. Trafficking with juvenile Art.418d.

## Question 7

**7.a. Does your country have a comprehensive national policy and/or a National Action Plan to combat THB?**

Yes

~~No~~

**7.b. If so, please indicate its title, date of adoption and duration, main fields of action and the body/bodies responsible for its implementation.**

The National Commission for fight against trafficking in human beings and illegal migration (hereinafter: NC) within the Government of the Republic of Macedonia as a national coordination body for implementation of the policy for fight against trafficking in human beings and illegal migration has adopted the following documents:

**Title 1: National Strategy for fight against THB and illegal migration in the Republic of Macedonia 2006-2008**

adopted by the Government of the Republic of Macedonia in December 2005 valid until December 31st 2008

**Title 2: National Action Plan for fight against THB and illegal migration in the Republic of Macedonia 2006-2008**

adopted by the Government of the Republic of Macedonia in December 2005, valid until December 31st, 2008

It contains the following chapters:

- Supporting Framework
- Prevention
- Investigations and criminal prosecution of THB

**Title 3: Action Plan for fight against trafficking with children**

**Title 4: National Strategy for fight against trafficking in human beings and illegal migration in the Republic of Macedonia 2009-2012**

**Date of adoption:**

30/12/2008

**Duration (in years):**

4

**Main fields of action and body/bodies responsible for its implementation**

- 1) National Commission (coordinative role and capacity building)
- 2) Ministry of Education (prevention)
- 3) Ministry of Health (health protection)
- 4) Ministry of Justice (legal regulation)
- 5) Prevention (Ministry of Labor and Social Policy, MOI, NGO)
- 6) Protection and assistance (Ministry of Labor and Social Policy, NGO)

- 7) Reintegration (Ministry of Labor and Social Policy, NGO)
- 8) Prosecution (MOI, PPO, Court)

#### **Title 5: National Action Plan for fight against THB and illegal migration in the Republic of Macedonia 2009-2012**

It contains the following chapters:

- Supporting framework
- Prevention
- Support and protection of victims of trafficking in human beings and migrants
- Criminal procedure

##### ***Date of adoption***

30/12/2008

##### ***Duration (in years)***

4

##### ***Main fields of action and body/bodies responsible for its implementation***

- 1) National Commission (coordinative role and capacity building)
- 2) Ministry of Education (prevention)
- 3) Ministry of Health (health protection)
- 4) Ministry of Justice (legal regulation)
- 5) Prevention (Ministry of Labor and Social Policy, MOI, NGO)
- 6) Protection and assistance (Ministry of Labor and Social Policy, NGO)
- 7) Reintegration (Ministry of Labor and Social Policy, NGO)
- 8) Prosecution (MOI, PPO, Court)

#### **Title 6: Action Plan for fight against children in the Republic of Macedonia 2009-2012**

##### ***Date of adoption***

30/12/2008

##### ***Duration (in years)***

4

##### ***Main fields of action and body/bodies responsible for its implementation***

- 1) National Commission (coordinative role and capacity building)
- 2) Ministry of Education (prevention)
- 3) Ministry of Health (health protection)
- 4) Ministry of Justice (legal regulation)
- 5) Prevention (Ministry of Labor and Social Policy, MOI, NGO)
- 6) Protection and assistance (Ministry of Labor and Social Policy, NGO)
- 7) Reintegration (Ministry of Labor and Social Policy, NGO)
- 8) Prosecution (MOI, PPO, Court)

#### **Title 7: Standard Operational Procedures for treatment of THB**

##### ***Date of adoption:***

30/12/2008 revised in 2010

##### ***Duration (in years):***

(Not answered)

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**Main fields of action and body/bodies responsible for its implementation**

- 1) National Commission (coordinative role and capacity building)
- 2) Ministry of Education (prevention)
- 3) Ministry of Health (health protection)
- 4) Ministry of Justice (legal regulation)
- 5) Prevention (Ministry of Labor and Social Policy, MOI, NGO)
- 6) Protection and assistance (Ministry of Labor and Social Policy, NGO)
- 7) Reintegration (Ministry of Labor and Social Policy, NGO)
- 8) Prosecution (MOI, PPO, Court)

**Title 8:** In April 2012 a working group for drafting **National Strategy for trafficking in human beings and illegal migration of the Republic of Macedonia 2013-2016** was set, which is also going to draft a National Action Plan for fight against THB and illegal migration in the Republic of Macedonia for the period 2013-2016

**7.c. If not, please comment**

(Not answered)

**Question 8**

**8.a. In your country are there persons or entities specialised in the fight against THB and the protection of victims?**

Yes  No

**8.b. If so, please describe the type and the periodicity of the training provided for these persons or the staff of these entities**

Within the Ministry of Interior, in the Center for Suppression of Organized and Serious Crime there is a specialized Anti-trafficking in human beings and smuggling of migrants Unit. The mission and the competencies of this unit are to detect criminal acts of trafficking in human beings and their perpetrator, conducting criminal investigations at national and international level.

The personnel training is projected one and continuous with an Annual Program for training prepared in advance.

In the period 2009-2011, the Academy for training of Judges and Public Prosecutors conducted specialized trainings for trafficking in human beings, 5 in total. These trainings were attended by a total of 112 professionals from the MoI, Ministry of Justice, judges, public prosecutors, lawyers and representatives from the Custom Administration.

In line of this, the International Organization for Migration undertook the following activities:

Within the project “Technical assistance for strengthening the capacities of relevant parties involved in the fight against organized crime, with special focus on trafficking in human beings” financed by the European Union, IOM Skopje in cooperation with the Ministry of Interior, Ministry of Labour and Social Policy undertook comprehensive and dozen of activities. In the period from July 2009 until December 2010, there have been eight training conducted at the topic “Basics of trafficking in human beings and smuggling of migrants” for a total of 276 police officers; six “Specialized/advanced trainings” for 166 representatives having good or advanced knowledge at this topic; organizing four three-day trainings for 76 representatives from relevant governmental institutions and the civil sector for strengthening integrated approach in identification and protection of victims of trafficking in human beings; furthermore, 2.600 CDs have been prepared and distributed with compilation of the relevant national and international documents for trafficking in human beings and migration (including the Council of Europe Convention for actions in trafficking in human beings); Brochure for early identification of cases of trafficking in human beings and smuggling of migrants for police officers has been prepared and a Brochure for early identification of cases of THB for labor inspectors which were promoted at the nine info sessions for police officers and three info sessions for labour inspectors; prepared and printed Comparative analysis of the legal framework and mechanisms for protection of unescorted juveniles, by applying EU standards; study visits to Romania and the Netherlands: specialized training for the personnel in the National Reception Center for victims of THB. The total budget for this project for technical assistance is EUR, 299,942.

**Activities in the mentioned period realized by NGO “Open Gate – La Strada”:**

- Trainings for professionals 2009

26.02.2009 training held for 12 local NGOs at the topic “NGO Capacity building for children rights lobbying”. The training was attended by 25 participants. The financial implication of the activity is EUR 1, 500.

29.04.2009 training held for journalists, attended by 14 journalists from the printed and electronic media from 10 cities at the topic “Role of journalists in the prevention of THB”. Financial implication for this activity is EUR 1,000.

23.09.2009 training held for professionals entitled “Exchange of experience and practices in the work according to UNICEFs guidelines”. This training was intended for social workers from the social work centers; the team of employed social workers in the Reception Centre Open Gate and the employees of the Center for homeless children. The workshop was attended by 20 participants, taking active part and drafting recommendations for better assistance of children THB victims in accordance to the UNICEF guidelines. The financial implication for this activity is EUR 1,500.

- Trainings for professionals 2010

In 2010 Open Gate conducted ten debating forums with the local community in ten towns in Macedonia . These forums were prepared in joint cooperation between Open Gate and the local NGOs, excluding the panel discussion which was held in Kumanovo and in cooperation with the Prevention Section of the Police in Kumanovo. The debating forums were attended by 236 representatives of the local communities and decision makers , such as: social work centers, police – prevention section, primary and secondary schools, NGOs, border police, health workers, lawyers, electronic and printed media, local self-government units, local coalitions against trafficking in human beings, Equal Opportunity Committees, as well as the Basic Court and the Public Prosecution Office. Many representatives took part at the debating forums by giving presentations of their own local problems in view of THB. Every activity was prepared separately, taking into consideration the needs of the specific community, while local NGOs – being associates in this project – were responsible to define key problems or omissions existing at the moment in their community in reference to THB, which were subject of discussion at the debating forums. The aim of the debating forum was to increase the awareness of the local self-government and of the decision makers in reference to the issue of THB, improvement of the cooperation and the communication between the responsible persons and institutions for fight against THB at local level, developing initial local Action Plan for fight against THB, thus reducing the number of trafficked persons and providing better treatment of these persons. The financial implication for these activities is EUR 3,000.

- Training of professionals 2011

On 14.10.2011 Open Gate organized one-day workshop for developing Local Action Plans for prevention of trafficking in human beings as part of the project “Local response to trafficking in human beings”. Attending the workshop were 30 representatives of NGOs members of the National network for fight against THB in Macedonia – “Awareness”, as well as representatives of the local self-government and Prevention Councils within the Sectors for internal affairs from 10 towns in Macedonia (Skopje, Kumanovo, Sv. Nikole, Delcevo, Strumica, Bitola, Reka region, Tetovo, Kicevo and Struga). The aim of the workshop was to initiate developing and implementing local action plans against THB through multi-disciplinary approach and partnership of different institutions and organizations at local level. This cooperation will contribute to better identification, prevention and assistance of trafficked persons. The financial implication for this activity is EUR 1.500.

In January and June 2011 there were two workshops held for members of the syndicate (Union of independent and autonomous syndicates of the Republic of Macedonia) UNASM for trafficking in human beings with special emphasis on the labour exploitation. This activity covered 50 workers throughout the Republic of Macedonia promoting their knowledge about trafficking in human beings for the purpose of labor exploitation, forced labour, as well as about labor rights.

The training were conducted on the basis of the prepared analysis of existing capacities and readiness of UNASM for implementation of activities and programs against THB and forced labor in Macedonia. The analysis provided better view of the presence, perceptions and positions of the employees for THB in reference to the labor inspection, forced labor and labor rights. In the same time, there were areas of cooperation between Open Gate and UNASM. The financial implication for these activities is EUR 1,800.

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On 25.11.2011 Open Gate conducted one-day training for “Prevention of trafficking in human beings” intended for professionals from primary schools in municipality Kisela Voda and Aeordrom. The training was attended by 21 representative from 15 primary schools from municipalities Aerodrom and Kisela Voda of different profiles, teachers, defectologists, psychologists and pedagogues.

The training had the aim of increasing the knowledge and sensitivity of professionals for THB, as well as to include them in the process of identification, referral and prevention of cases of THB. The training participants had the possibility of getting to know the problem of THB and the current state of play in Macedonia, its reasons and consequences, moduses of getting involved in THB, protective measures, as well as available social services in the country by way of using different techniques, presenting the movie “You are alive”, group and individual work. The financial implication for this activity is EUR 500.

From 30/11-02/12/2011 in Skopje, Open Gate held training entitled “Work with children under risk at the age of 12-18”. The target group of the training were 10 representatives of Open Gate. The three day training was composed of two parts: theoretical and practical. During the training, the participants had the possibility to talk about three topics: adolescence, communication and conflicts and the syndrome of professional burning out and supervision. The participants were able to gain knowledge and skills in view of adolescence as a whole, getting to know children development, types of communication, the syndrome of professional burning out, supervision in assisting occupations, etc. The financial implication for this activity is EUR 2,000.

From 5-20 November 2011 representative of Open Gate was invited by the US Embassy in Macedonia to participate in a study program for familiarization with the system for fighting THB in the United States. The program involved 17 representatives from different institutions from the whole world. The program consisted of visiting three countries, covering all aspects in the suppression of THB. First of all, the participants first were in Washington D.C. and learned the structure of the federal system for fight against THB. Then, a visit was organized to the state Utah where the participants learned the different moduses and laws relating to suppression of THB at state level. At the end, the participants visited California, San Diego where they were explained the moduses used to prevent illegal migration and trafficking in human beings, considering the fact that this city is closest to Mexico.

From December 12th -15th, 2011 there was a study visit to the Netherlands organized by La Strada International. The purpose of the study visit was to upgrade Open Gate personnel capacities for proper addressing the issue of THB ifor labor exploitation. During the visit, there were 7 meetings organized with representatives of: HBO Querido/Roggeveen managing the largest reception center for victims of THB in the Netherlands; HBO Fair Work working on prevention of THB for labor inspection; Ministry of Social Affairs and employment; the Office of Nationa THB Rapporteur ; CNV International – organization offering support to syndicates and other organizations committed to respect of workers rights; CoMensha, an NGO presenting a link between state institutions which identified victims and NGOs providing accommodation and service to victims of THB. The financial implication for this activity is EUR 3,000.

**8.c. Please specify the financial resources (in euros) allocated to this training**

For period 2009-2012 total:321800 euros

**8.d. If not, please comment**

(Not answered)

**Question 9**

**9.a. Is there, within your governmental structure, a national body responsible for co-ordinating all national actors and actions against THB? (regardless of the denomination and whether it was set up for this specific purpose or whether this responsibility was assigned to an already existing governmental body)**

Yes

~~No~~

The Government of the Republic of Macedonia, with a desire to achieve higher level of efficiency and joint action in the fight against THB and illegal migration in the Republic of Macedonia, adopted a Decision for establishing National Commission for fight against THB and illegal migration (Decision published in Official Gazette of the Republic of Macedonia No. 18/2001). In 2002 the National Program for fight against THB was adopted , (“Official Gazette of the Republic of Macedonia” No. 10/2002).

**9.b. If so, please specify its name, administrative status, annual budget (in euros), human resources, composition and competences**

**Name of the co-ordinating body**

National Commission for fight against THB and illegal migration (Decision published in Official Gazette of the Republic of Macedonia No. 18/2001).

**Annual budget (in euros) of the co-ordinating body**

2010 – EUR 190,000, 2011 – EUR 160,000, 2012 – EUR 160,000 or total 510,000 euros

**Administrative status, human resources, composition and competences of the co-ordinating body**

Based on the Decision, the Government reached a Decree for nomination of National Coordinator and members of the National Committee.

At the session held on 30.01 2007 a Decision was made to nominate a National Coordinator, his/her deputy, secretary and members of the Committee.

According to the Decision, the National Committee has a task to:

- monitor and analyse the state of affairs with THB and illegal migration;
- coordinate activities of competent institutions and
- cooperate with international organizations and NGOs.

Members of the National Committee are representatives of relevant ministries and institutions involved in the fight against THB and illegal migration.

National Coordinator is a State Secretary in Mol, Deputy National Coordinator is Head of Anti-trafficking in human beings and smuggling of migrants, members – State councillor – Mol, Mol Regional Center for border affairs North – Skopje, Section for illegal migration and prevention, advisor for illegal migration – Mol – Sector for border affairs of the Republic of Macedonia, Custom Office of the Republic of Macedonia, Ministry of Foreign Affairs, Basic Public Prosecution Office for prosecution of cases of organized crime and corruption, Director of the Training center, Ministry of education and science, Head of Section for strategic planning – Ministry of Health, State councilor in Ministry of Labor and Social Policy, judge from the Basic Court Skopje 1.

From 2003 within the National Committee there is a Secretariat functioning of the National Committee acting upon the decisions of the Committee managed by a representative of the Ministry of Labor and Social Policy, with representatives of international, NGOs and experts from governmental institutions: Mol, Ministry of Labor and Social Policy, US Embassy, ICMPD, OSCE, GIZ, UNICEF, IOM, Regional Center - MARRI, NGO "Open Gate", NGO "For happy childhood", NGO "Semper", NGO "Semper" – Struga and the Red Cross of the Republic of Macedonia.

From 2003 there is a sub-group established within the National Committee, Subgroup for fight against trafficking in children, presided by a Councilor for protection and prevention of THB in the Ministry of Labor and Social Policy, with members from Mol-Anti-trafficking in human beings and smuggling of migrants, Sector for border affairs – Mol, US Embassy in Skopje; ICMPD, OSCE, GIZ, UNICEF, IOM, NGO "Open Gate", NGO "For Happy Childhood", NGO "Equal access", as a deputy People's Ombudsman who has the role of external member/observer.

There is an Office of the National Mechanism for referral of victims of trafficking in human beings functioning in the Ministry of Labor and Social Policy from September 2005, established within a project realized by the Ministry of Labor and Social Policy and the National Committee for fight against THB and illegal migration in cooperation with the OSCE Mission in the Republic of Macedonia. The National Referral Mechanism Office in 2009 was institutionalized in the Ministry of Labor and Social Policy in the Equal Opportunities Sector by employing 2 individuals and continuation of activities relating to prevention and protection of victims of trafficking in human beings. This Office coordinates the protection of victims of THB in cooperation with two social workers from 30 Social Work Centers in 30 towns in Macedonia (they are available 24/7 on mobile phones) and are in constant communication with the police and the NGOs.

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**9.c. If there is currently no such co-ordinating body, are there any plans to set one up in the near future?**

(Not answered)

**9.d. If so, please give details**

(Not answered)

**9.e. If not, please comment**

(Not answered)

## Question 10

**10.a. Is this co-ordinating body also responsible for the co-ordination of the collection of administrative data or population survey data on THB?**

~~Yes~~

No

**10.b. If so, please give details or comments**

(Not answered)

**10.c. If not, please specify which body/entity has this responsibility**

National contact point for data collection relating to undertaken activities in the area of trafficking in human beings from all subjects is the National Rapporteur. Through a monitoring tool – Template for monitoring of the progress of implementation of the National Action Plan for THB and illegal migration. Through this template, the subjects involved in the fight against THB note the undertaken activities in the area of prevention, protection, reintegration and resocialization of victims of THB.

The same is achieved at national level in order to collect and evaluate the obtained results.

## Question 11

**11.a. Do NGOs have full membership status in your national co-ordinating body?**

Yes

~~No~~

**11.b. If so, how many?**

5

**11.c. Please describe the criteria for NGO membership.**

Within the National Committee for fight against THN there is a Secretariat as an executive body of the National Committee competent to put into practice the decisions of the NC. This body is composed of representatives from international organizations, NGOs and citizen associations.

Active membership in this body is currently taken by the following NGOs: „ Open Gate – La Strada, “For Happy Childhood”, “Semper”, “Ezerka” – Struga and the Red Cross of the Republic of Macedonia.

They become members by Decision of the National Committee with the basic criteria being to have an area of competence providing activities in the fight against THB, both at preventive level and in view of protection, reintegration and resocialization of victims of THB.

**11.d. If not, please comment**

(Not answered)

## Question 12

**12.a. Are there any other national or international entities or bodies participating in your national co-ordinating body?**

Yes  No

**12.b. If so, please specify.**

The National Committee is composed of representatives of the following international organizations: US Embassy in Skopje, ICMPD, OSCE Mission Skopje, GIZ, UNICEF, IOM, Regional Center - MARRI.

**12.c. If not, please comment.**

(Not answered)

## Question 13

**13. Please describe the legal basis for international co-operation between your country and other countries in the fight against THB (please indicate the title of the legal instruments.**

**National legislation: title (s) and description)**

- Law on international cooperation in criminal matters ("Official Gazette of the Republic of Macedonia" No. 124 of 20.09.2010).

**International (bilateral and/or multilateral) instrument(s)/agreement(s): title(s) and description**

- EUROJUST Cooperation Agreement;
- Police Cooperation Convention of South-eastern Europe;
- Strategic and Operational Cooperation Agreement with EUROPOL;
- South-east Europe Law Enforcement Agencies Cooperation Agreement SELEC CENTER-Bucharest
- Cooperation agreement between the Government of the Republic of Macedonia and the Government of the Republic of Croatia in the fight against international illegal trafficking with drugs and psychotropic substances, international terrorism and organized crime of 04/12/1996;
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria for cross-border police cooperation of 06/03/2006;
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Bulgaria for cooperation in the fight against terrorism, organized crime, illegal trafficking with narcotic drugs, psychotropic substances and precursors, illegal migration and other criminal acts of 02/26/2002;
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Slovenia on cooperation in the fight against illegal trafficking in drugs and organized crime of 10/28/1993;
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of France on cooperation in the area of internal security of 12/18/2003;
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Montenegro on cooperation in the fight against terrorism, organized crime, illegal trafficking with narcotic drugs, psychotropic substances and precursors, illegal migration and other criminal acts of 06/10/2003;
- Agreement between the Government of the Republic of Macedonia and the Government of the Republic of Romania on cooperation in the fight against terrorism, organized crime, illegal trafficking with narcotic drugs, psychotropic substances and precursors and other illegal activities of 11/12/2003;
- Agreement between the Government of the Republic of Macedonia and the Government of the Council of Ministers of the Republic of Albania on cooperation in the fight against terrorism,



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organized crime, illegal trafficking with narcotic drugs, psychotropic substances and precursors, illegal migration and other illegal activities of 06/17/2004;

- Agreement between the Government of the Republic of Macedonia and the Swiss Confederation on police cooperation in the fight against crime of 09/20/2005;
- Agreement between the Government of the Republic of Macedonia and the Council of Ministers of the Republic of Albania of 06/17/2004;
- Protocol on cooperation in the area of security between the Ministry of Interior of the Republic of Macedonia and the Ministry of Interior of the Republic of Turkey of 05/19/1992.

## Question 14

**14. What steps have been taken by your country to ensure that the requesting party is promptly informed of the final results of action taken in the framework of international co-operation on action against THB, as provided for in Article 34 of the Convention?**

The general formulation of international legal assistance is regulated in Article 15 of the Law on international legal assistance in criminal matters:

### INTERNATIONAL LEGAL ASSISTANCE

Term

Article 15

The international legal assistance covers:

- realization of procedural actions, such as delivering acts, requisitions, evidence and records being related to the criminal procedure in the requesting country,
- sending spontaneous information,
- exchange of specific information and notifications,
- temporary transfer of persons deprived of freedom,
- cross-border surveillance,
- controlled delivery,
- use of under cover agents,
- joint investigation teams,
- interception of communication,
- interviewing by video conference,
- interviewing by telephone conference,
- search of premises and persons,
- temporary securing of records, property or funds related the criminal acts,
- temporary freezing, seizure or holding funds, bank accounts and financial transactions or proceeds of crime,
- confiscation of property or property benefit,
- seizure of records,
- protection of personal data,
- criminal and citizen liability of officials and
- delivery criminal records certificates.

The provisioning of timely information of third parties is regulated in Art. 25 of the mentioned law.

## SUBMITTING SPONTANEOUS INFORMATION

### Article 25

- 1) National judicial authority on mutual grounds and without previous request may send information to the foreign competent authority relating to criminal acts obtained during its own investigations, should it consider that the delivery of such information may assist the initiation or realization of an investigation or court proceedings or if they could lead to submission of international legal assistance request.
- 2) National judicial authority shall request the foreign competent authority which received the information from paragraph (1) of this Article to prepare a report on any activity undertaken based on the received information, as well as a copy of the made decisions.
- 3) National judicial authority which submitted the information of paragraph (1) of the present Article, pursuant to regulations for personal data protection, may set specific conditions for their use in the foreign country where they were delivered.

### Question 15

**15.a. Do the relevant authorities of your country have the possibility to spontaneously provide information, without prior request, to authorities of another country (if the disclosure of such information might assist the receiving country in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with the Convention?)**

Yes                      ~~No~~

**15.b. If so, please indicate how such information is transmitted and which authorities are involved**

In accordance to the Law on Police all police officers – within their authorizations – are tasked to collect information on criminal acts being prepared, having been committed as well as on perpetrators of criminal acts. Within the Center for suppression of organized and serious crime, there is a specialized Department for criminal intelligence tasked to work with informants.

If any of the above-mentioned subjects receives intelligence on committed criminal act and a perpetrator related to a third country – in accordance to the internal procedures, the following is a procedure to be followed. The information obtained upon its discretion and check is immediately delivered through the Interpol National Central Bureau in the Republic of Macedonia of the concerned country – state. The detached police attacheas in the Republic of Macedonia are also used for exchange of information, as well as the SELEC Center in Bucharest for the countries from South-east Europe.

With the countries with which the Republic of Macedonia has signed bilateral agreements for police cooperation, the exchange of information goes directly through the specified national contact points.

**15.c. If not, please comment**

(Not answered)

### Question 16

**16.a. Do your police forces carry out joint actions, on a bilateral and/or a multilateral legal basis, with the police forces from other parties to fight THB?**

Yes                      ~~No~~

**16.b. If so, please describe the action taken and provide an assessment of its impact**

The Republic of Macedonia is a signatory of and ratified the SEE Police Cooperation Convention which is a multi-lateral basis for police cooperation with the countries from South-east Europe. It has signed bilateral agreements with several European countries in the area of organized and cross-border crime. The Republic of Macedonia is member of the SELEC Center Bucharest with detached liaison officers from the Ministry of Interior and the Custom Administration.

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With Europol it has signed Strategic and Operational Cooperation Agreement and participates in the joint analytical work files -AWF.

All the above-mentioned agreements on police cooperation enable exchange of information and conducting joint investigations. Last several years there have been several successful joint investigations conducted with SEE countries and also with EU member countries.

**16.c. If not, please describe any plans for joint action or obstacles to joint action**

(Not answered)

**Section I.3. Definition of “THB” and of “victim” in the internal law of the parties**

**Question 17**

**17.a. Are all the elements of the three components (action, means and purpose) contained in Article 4a of the Convention included in the legal definition of THB established by your internal law?**

Yes

~~No~~

**17.b. Please describe how they have been integrated in your internal law**

All elements of the three components contained in Article 4a of the Convention in view of trafficking in human beings are present in the incrimination of actions of the criminal act “Trafficking in human beings” in Article 418-a in the Criminal Code.

1) A person who by force, serious threat misleads or uses other forms of coercion, kidnapping, deceit and abuse of his/her own position or a position of pregnancy, weakness, physical or mental incapability of another person, or by giving or receiving money or other benefits in order to obtain agreement of a person that has control over other person or in any other manner, recruits, transports, transfers, buys, sells, harbors or accepts persons because of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced fertilization, unlawful adoption, or similar relationship or illicit transplantation of human body parts, shall be punished with imprisonment of at least four years”.

2) A person who destroys or takes away an ID, passport or other documents for identification with aim to commit the crimes set out in paragraph 1 of this article shall be punished with at least 4 years of imprisonment.

3) A person who uses or enables another person to use sexual services or another type of exploitation from persons for whom he knew or was obliged to know that they were victims of human trafficking shall be punished with imprisonment of 6 months up to 5 years.

4) If the crime referred to in paragraphs (1), (2) and (3) of this article is committed by an official person while performing his/her duties, he/she

shall be sentenced to imprisonment

of at least eight years.

5) The consent of the human trafficking victim in relation to the intent for exploitation, as referred to in paragraph (1), shall not bear any importance regarding the existence of the criminal offence as referred to in paragraph (1).

6) If the action in this article is committed by a legal entity it shall be fined.

7) The real estate, the items and means of transport used for committing the crime shall be confiscated.”

## Question 18

**18. Please indicate which of the following forms of THB are recognised under your internal law:**

- national
- transnational
- linked to organised crime
- not linked to organised crime

### **Possible comments concerning your reply**

Pursuant to the Criminal Procedure Law and the Criminal Code of the Republic of Macedonia, criminalized and recognizable are all four forms of perpetration of the criminal act "trafficking in human beings".

## Question 19

**19.a. Under your internal law, is a "victim of THB" any natural person who is subject to THB as defined in Article 4e of the Convention?**

Yes                      ~~No~~

**19.b. Please provide the definition of a "victim of THB" under your internal law**

The amendments of the Criminal Code of 2008 define the term "victim of a crime". Thus, victim of a crime means any individual having suffered a damage, including physical or mental injury, emotional suffering, material loss or another violation or endangerment of his/her basic freedoms and rights as a consequence of a committed criminal act. Child as a victim of a criminal act is a juvenile under the age of eighteen.

**19.c. Please provide (a translation of) the legal text(s) in English or in French**

The definition of a victim of trafficking in human being according to Art. 4a of the Convention is an integral part and an element of the criminal act Trafficking in human beings, Art. 418a par.1

"(1) A person who by force, serious threat misleads or uses other forms of coercion, kidnapping, deceit and abuse of his/her own position or a position of pregnancy, weakness, physical or mental incapability of another person, or by giving or receiving money or other benefits in order to obtain agreement of a person that has control over other person or in any other manner, recruits, transports, transfers, buys, sells, harbors or accepts persons because of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced fertilization, unlawful adoption, or similar relationship or illicit transplantation of human body parts,,

## Question 20

**20. Does your internal law recognise as victims of THB**

- women
- men
- children

**Possible comments concerning your reply**

The internal right does not make a distinction between male and female victims of trafficking in human beings and our system does not recognize the victims of THB upon the specified categories, with the exception of children, considering that the amendments of the Criminal Code of 2008 introduced a new criminal act in Article 418-g "Trafficking with juvenile"

**Article 418-g**

- 1) Any person who recruits, transports, transfers, buys, sells, harbours or accepts a juvenile for the purpose of exploitation by prostitution or other forms of sexual exploitation, pornography, forced labour or servitude, slavery, forced marriage, forced fertilization, illegal adoption or similar relationship, or illegal transplantation of human organs, shall be sentenced to imprisonment of at least eight years.
- 2) Any person who commits the crime as referred to in paragraph (1) by using force, serious threats, delusion, or other form of coercion, abduction, deception, or abuses his or hers position or conditions of pregnancy, disability or physical or mental incapability of another person, or by giving or taking money or other benefits in order to get consent from a person who has control over another person, shall be sentenced to imprisonment of at least ten years.
- 3) Any person who uses or enables another person to use sexual services or other type of exploitation of a juvenile person, for whom he or she knew or was obliged to know that the person is a victim of human trafficking, shall be sentenced to imprisonment of at least eight years.
- 4) Any person who takes away or destroys a personal identification card, passport or other identification document that belongs to another person, for the purpose of committing the crime as referred to in paragraphs (1) and (2), shall be sentenced to imprisonment of at least four years.
- 5) The consent of the juvenile person in relation to the activities as referred to in paragraph (1), shall bear no importance regarding the existence of the criminal offence as referred to in paragraph (1).
- 6) If the crime referred to in this article has been committed by a legal entity, it shall be punished with a monetary fine.
- 7) Any real estate and the items or transport vehicles used to commit the crime shall be seized.

**Question 21****21.a. To what extent does the consent of a person to intended or actual exploitation determine if that person will be recognised as a victim of THB under your internal law?**

The amendments from 2008 (Official Gazette of the Republic of Macedonia No.7 of 15.01.2008) introduce a separate action referring to the consent of the victim.

Specifically, paragraph 5 of the criminal act Trafficking in human beings and paragraph 6 of the criminal act Trafficking with juvenile, provide the following:

„The consent of the victim of trafficking in human beings for the purpose of exploitation through prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced fertilization, unlawful adoption, or similar relationship or illicit transplantation of human body parts, shall bear no importance regarding the existence of the criminal offence”.

**21.b. Please specify if your internal law contemplates the consent of the three categories of victims:**

- women
- men
- children

**21.c. Please provide examples.**

Investigation " Sejdo" conducted in 2011 when minor victim was victim of sexual exploitation of his lover who was member of criminal group that exploited 5 victim.

## **II. Implementation by the parties of measures aimed to prevent THB, protect and promote the rights of victims of THB and prosecute traffickers**

### **Section II.1. Implementation of measures to prevent THB**

#### **Question 22**

**22.a. Has a national/regional/local campaign or programme to alert the potential victims of THB to the various forms of exploitation been carried out in your country during the last two years?**

Yes  No

**22.b. If so, please provide the following details. (If more than one campaign or programme was carried out please provide the details for each of them.)**

***Title of campaign or programme***

Activities of the Ministry of Labor and Social Policy

***Was it based on research for determining effective prevention methods?***

The Ministry of Labor and Social Policy (MLSP) in cooperation with Men and Women Equal Opportunities Committee from municipality of Gyorce Petrov, as part of the Local Action Plan in February – March 2011 conducted preventive workshops in 4 primary schools and in one pre-school facility with 29 teachers and 831 students of seventh and eighth grade. There was a public debate held with representatives of local institutions and the police, with a total of 28 participants. An educational – propaganda material was prepared by the MLSP at the topic of trafficking in human beings and it was printed and distributed by the municipality to the primary schools in this municipality.

The MLSP signed a Memorandum of Cooperation with the German Assistance for International cooperation (GIZ) for implementation of a "Program for fight against trafficking in human beings and social protection" which is a regional program for dealing with the issue of THB and the social protection being implemented in Macedonia, Serbia, Kosovo, Bosnia and Herzegovina. The duration of the program is five years. The aims of this Program is to strengthen the decentralized social services so that they can successfully address the trafficking in human beings, to be able to outreach to vulnerable groups, achieve long term social inclusion of victims and high risk groups by different social programs which are in accordance to their needs, provided by the governmental and the non-governmental sector.

During the period September – December 2011, three studies were prepared:

- Study on "National programs and benefits within the social protection system in the Republic of Macedonia";
- International legal framework and Macedonian poverty laws with special emphasis on trafficking in human beings;
- Evaluation of vulnerable groups from the aspect of poverty with emphasis of trafficking in human beings.

As part of this program in Macedonia, there is a Bulletin published having the aim of improving the information, cooperation and coordination with social work centers, but also other institutions working in this area.

***Was it addressed to a particular group of potential victims?***

- Local Centers for social work
- Vulnerable social groups

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***Which bodies, governmental or non-governmental, were in charge of implementing it?  
Description of the material used for the campaign/programme and its dissemination  
If possible, please provide an assessment of the impact of the campaign/programme***

(not answered)

***Title of campaign or programme***

Activities of the NGO “Open Gate”

***Was it based on research for determining effective prevention methods?***

One of the reasons for the opening of the NGO Open Gate in 2000 was the increasing number of victims of THB in that period on one side, and the low level of information of the general public on the occurrence of this phenomenon, on the other. The experience from direct meetings and contacts with different groups and victims of THB showed that many of them, due to the lack of information, took risky steps leading them into situation of trafficking in human beings. Hence, there is a need of more precise focus on the target groups, but also specification of activities to be taken in their interest. The development of the organization itself, indicates the influence to the target groups in the whole process. In its work, NGO Open Gate continuously tends to adapt the priorities of its work towards the target group. When conducting preventive activities, NGO Open Gate is in constant contact with the target groups (young population) taking up many useful ideas and adapting them to a level appropriate to the target group. Many of the ideas and suggestions were accepted and realized as a part of the prevention and education program. Influence from the young population was shown in the development of preventive materials (brochures, leaflets, flyers, key pendants). More specifically, their proposals were used for the form and contents of some of the information materials, which were later distributed in all educational institutions. On the other hand, NGO Open Gate tries to support, encourage and motivate young people to volunteer, providing them adequate conditions. One of the preventive activities is the forum theater where the volunteers have the possibility to act in a preventive manner in the environment where they function, in the same time expressing their contribution to the prevention of THB.

Regular flow of true and timely information, openness and transparency, dynamic and informative web page, audio, video and printed materials are only part of the options that Open Gate uses to inform and protection from trafficking in human beings.

Due to the fact that the age limit is drastically reduced and that larger number of victims are children, Open Gate puts great emphasis in its activities to the campaign of prevention and education as a basic precondition for protection of young people from trafficking in human beings.

Activities relate to direct work with children under risk by visiting schools, universities, homes for parentless children, holding preventive workshops, forum theatres, peer education, distribution of preventive educational material. In the same time informing, counselling and support is provided through the SOS line for THB victim assistance available 12 hours a day. Capacity strengthening of the professionals (social workers, police officers, professors, journalists, etc) and of the national network of NGOs for fight against trafficking in human beings are also part of the preventive program of Open Gate. Additionally, the web page of the organization is functional, and there is a quarterly e-newspaper providing the citizen with newest information on THB and the activities of Open Gate.

In the last three years, by holding preventive workshops and trainings, Open Gate educated over 4000 high-school students, 1500 primary school children, 60 high-school professors; 60 defectologists and around 80 primary school teachers.

In December 2010, Open Gate signed Memorandum of Cooperation with the Ministry of education and science. The purpose of this Memorandum is mutual cooperation and support in the realization of activities aimed at awareness raising and prevention from THB throughout the Republic of Macedonia, in accordance to the National Strategy and the Program for fight against trafficking in human beings and illegal migration for the period 2009-2012 adopted by the Government. The Memorandum refers to the need of conducted strengthened activities for information and prevention among the vulnerable population, in a way in which it will provide protection and promotion of human rights for all persons, regardless of their nationality, ethnicity, age or sex. This Memorandum recognizes the need of implementing preventive and educational activities, printing and distribution of preventive materials in primary schools, high-schools and at the universities, as

well as organizing public debates in order to increase the knowledge and sensitivity for THB among the wider public, professionals and the risk group.

Still, this Memorandum did not have any financial implications and nor a single activity from the prevention program was not financially covered by the Ministry.

## 2011

### National THB awareness raising campaigns

During 2011 Open Gate conducted two national THB awareness raising campaigns. The first one was conducted at the occasion of November 18th (European day for fight against THB), and the second one at the occasion of the Week for fight against THB from December 2nd – 9th, both of them supported by the National Committee for fight against THB and illegal migration and the Minister of Interior. The campaigns were conducted in 10 towns in Macedonia (Skopje, Kumanovo, Sveti Nikole, Delcevo, Strumica, Bitola, Reka region, Tetovo, Kicevo and Struga) and the activities were intended for different target groups in order to raise the awareness of the THB issues among youngsters, general public and the professionals, informing more than 10,000 citizens.

At the occasion of the Week of the fight against THB, Open Gate in cooperation with the BUDNOST (AWAKENESS) network realized 17 preventive lessons, 14 forum theatres and one art and literature competition in 15 primary and secondary schools in 9 towns in Macedonia. In the same time, in 7 towns there were round tables organized, coordinative meetings, debating forums with participation of more than 140 representatives of the local self-government, police, social workers, NGOs, labor inspectors, media, health workers, the prevention section from the Ministry of Interior, customs office, border police and Public Prosecution Office. Central event from the series planned events to mark the week of the fight against THB in the Republic of Macedonia was the debating forum entitled "Main challenges in addressing trafficking in human beings" having the aim of putting an emphasis on the main challenges faced by institutions and organizations, especially in the part of identification and providing protection for victims of trafficked persons.

At the occasion of the European day against trafficking in human beings, Open Gate published a statement signed and supported by organized members of the National Network for Fight against trafficking in human beings (THB) – AWAKENESS, that served as medium to call for effective implementation of all the adapted measures for prevention of trafficking in human beings via coordinated and multi-sector co-operation, at national and local level. Awareness also summoned a greater involvement of efforts in resolving the new categories of THB, such as trafficking in human beings for labor exploitation, active implementation of the compensation as a powerful punitive measure against the trafficker in human beings and as a restoration measure for the victims of THB, a needed consistent application of the legal provisions referring to the compensation of the victims of THB and improvement of the efficiency of the judicial system in realization of the victim's right.

The statement was published in the printed daily newspaper Dnevnik and distributed to the address of appropriate institutions and other partners and organizations at national and local level. Upon the same occasion, volunteers from the NGOs, members of the Awareness network distributed leaflet materials at places of frequency in 9 cities in the Republic of Macedonia.

## 2010

### Campaign for expansion of the prevention of trafficking in human beings among young people

In the course of 2010 Open Gate conducted 10 trainings on the topic "Joined in the struggle against trafficking in human beings"- prevention from trafficking in human beings in Tetovo, Struga, Strumica, Sveti Nikole, Bitola, Delchevo, Kicevo, Skopje, Kumanovo and Mavrovo-Rostushe. These trainings covered 213 students, 137 females and 76 males.

The aim of the workshops was to promote the human rights and to strengthen the capacities of the young people related to THBs. At the one day-trainings the students had the opportunity to get to know with the phenomenon of THBs, the reasons and consequences, the manners of involvement, self-protection measures, as well as the available social services in the country.

The workshops were designed in accordance with the age and target group, creative and interactive groups which used various techniques, including media presentations (movie "You are alive", multimedia products, etc.), group and individual work and different drills through role play, drama, etc.



Besides these trainings what motivates the young is giving them a role of educators and activists and to share information between their peers through using the knowledge and skills they obtained at the training.

Namely, the young peers carried out independently 32 prevention activities (power point presentation, promotion of the movie “You are alive” referring to the THBs topic, writing essays on the topic, etc) in the primary and secondary schools in the rural and urban areas in the 10 already mentioned cities, where attended 790 young people. Besides this, peer educators participated actively in the promotion of the week devoted to the fight against THBs in the period from 2-9 December, by dissemination of prevention materials at public places in their community. Open Gate provided extra literature and prevention materials – brochures, manuals, posters. The key rings for trained young educators were rewarded for the purposes of successful implementation of the activities.

The workshops were organized in cooperation with the network of NGOs and Awareness with its headquarters in selected areas. Actually, the local NGOs provided the target groups, a location for realization of the workshop, and enabled the communication with the school staff. These activities contributed to advancement of the knowledge of the young people and improvement of the communication and cooperation between the NGOs and the personnel in the school for the purposes of maintenance of the activities after the finalization of the project, as well. The great interest by the selected schools for repetition of the activities after realization of the prevention workshops facilitated the further spreading of the prevention from THBs between the young people.

Results:

- realized workshops intended for children from the rural and urban areas from 10 municipalities in the Republic of Macedonia

213 children at age between 10-18 informed of the problem issue of THBs and practicing human rights;

213 peer educators at the age of 10-18 trained on peer educators program and dissemination of the prevention from THBs among their peers

32 prevention activities conducted by the peer educators ( power point presentations, showing a movie “You are alive” referring to the THBs topic, writing essays on the topic of THBs and similar) in the primary and secondary schools in the rural and urban areas.

Knowledge transfer on the part of the trained young people to 790 young peers via organizing various types of prevention activities within the schools. Almost 3200 leaflets of prevention information material disseminated.

Forum Theater

As one of the most interesting methods of prevention intended for the young audience is the forum theatre which has been a practice of the NGO Open Gate since 2006. This is a new, interactive and interesting method for presentation of a social problem –issue whereupon the audience has the opportunity to understand the problem issue visually and at the same time to recognize the own behavior in certain situations, how we react or how we should react in certain situations in order to prevent or change these events. What is unique for the forum theatre is that besides the principal roles, the audience can take part in the show with their own opinions and attitudes, because since it is an open type of theatre, each one interested in may take up a role. The audience is not only a passive spectator, but they can actively take part by giving suggestions for modifications in certain part of the play. The main purpose of this forum theatre is presentation of as many ways as possible of solving a certain problem issue.

In the course of 2010, a series of forum theatres were realized in several secondary schools in Skopje, as well as in the institutions and organizations dealing with children in the streets, children from orphanages, abandoned children, parentless children, etc. The events were held to celebrate the International day of the woman against the violence 27 March, the European day against THBs, 18 October and the Week devoted to the fight against THBs from 02-09.12.2010. Main actors and performers at the forum theatre were a group of 12 young people at the age 14 to 18 from the orphanage home “11 October”, and this activity encompassed a total of 245 children, at 10-18 years of age.

Prevention material

The realization of the prevention campaign also encompasses and production of educational materials for different target groups and these information contents are shown to be especially effective for raising awareness in terms of the issues of THBs. They are distributed in various ways, mostly by lessons,

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trainings, embassies, teh centres for social work, the police and the national NGO network where 10 non-governmental organizations from Macedonia are participating. Also, materials serve for dissemination of the information, for the existence of the SOS-line for providing help to the victims of THBs.

"Open Gate" in the last three years has printed more than 40 000 prevention materials for various target groups that showed especially effective for raising awareness related to this issue, but also for dissemination of the information, for the existence of the SOS-line for information and prevention from THBs where everybody can ask for help.

The great interest was attracted by the small manual “Small Manual for Big Decisions” and What is Trafficking in Human Beings? At the same time, other successful examples may be distinguished the following ones: the presentation of the first Macedonian short movie “YOU ARE ALIVE’ intended to raise the awareness of the public consciousness for THBs, especially among the young population, as well as COMICS-BROCHURE designed primarily for Roma children, but also can be used for the rest of the target groups.

Year	Types of materials	Target group
2009-2011	Small manual for big decisions – brochure	Children at the age from 12-18
2009-2011	What is THB – think right, inform on time! – Brochure	Children at the age from 12-18
2011	THB for sexual exploitation – leaflet	Workers
2006-2011	Book markers, student notebooks, pens, key pendants, caps, t-shirts, passport bags, make up-case, calendars, small sugar packs	Children at the age from 12-18
2009	Promotion leaflet of the services of the SOS- line.	Children at age of 12-18
2005	Short feature movies "You are Alive"	Whole population
2006	Brochure-comics	Children at age of 12-18
2006-2011	Leaflets designed for victims of trafficking in HBs (internal trade) in three languages: Macedonian, Albanian, and Roma language.	Trafficked persons
2006	Information leaflets for "Open Gate"	Public
2008	Posters for Risk Population	

***Was it addressed to a particular group of potential victims?***

Vournerable young groups

***Which bodies, governmental or non-governmental, were in charge of implementing it?***

***Description of the material used for the campaign/programme and its dissemination  
If possible, please provide an assessment of the impact of the campaign/programme***

(Not answered)

**22.c. If there are currently plans for launching a new campaign or programme, please provide details.****PREVENTION PRINCIPLES****Strengthening**

The strengthening is a significant principle of the mentioned, referring to acquiring and enhancement of the self-confidence. Also, it refers to the protection of the personal rights and realization of the same if they are violated or hindered.

**Being Informed**

Provision and transfer of sufficient load of information towards the risk group helps in instigating of the person to consider his/her own actions and the potential risk from the actions. Having this in mind, timely and accurate informing stimulates the capability for making personal decisions on the part of the risk group.

**Confidentiality**

The confidentiality is the basic principle in the work with victims of THBs. This principle is especially applied upon consultations at the SOS-line, i.e. each information received at this phone number is confidential. The confidential information remains only inside the organization, which means, each information is not accessible by the external parties.

**Interactivity**

This principle especially refers to the process of application of the preventive lessons/trainings as a method of prevention. Inclusion of the target group in the course of the training provides greater interest and understanding of the issues.

**Partnership**

The cooperation with the sectors and the programs of the organization, or cooperation with other organizations or networks is a necessity, aimed at providing the best quality of the prevention activities.

**Flexibility in terms of changing trends**

The team working on the prevention issues is in charge for monitoring (follow-up) of the trends and the changes in terms of THBs, also they have to make adjustments of the activities. The important information should be regularly upgraded. Those working on prevention issues should be attending trainings and workshops, related to trafficking in human beings issues but also for the needs of prevention of the wider public.

**Monitoring and Evaluation**

In the frames of the programs implemented by Open Gate various tools have been developed for monitoring over the effectiveness of the activities. In terms of the prevention, it is a practice that after the finalization of the activities the young people fill in evaluation sheets where they can show the level of getting acquainted with the topic issues, as well as assessment of the trainers and the quality of the activity.

The SOS line is also used as an assessment tool for the conducted prevention activity. The many years experience shows that after the successfully conducted prevention activity, the number of calls on the SOS line is increasing, or the interest of the young people in the topic issue also is increasing.

**Question 23****23. Please describe the social and economic empowerment measures for disadvantaged groups vulnerable to THB which have been implemented or are planned.**

In the course of 2011, the Ministry of Labor and Social Policy and the Ministry of Interior, continuously conducted joint field activities for reduction of the phenomenon of children in the streets. In the course of the conducted activities in the cities Skopje, Bitola, Prilep, Kumanovo, Ohrid and Tetovo were recorded a total of 81 children in the streets. Upon these actions 24 parents were pronounced measures, or adoption of a decision for permanent monitoring over the parental right and proceedings were initiated against 4 parents for abduction of the parental right for a total of 16 children. 18 children of these were returned into regular

education, and for the rest a procedure was initiated for their inclusion in the schools. The main objective of these actions is to prevent the coercion and the physical abuse of the children, which are one of the main reasons for the labour and bagging.

In terms of indirect protection of the children from streets and reduction of the children's poverty, the Ministry of Labor and Social Policy (MLSP) in accordance with the Operation Plan on Employment, has included the parents of the children in the streets in the active measures for employment for the period of 2012-2013.

For the purposes of provision of birth certificates, for those children which are not registered, (which shall enable access to the systems for social and health protection) an operative working group was formed where participate representatives from the MLSP, MOI, MoJ- Administration for Keeping evidence of the Registry of birth certificates and Roma associations of citizens. The operative group reviews the submitted lists of children by the Centers for social work, the newly registered children from the field surveys, they put efforts for identification of these children and their insertion/inscription in the registry of birth certificates.

In 2011 the Centers for social work achieved immediate insights in the families of the children in the streets (with dynamics twice a week). In this view, the Specialized teams provides expertise advice about the care and education of the children and they worked on strengthening the parental capacities and skills, all with an aim of preventing certain risks which are threatening for the psycho-physical growth and development of the children.

The Ministry of Labor and Social Policy has opened two daily centres for children in the streets on the territory of the city of Skopje where rotate around 6000 street children, (Kisela Voda and Avtokomanda) and one in the municipality of Bitola which shelters 20 children from the streets. In the daily centers the children are taken care of, the health protection is provided for them, education, food is provided, they acquire hygienic habits and are included in the regular educational process.

In 2011 was opened 24 /7 Transit Center for taking care of the children in the streets on the territory of the city of Skopje, which strengthens the capacities for the care and protection of the children in the streets for a period of 24 hours.

In the course of 2012 the MLSP plans to open 24/7 transit centre for the street children in the municipality of Ohrid, because in the summer season this city has a lot of children who come from the other municipalities to beg for money.

The Operation Plan on active employment programs and measures for 2011 adopted by the Government of the RM, defines the type of programs and the active measures for employment. The target groups do not explicitly state the groups at the margins, being vulnerable to THB issues, but as these services users appear registered unemployed persons, young unemployed persons up to 27 years of age over three months, unemployed women over six months, unemployed Roma people, parentless children, single mothers, young single mothers up to 27 years of age, victims of family violence.

- The Operative Plan foresees the following active programs and measures for employment for 2012-2013 in the part of inclusive growth:
- Subvention programs,
- Programs for practical work,
- Pilot Program for subventions of the products tasters of the states agricultural land,
- Program for socially useful work,
- Programs for combined packages for employment support.
- These programs are intended for various risk target groups among which we can recognize also and marginalized groups which are vulnerable Овие програми се то THBs:
- Users of social financial support
- Persons with a status of parentless children and with a parental care
- Victims of family violence
- Parents of children in the streets самохрани родители
- Women at age of 29-49 години
- Roma people

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- Users of financial allowances on the unemployment basis
- Long-term unemployed (over 1 year registered in the EARM)
- Registered unemployed persons over 6 months

#### Activities of the NGO „Open Gate„

To prevent the repeated victimization and entrance into THBs, Open Gate carries out activities for strengthening of the potential victims and the victims of THBs. The following services are provided for ensuring the strengthening of the vulnerable groups:

Education and additional professional qualification- Support in education of the victims, organizing joint courses and other professional educational programs are guaranteed for the victims of the THBs. Also additional/extra activities were organized for professional education of the victims with a purpose of enhancement of their knowledge and skills for finding a job, available to the victims depending on their needs and interest, such as:

- Courses for craftwork, work with computers, learning foreign languages, etc.
- Training for CV writing, filling in job applications, writing and composing a motivation (cover) letter, preparation of documents, communication and job interview.
- Assistance in finding a job and access to information and services ( how they can get information for vacant job posts and other employment possibilities).

## Question 24

### **24. What preventive measures to discourage demand leading to THB, as provided for in Article 6 of the Convention, has your country adopted or is considering adopting?**

As general undertaken measures which are undertaken towards reduction of the demand for sexual services from the victims of THBs are amended in the Criminal Code of the RM in the part of the criminalization in the use of the sexual service, as well as the liability of the legal entity. Related to the criminal offence Trafficking in Human beings, Art.418a , paragraph 3, the use of sexual services from a victim of THBs, shall be punished with a sentence from 6months to 5 years and in paragraph 5 if the deed was committed by a legal entity, it shall be charged with a financial fine.

Also in the crime trafficking in minors, Art.418d, paragraph 3, use of sexual services from victims of THB who are minor is punishable by imprisonment for at least 8 years, and in paragraph 6 if the act was committed by a legal entity, it shall be punished with fine penalty.

In this direction go and the amendments to the Criminal Code of RM in 2009 with introduced accountability of officials in carrying out these crimes with high imprisonment sentences. Thus, regarding the criminal offence Trafficking in Human Beings, Art.4181, parag.4 if the act was committed by an official, he/she shall be punished with at least 8 years imprisonment, and the criminal offence of Trafficking in minors, Art.418d, parag.5 if the act was committed by an official , he/she shall be punished with imprisonment of at least 10 years. All these measures are aimed at deterring offenders from committing these crimes.

For this purpose educational sessions are undertaken to promote the campaign on reduction of the demand.

In December 2011, IOM in cooperation with the National Commission for combating human trafficking and illegal migration and supported by the Embassy of the Kingdom of Sweden and the Swedish Institute, organized a regional conference on a topic of Targeting the demand as an option for a successful fight against human trafficking. The conference was attended by 80 experts and practitioners from Macedonia, Albania and Kosovo and at the same were discussed the experience, policies and practices in the region and the Swedish Model was introduced and discussed for reduction of the THBs by foreseeing sanctions for the users of sexual services.

## Question 25

**25. Please specify the measures taken by your country to ensure quality, security and integrity of travel and identity documents in order to prevent their unlawful creation and issuance as well as to ensure that they cannot be easily forged**

The Ministry of Interior (MoI) proceeded with continued issuance of personal documents with high level of security, and in accordance with ICAO standards. Due to the increased number of applicants for biometric personal documents the MoI has procured one additional machine for issuance of these types of documents. Therefore, the capacity of the Center for personalization was strengthened, and enabled the issuance of documents in the determined time limit.

Moreover, all diplomatic and consular missions of the Republic of Macedonia abroad have been provided with mobile base stations, which allow Macedonian citizens that live abroad to apply for biometrical travel documents.

In accordance to the Law on travel documents, the deadline for replacement of the old passports expired on 27.02.2012. Beyond this date all citizens of the Republic of Macedonia who intend to travel abroad should have to be in possession of biometric travel documents.

The number of personal documents issued according to the new standards, in the period from April 2007 to March 2012 is:

1.398.280 travel documents (272.633 from the second generation);

1.517.873 IDs;

439.548 driving licenses.

## Question 26

**26. Please specify the measures taken by your country to detect cases of THB at its borders, inter alia by means of border surveillance teams and intelligence measures**

In the RM the competent authority of the borders is the Sector for Border Affairs within the MOI, the same territory is divided in four Regional Centers for Border Affairs towards the four neighboring countries. The Border Police conducts border monitoring of the green border and provides border control for the border crossing points. In the frames of each of the Regional Centers there is a Section for Illegal Migration and Cross-border Crime responsible for conducting investigations in the domain of illegal migration, THBs, and cross-border crime.

The Unit for THBs and smuggling of migrants has a direct cooperation with the border police in the part of information exchange and conducting joint inter-sector investigations.

A special importance is added to training of police officials at the border crossing points for early recognition of potential victims of THBs in the transport phase across the states border. The police officers from border control are included in several training projects regarding early recognition, profiling of a trafficker and victim at a border crossing point and the manner of taking measures in such cases. Also several manuals have been prepared with indicators and manners of acting in the mentioned cases.

## Question 27

**27. Please describe any measures taken to provide information, through consulates and embassies, about legal entry and stay on the territory of your country in order to ensure informed and legal immigration**

The Ministry of Foreign Affairs of the RM via its own diplomatic-consular missions (DCM) has provided information materials with an aim of full informing of the citizens of the Macedonian visa regime with a particular country in the countries where the DCM are situated. The foreign citizens also have available 24/7 access to information of the public phone lines and also of the DCM web sites.

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Since 2010 the Visa Centre in Ministry of Foreign Affairs has been functioning and it is connected to all the DCM of the RM in the world and all the border crossing points at the border of the RM.

## Question 28

**28.a. Please describe any measures taken to avoid issuing visas (tourist, working, student visas, etc.) when there are reasonable grounds to believe that a person may be a victim of THB or implicated in THB**

In accordance with the Article 37 from the Law on Foreigners, the competent bodies to issue visas for entrance in the RM are the diplomatic-consular missions of the RM abroad.

The exemption of this rule is regulated in Art. 36: Transit visa and short-stay visa with a right to residence up to 15 days may be issued upon exception at the border crossing point, if it is a national interest of the Republic of Macedonia, due to humanitarian reasons or if it is foreseen with a ratified international agreement.

The DCM of the RM and the police services of border crossing points shall not issue visa, or reject entry into RM if there are grounds to suspect that the person is a potential trafficker or potential victim of THBs and they shall immediately inform the MOI of the RM. The representatives of the DCM and the members of the border police upon doing border control are trained to recognize a potential victim of THBs and also the trafficker.

The same has been regulated in the Article 23, paragraph 2 from the Law on Foreigners.

Citation: „there exists serious suspicion that his stay in the country shall be connected to committing of a terrorist act or other violent acts, criminal offences related to production and release into trade of narcotic drugs, psychotropic substances and precursors or perpetration of other criminal offences for which a prison sentence is foreseen of at least one year. For the criminal offence Trafficking in human beings the shortest foreseen imprisonment is 4 years.

**28.b. In such cases, please describe any specific measures which your law enforcement authorities have instructions to apply**

The DCM of the RM and the police services of border crossing points shall not issue visa, or reject entry into RM if there are grounds to suspect that the person is a potential trafficker or potential victim of THBs and they shall immediately inform Special Unit for combating THB within the MOI of the RM.

## Question 29

**29.a. Do any specific measures exist for preventing national THB, including THB taking place on the territory of parties with special agreements establishing common borders (Schengen Agreement for example)?**

Yes

~~No~~

**29.b. If so, please specify**

The RM shares a common border with the R. of Albania, R. of Greece, R. of Bulgaria and Kosovo. The bilateral agreements for joint border patrols were concluded with all of the abovementioned countries, except with the R. of Greece.

The stated agreements for joint patrols do not contain special prevention measures for the domain of Trafficking in human beings, but there are stated as common-general prevention measures for prevention of the cross-border crime.

**29.c. If not, please comment**

(Not answered)

### Question 30

**30. What funds have been allocated to the above-mentioned preventive measures in the state budget (central and/or regional/local)? (Please specify amounts in euros.)**

The printing of the educational-promotion material intended for the primary schools has been financed by the Budget of the municipality Gjorche Petrov, in an amount of 5.000 EUR.

For the functioning of the daily centers of the children in the streets the Ministry of Labor and Social Policy provided means in an amount of 1 million EUR.

Regarding the implementation of the Operational Plan for employment active programs and measures for 2011, 8 million EUR are foreseen and the same was achieved. From the MLSP Budget for 2011 3 million EU were planned, of which 8. 000 shall be provided by division of means in the frames of the MLSP Budget for 2011 from the Sub-Program 43- Support to the implementation of the decade and strategy of Roma people of the program BA- Instigation of employment; In the Employment Agency of the RM Budget around 4 million EUR; from GDP return -income from 2010 via UNDP - 150.000 EUR; UNDP for Economic strengthening of women- victims of family violence - 170.000 EUR.

For the implementation of the overall Operation Plan for employment active programs and measures for 2012 , financial means are foreseen in an amount of 8 million EUR . In the MLSP Budget for 2012 around 3 million EUR are planned; in the Budget of the Employment Agency of the RM , around 4 million EUR, from GDP return- income from 2011 via UNDP- 60.000 EUR and USAID - 36,000 EUR.

### Question 31

**31.a. Has an assessment of the impact of the above-mentioned preventive measures taken by your country been carried out?**

~~Yes~~

No

**31.b. If so, please specify the results of the assessment**

(Not answered)

**31.c. If not, please comment**

There is no existing assessment of the prevention measures influence. Such measure should be planned in neht NAP 2013-2015.

## Section II.2. Implementation of measures to protect and promote the rights of victims of trafficking in human beings

### Question 32

**32. At what moment and by whom is the process to identify a potential victim of THB initiated? (For example, declaration of the potential victim, statement by a police officer, statement by a NGO etc.)**

The identification process of the potential victims of THBs starts from the moment of getting knowledge-information as well as with the primary contact of the potential victim with the competent institution (MOI ate central, regional and local level, the MLSP via the local centers for social work , The labor Inspection or NGO via a direct contact or the SOS-line). This procedure was regulated with the SOP- Standard Operational Procedures for acting upon with the victims of THBs. In line with these procedures the competence for official identification of victims of THBs in the RM falls on the Unit for Trafficking in Human Beings and Smuggling of Migrants within the Ministry of Interior of the RM.



### Question 33

**33.a. Have any common criteria been defined in your internal law for granting the legal status of victim of THB?**

Yes  No

**33.b. If so, please specify**

In the Criminal Code of the RM, Article 20 defines the common criteria of a victim of a criminal offence in which group fall also the victims of THBS:

„Under the term “victim of a criminal offence” we understand each person that suffered a damage, including physical and mental injury, emotional suffering, material loss or other damage or jeopardizing of person’s fundamental freedoms and rights as a consequence of a committed criminal act. A child-victim of a criminal act is every under-aged person not older than 18 years of age..”

**33.c. If not, please comment.**

(Not answered)

### Question 34

**34.a. Which national authority(ies) grant(s) the legal status of victim of THB? (For example, police forces, public prosecutor, judge, etc.)**

The identification of the person for whom there is grounded suspicion that he/she is a victim of THBs is conducted by an interview carried out by representatives of the Unit for Trafficking in Human Beings and Smuggling Migrants within the MOI and /or the National Referral Mechanism within the MLSP or through the Social work centers. There are 2 trained social workers for identifying victims of THBs per each centre, who are part of the NRM in all the 30 centers for social work

**34.b. Can such a decision be appealed?**

Yes  No

**Possible comments concerning your reply**

Such decision is valid onlu for trial procedure, onlu staus of victim assistance is on a free will

### Question 35

**35. Can a person be removed from your country during the process of identification as a victim of THB? (For example, if he/she is present illegally)**

Yes  No

**Possible comments concerning your reply**

If it is about a potential and non-identified victim of THBs, the illegal residence does not present a basis for removal-deportation from the country This issue is regulated in the Article 81 from the Law on Foreigners.

Article 81: Permit for temporary residence of victims of trafficking in human beings

Decision making period.

A foreigner, for whom there are grounds to suspect that he/she is a victim of a criminal offence “Trafficking in Human Beings” stipulated by the Criminal Code, is given a decision making period in a duration of up to two months in order to provide protection and aid in the rehabilitation and avoiding the influence of the perpetrators of the criminal acts “Trafficking in Human Beings”. In the course of decision making period the foreigner who is a victim of THBs should make a decision whether s/he should cooperate with the competent authorities in the detection of the criminal offences and the perpetrators, or s/he shall return in the country of his/her origin or where he/she has a legal residence.

In case when victims of THBs are minors under 18 years of age, taking as a priority their best interests, the period mentioned in paragraph 1 of this Article may be extended.

For the duration of the period stipulated in the paragraphs 1 and 2 of this Article, the foreigner can not be exiled from the Republic of Macedonia.

The period from paragraph 1 of this Article may be terminated, if:

- the foreigner voluntarily, actively or upon his/her own initiative renewed the contacts with the persons for whom there is grounded suspicion that they were involved in the perpetration of the criminal offence “ Trafficking in Human Beings” or
- that is imposed by the causes of protection of the public order and the national security of the Republic of Macedonia.

The termination of the decision-making period is made by a decision of the Ministry of Interior, against which the foreigner has a right to lodge a complaint to the competent Commission of the Government of the Republic of Macedonia within the period of eight days from the date of reception of the decision.

The decision of the competent Commission of the Government shall be adopted within 30 days from the date of submission of the complaint.

Against the Decision by the competent Commission of the Government administrative dispute can be initiated in front of a competent court, in accordance with the Law on Administrative Disputes.

## Question 36

**36. Does your country recognise the status of victim of THB granted by another party when the victim is on your territory?**

Yes

~~No~~

### **Possible comments concerning your reply**

Regardless whether it is about an identified victim who is a Macedonian citizen and who was identified abroad and repatriated in the RM or victim –foreigner identified from another country with residence in the RM, the status of the victim of THBs remains valid also in the RM and the same enter into a protection program , in accordance with the SOP for acting upon with victims of THBs.

## Question 37

**37. Please indicate which types of assistance described in Article 12 of the Convention are provided to victims of THB in your country. Please specify who provides the different types of assistance**

The assistance and protection of the victims of THBs is provided by the MLSP, the coordination office of the NRM, in collaboration with the Centers for social work and the NGOs, based on respect of the human rights and freedoms, justice for the children and in accordance with the SOP for acting upon with victims of THBs. The same is realized through the following:

- 1) The assessment of the needs of the persons for whom it is supposed that they are victims of THBs, organization and coordination of appropriate assistance (intervention in crisis, psycho-social support and counseling, food, clothes, medical assistance).
- 2) Guidance and accommodation in a states acceptance (shelter) house, family reunion or finding an appropriate accommodation.
- 3) The nominated social workers from the Center for social work (CSW), competent authorities from MOI and MFA, find the family and make assessment for the fitness and readiness of the family for the reunion of the minors, collection of the necessary documentation, personal documents, health certificates, etc.

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4) The legal representative from the NRM provides free legal assistance which consists of informing for the rights and the status of the victims, the course of the procedure, i.e. their presence as damaged parties in the investigative.

5) Implementation of individual programs for re-socialization and re-integration of the children-victims of THBs (inclusion in the education processes, further professional qualifications and similar).

On 28.01.2011 the states acceptance house was opened, i.e. a Center for persons- victims of trafficking in human beings (Center for victims of THBs).

For proper functionality of this Center, and in accordance with the international standards for human rights, internal documents were prepared which refer to the procedures of referral, accommodation, residence, rules of conduct for the involved/engaged personnel, the protection protocol, and similar.

In accordance with the legal regulation this Center accommodates victims of THBs, domestic citizens and foreigners who have been given a permit for temporal residence. The accommodation is on voluntary basis by signing an oral consent. For the minor-victims this consent is signed by the guardian and the competent CSW adopts a decision on accommodation.

The victims in the shelter centre receive direct assistance and aid on the part of two NGOs with which the MLSP has signed a Memorandum of Cooperation:

- social support by the NGO “Open Gate” and
- psychological support by the NGO “For Happy Childhood”.

The team for social support consists of 7 persons, namely the following ones: a coordinator, coordinator assistant, and 5 persons who implements the duty shifts. The structure of the team or social support in accordance with the profession is composed of 4- social workers, 2- pedagogues, 1 –sociologist.

The social program is realized through group and individual sessions depending on the needs and interests of the users by the means of provision of assistance and preparation in learning, medical interventions, assistance in handling with the personal problems. The victim is given support in acquisition of the right to health insurance, or health protection by the assistance and help of the CSW and the guardian of minor person. The social program is aimed at achieving positive influence upon the persons who are accommodated, the way they think, acquiring greater self-esteem, over bridging some personal difficulties, getting the habit of co-habitation with the other nationalities, mutual friendships and providing help and assistance to the other in need. Organized contacts with the families, social activities ( going to the movies, theatre, etc.).

The team for psychological support is composed of 3 persons of whom: 2 persons are performing individual and group psycho-educational activities at regular daily basis and one person who is supervising their work. In line with the qualifications, the team structure for psychological assistance is composed of 2 psychologists and a social worker.

The psychological program is carried out through psycho- diagnostic assessment of the individual, individual work plan depending on the needs and the capacities of the person for performance of therapeutic and educational activities which shall lead to over passing the traumatic experience that victims went through, reviving of the desire for positive acting, bringing back the self-esteem and developing of the awareness for making constructive decisions and motivation for successful integration in the environment.

The common daily activities in the center are realized in accordance with a prepared agenda in advance by the teams regarding the specialized work and the maintenance of the hygiene in the premises of the shelter center and preparation of the meals in the course of the day.

The going out is under supervision of the employees and independent in accordance with the joint assessment of the team in the shelter. If it is assessed that there is a need, the victim is escorted by a social worker.

Besides the short-term aid that victims receive, the focus of providing assistance in the shelter center is directed towards long-term support and social inclusion by cooperation with the social workers from the centers for social work.

In 2011 the victims who dwelt in the Center for persons- victims of trafficking in human beings were enabled to:

- be included in educational process for 4 proteges with financial support by Open Gate;
- to finish course for further qualifications financed by Open Gate-2 persons;
- to learn foreign language enabled by the Association of citizens for equal opportunities “Equal Access”;
- 8 persons to be provided with medical assistance and appropriate therapy (general checks, gynecological examination, testing for transmissible diseases);
- Get prepared individual programs for reintegration for 8 proteges in coordination between the Open Gate’s team and the competent CSW from the place of origin of the protégés and the same are reunited with their families.

In the Center for persons-victims of THBs a regular documentation and records are kept for the conducted work and the monthly reports are submitted to the NRM/MLSP in line with the work procedures of the Center.

The communication between the NRM/MLSP is done at daily basis depending on the current activities and regular monthly meetings where the current cases are discussed and all the topics which are of interest of the working of the Centre.

The activities in this view undertaken by the NGO “Open Gate” – La Strada „

Comprehensive measures are provided in the RM for support of the victims of THBs. The psycho-social assistance is available for the victims of the THBs through organizing specialized programs created exactly for this type of victims. The Center for victims of THBs was established and it functions , which was provided by the MLSP and within the Center there are two NGOs which provide services for the victims.

Humanitarian help – NGO “Open Gate” provides food, cloths, shoes and hygienic means for the victims of THBs they need right after the accommodation as well as in the course of their stay.

Medical aid – the medical aid for the victims is organized by a team from the Center. The victims are given necessary medical aid, or general medical checks, gynecological examinations, HIV/AIDS, hepatitis testing, etc. The funds for these services are covered by “Open Gate”.

Psycho-social assistance and counseling is provided for the victims including various types of treatment and sessions, group therapy and individual counseling provided by the specialize team of Open Gate. Group sessions are organized once a week, while individual counseling are organized depending on the assessment of the specialized team and upon the victims’ request. The counseling and the sessions are places to discuss about the course of each case and the future activities are planned and services which are needed for helping the victims. Additionally, Open Gate provides the program materials for realization of the psycho-social workshops and occupational therapies.

Legal advice – Basic legal framework and counseling is provided for the victims on the part of a lawyer who additionally represent the victims at the court hearings and demands compensation on their behalf. The lawyer is engaged as an external collaborator of Open Gate.

Education and additional professional qualifications – Support in education of the victims, organizing craftsman courses and other professional orientation programs are provided for the victims of THBs. Also additional activities for professional education of the victims are organized in order to enhance their competences and skills for finding a job, available to the victims depending on their needs and interests, such as:

- Courses on craftsman skills, computer literacy, learning foreign languages, etc. As well as practical training at work.
- CV writing Course, filling in job applications, writing a cover letter, preparation of documents, communication and job interview.
- Assistance in finding job and access to information and services (how can they be informed of job announcements and other possibilities of employment).

### Question 38

**38. Please describe the differences in the assistance and protection measures envisaged for victims of transnational trafficking and those envisaged for victims of national trafficking**

Guidance of the victims of foreign citizens is performed by the police in the Shelter Center for where the victims are given assistance and aid. The victims of THBs who were granted a permit for temporary residence are immediately transferred to the states Center for persons-victims of THBs and the same protection measures are being undertaken as for the protection of the domestic victims in accordance with the national legislation. For all the minor victims of THBs the Ministry of Labor and Social Policy has the obligation to appoint a guardian who takes care for their rights and interests until their returning in their country of origin.

### Question 39

**39.a. Does your state budget allocate specific funding for these assistance and protection measures?**

Yes  No

**39.b. Please indicate the amount (in euros), the criteria for receiving such funding and who receives it.**

**Amount (in euros)**

The MLSP, aligned with the annual program for functioning of the Center for persons- victims of THBs in 2011, spent means in an amount of 10.000 EUR and the same amount of money is foreseen for 2012.

**Criteria for receiving such funding and who receives it**

The NGOs have possibility to get financial means from the General Secretariat of the Government of the RM by applying at public calls. The Secretariat announces a call annually for citizen's organizations working in the domain of prevention and protection of the victims of THBs. The call is estimated to be in an amount of 5000 EUR for each organization, and a total of 5 organizations are eligible to get the support.

**39.c. Please specify the bodies/agencies/NGOs which actually cover the costs of the different types of assistance?**

- Government of R.M.;
- Ministry of Labor and Social Policy.

### Question 40

**40.a. Please describe how the recovery and reflection period provided for in Article 13 of the Convention is defined in your internal law**

The period for decision making is foreseen in the frames of the Standard Operative Procedures in the RM in order to give enough time for rehabilitation, to get stabilized and to consider the decision whether they shall collaborate with the competent bodies. The victims are give a time period to decide, regardless their decision whether to cooperate or not as witnesses and no matter whether the perpetrators shall be criminally prosecuted or not. The duration of the period for making decisions is the following:

- For domestic victims up to 2 months counted from the day of victim's accommodation. In case when we have minor victims of THBs, being guided by the best interests of the minors, this decision-making period may be prolonged.
- For foreign victims – counted from the primary referral, the supposed victim of THBs is granted an opportunity to make the decision in a duration of up to two months, while when minors are concerned, there is foreseen opportunity for extension of the decision-making period.

The period for decision –making means undertaking the measures of providing assistance and protection, according to the SOP.

**40.b. Please indicate the minimum and maximum duration of the recovery and reflection period and how your internal law foresees it being adapted to the particular circumstances of victims**

**Minimum and maximum duration of the recovery and reflection period**

2 months for adults, for minor victim may be prolonged

**How does your internal law foresee it being adapted to the particular circumstances of victims?**

Depense from the particular situation of the victim, for those reason for each victim are prepare particular plan for assistance.

## Question 41

**41.a. What are the grounds (personal situation and/or co-operation with the law enforcement authorities) for issuing residence permits to victims of THB provided for in Article 14 of the Convention?**

This question is regulated in the Articles 81 and 82 from the Law on Foreigners:

Article 81: A permit for temporary stay of victims of THBs

Decision -making period

A foreigner for whom there is grounded suspicion that he/she is a victim of a criminal offence "Trafficking in Human Beings" stipulated in the Criminal Code is given a period of making decision in a duration of two months in order to provide protection and assistance in rehabilitation and avoiding influence by the perpetrator of a criminal offence "Trafficking in Human Beings". For the duration of the decision making period the foreigner who is a victim of THBs should reach a decision whether he/she shall cooperate with the competent states bodies in detection of criminal offences and the perpetrators, or he/she should return in this/her native country, whose citizens/he is, or where he has legal stay.

In case when the victims of THBs are minors under 18 years of age, being guided by the best interests of the minors, the period mentioned in the paragraph 1 of this Article, may be prolonged.

In the course of the period determined in the paragraphs 1 and 2 of this Article, the foreigner may not be exiled from the Republic of Macedonia.

The period of paragraph 1 of this Article may be terminated, if:

- the foreigner voluntarily, actively or upon his/her initiative has renewed the contacts with the persons for whom there is grounded suspicion that they are involved in perpetration of the criminal offence "Trafficking in Human Beings" or
- that is imposed by the protection reasons of the public order and the national security of the Republic of Macedonia.

For termination of the decision-making period, The Ministry of Interior adopts a decision against which the foreigner may lodge an plea. Within eight days from the date of reception of the decision to a competent Commission of the Government of the Republic of Macedonia.

The Decision by the competent Governmental Commission shall be adopted within 30 days from the date of lodging of the plea.

Against the decision of the competent Governmental Commission ad administrative dispute can be initiated in front of a competent court, in line with the Law on the Administrative Disputes.

Article 82: Conditions for Issue of Temporary Residence Permit and Duration

Upon the expiry of the decision-making period, determined in Article 81 of this Law or previously, if the states authorities assess that the foreigner shows a clear intention of co-operation, the victim who is a victim of THBs, may be given a temporary residence permit, in the following cases:

- his/her stay in the Republic of Macedonia is necessary for the conduction of court proceedings,
- shows a clear intention of cooperation with the competent states authorities in detection of criminal offences and the perpetrators and

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- has concluded the relations with the persons for whom there are grounds to suspect that they are involved in perpetration of a criminal act “Trafficking in Human Beings”.

The permit as of paragraph 1 of this Article shall be issued for a period up to six months and the same shall be extended, if the conditions are fulfilled determined in paragraph 1 of this Article.

**41.b. Please indicate the different types of residence permits which can be issued to victims of THB, their minimum and maximum duration, if any, and the grounds for their renewal**

The permit as of paragraph 1 of this Article shall be issued for a period up to six months and the same shall be extended, if the conditions are fulfilled determined in paragraph 1 of this Article.

## Question 42

**42. Please describe how your internal law provides for the right of victims of THB to compensation. (Please specify if your country has adopted any specific measures to guarantee compensation for victims of THB as provided for in Article 15 of the Convention.)**

In compliance with the Law on criminal procedure which regulates the rights and obligations of the witness and damaged party, the right of the victim for compensation of damage and legal support in the criminal procedure is guaranteed.

## Question 43

**43. Please describe the procedure established under your internal law for the repatriation and return of victims of THB**

MLSP, the office of National Referral Mechanism for victims of trafficking in human beings (NRM), in cooperation with the Unit for Fight Against Trafficking in Human Beings and Smuggling of Migrants (UFATHBSM) in the frameworks of the MOI and NGO coordinated the procedure for returning of the domestic citizens who are victims of trafficking in human beings and especially returning of the children. Social workers make assessment of the family in order to establish the eligibility of the family and their capacities for participation in the reintegration and re-socialization.

Victims which are placed in the Center for victims of trafficking in human beings (CVT), are brought back in the families upon expiry of the deadline for stay i.e. upon six months, and if there are conditions for departure they may leave the CVT also before the deadline. The CVT team prepares the victim for their returning and informs her/him on the manner of transport and the procedure of handover to the competent Center for Social Affairs (CSA). CSA as competent authority on local level establishes contacts with the family or finds another proper place for integration of the victim in secure social environment.

When leaving the CVT, the victim should sign statement, the statement for the minor victims shall be signed by the guardian or parent. The CVT team maintains regular contacts with the victims who left the CVT if they ask.

The responsible person prepares final report with draft plan for reintegration and the same is submitted to the competent Center for Social Affairs i.e. responsible social worker.

The preparation of the plan for reintegration is obligatory for minors while in regard to the adults if they do not want to be included in the reintegration program, they shall be offered with information for certain institutions and organizations in which they can seek help and support.

This procedure is regulated by Standard Operational Procedures (SOP) for acting with Victims of Trafficking in Human Beings (VTHB) which is presented in the original version:

### III SOP – RETURNING

The process of returning should be voluntary and secure. The victims should be given possibility to state whether, when and how they would like to return home.

**Manners:**

For victims – domestic citizens:

- Through the office of NRM, in cooperation and coordination with UFATHBSM in the frameworks of the MOI and NGO; or
- Individual returning on their own expense.
- For victims – foreign citizens:
- Governmental institution to a governmental institution – In the Republic of Macedonia competent authorities are: MOI, Ministry of Labor and Social Policy (MLSP) (in case of minors) also the Ministry of Foreign Affairs (MFA);
- Combined manners, for example Governmental institution to a NGO, Governmental institution through International Organization for Migration (IOM), and etc.;
- Individual returning on their own expense.
- The minor foreigner can not return in the native state or in third country, which agrees to accept him, until this state conduct detailed assessment of the family (□ See Annex 10: Form for evaluation of the family, page 76) and until they provide proper conditions for accepting. The minor should stay on the territory of the Republic of Macedonia until providing of proper conditions.

The minor must not be returned to third country where his/her returning would be contrary to the Convention for the rights of the children, the Convention for protection from torture and inhuman or degrading treatment or punishing and the European Convention for protection of the human rights and fundamental freedoms.

**MEASURE 1: PROCESS OF DECISION ADOPTION FOR RETURNING OF VICTIM**

WHAT informed decision for returning means?

Informed decision for returning is decision which is freely brought by the victim upon full information for the options and risks in regard of extension of their stay in the destination country, returning home or change of place of residence/place of living.

WHEN

The victim should be asked for their decision to return home in the course of the process of supporting, and especially:

- Immediately upon the identification; and
- Before the expiration of the decision making period.

WHO consults the victim for their decision for returning?

In regard of domestic victim – competent authorities are the office of NRM and the responsible NGO.

Regarding victims – foreign citizens, competent are UFATHBSM in the frameworks of the MOI and the NGO which works on the victim. In case of voluntary returning of the victim in frameworks of the programs of international organizations, for the decision and details regarding the returning of the victim the international organization shall be also consulted.

HOW the victim is prepared to bring decision for returning?

The victim shall be provided with the following information verbally and in written form on the language understandable for the victim.

**PROVIDING INFORMATION**

Information

- 1) Information for legal possibilities to stay in the destination country
  - Residence permit
  - Possibilities to receive asylum
  - Available social services
  - Possibilities for psycho-social support



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- Possibilities for medical support
  - Possibilities for language courses
  - Possibilities for education and directed education
  - Information on the condition of the labor market
  - Possibilities for accommodation (shelter)
  - Contact persons and organizations
- 2) Information for possibilities in the native country
- Information for available social services
  - Information for available specialized support, for example, psycho-social support, legal support
  - Possibilities for medical support
  - Possibilities for accommodation
  - Possibilities for further education and directed education
  - Information for possible consequences in the country of origin
  - Contact persons and organizations

The type of provided information to the victim shall depend on whether it is domestic or foreign citizen.

## MEASURE 2: EVALUATION OF RISKS AND POSSIBILITIES FOR SOCIAL INCLUSION

### WHAT

The evaluation of the risk and security before the returning is from significant importance due to provision of security to the victim as well as on her family.

### WHEN

Immediately after the decision of the victim to return home.

### WHO

The evaluation for secure returning shall be performed under basis of the information received from:

- The victim;
- NRM in the frameworks of the MLSP and UFATHBSM in the frameworks of the MOI;
- NGOs;
- Ministry of Interior – The Diplomatic Consular Representatives (DCR of the native country of origin of the victim and DCR of the Republic of Macedonia in the native country of the victim);
- International organizations.

### HOW

Evaluation of the risk and security shall be performed through responding of the issues contained in the questionnaire.

### SUGGESTED QUESTIONS

- 1) Questions for the victim
- If you go home, how would you feel?
  - Where you would feel secure?
  - Does someone threatened to your family/friends?
  - Does someone threatened to you?
  - Whether perpetrators know where you/your family live?
  - Whether perpetrators are part of your family, friends, or close social groups?

- What can be done for you to feel secure?
  - How your family/friends will react when you return home?
  - Do you want to return to school, on work, university and etc.?
- 2) Risk assessment by the police:
- Whether perpetrators threatened your family or friends?
  - Whether acquaintances of the perpetrator are part of the family, friends or social group?
  - Whether perpetrators know the residence place of the person?
  - Whether the police in the country of origin are in condition and ready to protect the victim from possible repressions or violence (in case of victim – foreign citizen)?
  - Whether criminal proceeding has been initiated against the perpetrator?
  - It is one perpetrator or it is organized group of perpetrators? What are his/their relations with the victim?
  - Evaluation of the risk through records of the police, as well as through information received by third persons.
- 3) Risks of the social inclusion:
- Threat from criminal prosecution or misdemeanor procedure for acts perpetrated during the condition of exploitation;
  - Condition of the infrastructure – access to the residence place
  - Possibilities for protection through the local police;
  - Stigmatization, marginalization, social isolation;
  - Inclusion in the program for victim-witness;
  - Access to social services, institutions which provide accommodation;
  - Provision of medical, psychological, legal advising;
  - Possibility to continue with professional training or education;
  - Possibility for permanent accommodation;
  - Possibility for long-term, independent economic security;
  - Possibility for returning of the family; condition in the family (violence, and etc.);
  - Condition in the community;
  - Civil disturbances;
  - Physical and psychological condition of the victim.

After conducted assessments, the victim should be immediately informed for the results.

Remark: The victim should be returned back in the country of origin only if it is established that it not poses threat to its security. If it is not possible, the possibilities for change of the residence place should be taken into consideration or residence in third country (in compliance with the Law on witness protection).

### MEASURE 3: DEVELOPMENT OF PLAN FOR RISK MANAGEMENT

WHAT plan for risk management means?

Plan which establishes the risks with which the victim and also the members of their family/relatives can face after returning back. The objective of the plan is to provide keeping of the risk to minimum and effectively to be managed.

WHEN

After conduction of the risk assessment and security as well as evaluation for the social inclusion of the victim.

**WHO**

- UFATHBSM in the frameworks of the MOI;
- NRM/CSA in the frameworks of the MLSP;
- Nongovernmental organizations;
- Competent authorities and organizations in the country of origin.

**HOW**

Plan is prepared in which the different findings are summarized. Whereupon, UFATHBSM is preparing that part of the plan regarding the risk assessment and security, while NRM is preparing that part regarding the risks of the social inclusion.

Upon development of the plan, the victim should be informed for the risks with which she/he can face and the measures which shall be undertaken to protect her and her relatives.

Remark: The plan should be revised and updated in the country of origin after returning of the victim.

**MEASURE 4: FINDING OF THE FAMILY****WHAT**

In case where the victim stopped contact with her family, and after that expressed wish to return home, procedures should be undertaken for establishing of the contact with the family.

**WHEN**

Simultaneously with the process of risk assessment and secure environment.

- WHO
- UFATHBSM in the frameworks of the MOI;
- NRM/CSA in the frameworks of the MLSP;
- Ministry of Foreign Affairs;
- International organization depending of the case conditions;
- Diplomatic consular representatives in the Republic of Macedonia;
- NGO.

**HOW**

Included institutions/organizations shall use all their available means (discussions with the victim, telephone contacts, third persons, police files and etc.)

**MEASURE 5: IDENTIFICATION DOCUMENTS****WHAT**

In case where the victim does not have identification document and/or travel document it is necessary to provide the same.

**WHEN**

The documents are provided in case where the victim does not possess identification document and/or conditions shall be provided for her returning. The issuance of the documents last depending on the specifics of each independent case.

**WHO**

The process of providing of documents is initiated by the responsible person for the case in the frameworks of the UFATHBSM, and it is conducted in cooperation with the competent services in the frameworks of the MOI as well as other institutions and diplomatic and consular representatives.

## HOW

In case where the victim brought decision for voluntary returning in the country of origin, the responsible person for the case should establish contact with the proper embassies or consulates and/or other competent institutions and to establish how proper travel documentation can be provided.

The responsible person from UFATHBSM is initiating the procedure for returning of the foreign victim to the Sector for Border Affairs (SBA) – Section for foreigners, in the frameworks of the Regional Center for Border Affairs North, which is initiating formal procedure for returning of the foreign victim.

Remark: The travel documents should not state that the person is victim or illegal migrant. If the victim expressed wish to seek asylum, the embassies and the consular representative offices should not be contacted for the duration of the procedure.

## MEASURE 6: SHARING INFORMATION WITH THE VICTIM

### WHAT

The sharing of information with the victim is in order to be fully informed for the returning process in order to achieve their reintegration and to avoid her re-victimization.

### WHEN

Immediately after bringing of the decision for returning.

### WHO

- Responsible person for the case
- UFATHBSM in the frameworks of the MOI;
- NRM/CSA in the frameworks of the MLSP
- NGO

### HOW

The victim is informed and should discuss with her for the following:

- The result from the evaluation (risk and security, as well as social inclusion);
- The status of the and the travel documents;
- How the transfer from one to another country or in the frameworks of the country will be carried out:
  - Accompanied or not;
  - Means of transport;
  - Financial means;
  - Support during transit;
  - Who will accept the victim after the arriving;
  - How to identify the representative of the organization/institution receiver in transit and upon arriving;
  - Security risks.
- Information on the first days in the country of origin or place of living:
  - Rights and possibilities for the victim which is returned;
  - Possibilities for accommodation;
  - Possibilities for support;
  - Contact information with proper organizations/institutions;
  - Security risks;
  - Information on reintegration.

**MEASURE 7: SHARING INFORMATION FOR THE VICTIM BEFORE DEPARTURE****WHAT**

The sharing of information between the country of origin and the destination country should establish the needs for support of the victim in the country of origin.

**WHEN**

At least 10 days before the arriving.

In exceptional circumstances when the security of the victim is endangered this deadline could be shorter (but not shorter than 48 hours).

**WHO**

- The responsible person for the case;
- UFATHBSM in the frameworks of the MOI;
- NGO;
- The organization/institution receiver.

**HOW**

In order to provide fast and proper support after arriving in the country of origin, the sending country should contact the country of origin in order to coordinate the returning process.

Preparing report and giving recommendations for support of the victim by the responsible person to receiving organization/institution.

The notification should be carried out on the following manner:

- Seeking support during returning (transit and/or accepting) by the referring institution/organization;
- Confirmation of request for support during returning (transit and/or accepting) by the receiving institution/organization to the referring institution/organization;
- Request for support in reintegration by the referring institution/organization;
- Confirmation for in reintegration by the receiving institution/organization.
- The information which are provided by the referring organization to the receiving organization should contain:
- Name of the victim;
- Date of birth and place of living in the country of origin (if it is returned in the country of origin);
- The current health condition or condition for which there is suspicion or vulnerability of the victim;
- Evaluation of security and risk;
- Short review of the needs for support;
- Provided date and time of departure (if any).

Under basis of the received information and in consultation with the referring institution/organization, it remains the receiving institution/organization to decide whether the referred person will receive support.

In order to provide security to the victim, a flow of information between the referring and receiving organization should exist, as well as with other possible organizations in transit or at the border crossing points. Whereupon, the following should be transmitted:

- The traveling data (mean of transport, name of transporter, and etc.), the date and time of arriving to the final destination;
- Upon departure of the victim, notification to the receiving organization should be immediately send;
- Name(s) of the accompanying person, if any;
- Confirmation that the victim will be received and who will receive her;

- Confirmation that the victim arrived and was received, immediately after arriving.
- The receiving organization is chosen from the ranks of the governmental institutions and/or nongovernmental organizations whereupon having in mind the following aspects:
- Risks assessments on the security of the victim;
- Place of origin;
- The age, gender and education of the victim;
- The programs for support which certain organizations/service providers offer in the country of origin regarding the specific needs for support of the victim.

#### MEASURE 8: SECURE TRANSPORT/TRANSFER

##### WHAT

The transport of the victim from reception center for foreigners/CVT to the place of living or to the country of origin should be provided.

##### WHEN

After bringing decision for returning and providing conditions for secure returning.

##### WHO

- for domestic victims: NRM/CSA in the frameworks of the MLSP, UFATHBSM and Section for witness protection in the frameworks of the MOI, NGO;
- for victims – foreign citizens: Sector for Border Affairs – Section for foreigners, UFATHBSM and Section for witness protection in the frameworks of the MOI.

UFATHBSM is accompanying the victim/witness from the secure location where she is accommodated to the needed place (court, public prosecution, health institution, police station), while the Section for witness protection is included in cases when the victim received status of protected witness.

##### HOW

All basic means necessary for returning should be provided to the victim:

- Travel and/or identification document;
- Travel ticket;
- Telephone numbers in case of emergency needs;
- Information on that how to recognize the person who will accept after arriving and during the transit;
- Personal things;
- Accompanying person/responsible person
- Financial means.

Remark: If the risk evaluation shows that there is no need of accompanying person in the course of transport, the victim shall be accompanied to the place of departure and as well as shall be accompanied from the place of arriving.

In case of minors, accompanying person is obligatory.

## Question 44

**44.a. Does a person, repatriated to your country as a victim of THB, continue having victim status?**

Yes

~~No~~

**44.b. If so, please specify on which grounds such recognition is made (for example, declaration of the victim).**

The victims which are identified in other countries with notification of the competent organizations and institutions through transnational mechanism for referral upon the returning in the Republic of Macedonia they

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have same rights for usage of measures for support and protection as well as the victims which are identified in the country.

- with declaration of the victim
- officialy repatried

**44.c. What assistance measures are envisaged for such persons after repatriation?**

The same measures as a victim identified in Macedonia mentioned above.

**44.d. If not, please comment**

(Not answered)

## Question 45

**45. What are the grounds for the victim status to come to an end**

The status of the VTHB may be terminated upon following basis:

- 1) If it is established that the basic elements of the VTHB does not exist
- 2) The refusing to cooperate with the prosecuting competent authorities is basis for withdrawal of the permission for temporary stay in accordance with article 83 from the Law on foreigners but not the status of victim of trafficking in human beings.
- 3) The returning in the country of origin means extension of the contacts between the competent authorities and between the country of origin and the destination.
- 4) On request of the victim only the basis for providing support stop which is on voluntary basis.

With the realization of the individual program for reintegration i.e. with full integration in the social environment of the victim, the help and support by the Centers for Social Affairs ends and thus the status of the victim cease to be valid

**Other, please specify.**

(Not answered)

**Possible comments concerning your reply**

(Not answered)

## Section II.3. Implementation of measures concerning substantive criminal law, investigation, prosecution and procedural law

### Question 46

**46.a. Is THB subject to a single criminal offence in your internal law?**

Yes  No

**46.b. If so, please provide (a translation of) the legal text(s) in English or French.**

In the Criminal Code of the Republic of Macedonia the following criminal offences are foreseen:

#### Trafficking in Human Beings

Article 418-a

- 1) A person who by using force, serious threat, by causing mislead or other forms of coercion, abduction, fraud, by misuse of their position or the condition of pregnancy, weakness or physical or mental inability of other person, or by offering or receiving financial means or other benefit for the purposes of

obtaining consent of the person who has control on other person or on other way recruits, transports, transfers, buys, sells, shelters or accepts persons for the purposes of exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced fertilization, illegal adoption of similar relation or illegal transplantation of human body parts, shall be punished with imprisonment of at least four years.

2) A person who will take or destroy personal identification card, passport or other identification document for the purposes of conducting of the offence from paragraph (1) of this article shall be punished by imprisonment of at least four years.

3) A person who will provide or is providing on other way usage of sexual services or other kind exploitation for persons for which he knew or was obliged to know that he is victim of trafficking in human beings shall be punished by imprisonment of six months up to five years.

4) If the offence from paragraphs (1), (2) and (3) of this Article is perpetrated by official during the conduction of the service shall be punished by imprisonment of at least eight years.

5) The consent of the victim of trafficking in human beings for the purposes of exploitation foreseen in paragraph 1, is not of importance for the existence of the criminal act from paragraph 1.

6) If the criminal act from this Article is perpetrated by legal entity he shall be punished with fine.

7) The properties, subjects and means of transport used for perpetration of the offence, shall be seized.

### **Trafficking in minors**

#### Article 418-d

1) A person who recruits, transports, transfers, buys, sells, shelters or accepts minor for the purposes of exploitation by way of undertaking from prostitution or other forms of sexual exploitation, pornography, forced labor or servitude, slavery, forced marriages, forced fertilization, illegal adoption of similar relation or illegal transplantation of human body parts, shall be punished with imprisonment of at least eight years.

2) A person who will perpetrate the act from paragraph 1 by using force, serious threat, by causing mislead or other forms of coercion, abduction, fraud, by misuse of their position or the condition of pregnancy, weakness or physical or mental inability of other person, or by offering or receiving financial means or other benefit for the purposes of obtaining consent of the person who has control on other person, shall be punished by imprisonment of at least ten years.

3) A person who is using or allows to other person to use sexual services or other kind of exploitation from a minor for which he knew or was obliged to know that he is victim of trafficking in human beings shall be punished by imprisonment of at least eight years.

4) A person who will take or destroy personal identification card, passport or other identification document for the purposes of conducting of the offence from the paragraphs 1 and 2, shall be punished by imprisonment of at least four years

5) If the offence from the paragraphs 1, 2, 3 and 4 of this Article is perpetrated by official during the conduction of the service shall be punished by imprisonment of at least ten years.

6) The consent of the minor with the acts foreseen in paragraph 1, is not of importance for the existence of the criminal act from paragraph 1.

7) If the criminal act from this Article is perpetrated by legal entity he shall be punished with fine.

8) The properties, subjects and means of transport used for perpetration of the offence, shall be seized

**46.c. If not, please specify the combination of criminal offences, covering as minimum all conducts falling within the definition of THB as contained in Article 4 of the Convention, used under your internal law to prosecute for THB**

(Not answered)



## Question 47

**47. Does your internal law establish as a criminal offence the use of services of a victim of THB with the knowledge that the person is a victim of THB as provided for in Article 19 of the Convention? (Article 19 of the Convention does not concern using the services of a prostitute as such and the criminalisation of her/his client - see paragraphs 229 to 236 of the Explanatory Report of the Convention.)**

Yes  ~~No~~

### **Possible comments concerning your reply**

In the Criminal Code of the Republic of Macedonia in the article 4181 THB page 3, it is foreseen:

A person who is using or allows to other person to use sexual services or other kind of exploitation from a person for which he knew or was obliged to know that he is victim of trafficking in human beings, shall be punished by imprisonment of six months up to five years.

In the Article 418d page 3 Trafficking in minors, it is foreseen:

A person who is using or allows to other person to use sexual services or other kind of exploitation from a minor for which he knew or was obliged to know that he is victim of trafficking in human beings shall be punished by imprisonment of at least eight years

## Question 48

**48. Does your internal law establish as a specific criminal offence retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally and for the purpose of enabling THB? (As provided for in Article 20c of the Convention.)**

Yes  ~~No~~

### **Possible comments concerning your reply**

This criminal activity is not foreseen as special criminal act in fact it is in the frameworks of the criminal acts:

Trafficking in Human Beings Article 418a page 2 „ A person who will take or destroy personal identification card, passport or other identification document for the purposes of conducting of the offence from paragraph 1 of this article, shall be punished by imprisonment of at least four years.,,

Trafficking in minors Article 418d page 4 „ A person who will take or destroy personal identification card, passport or other identification document for the purposes of conducting of the offence from the paragraphs 1 and 2 of this article, shall be punished by imprisonment of at least four years.,,

## Question 49

**49.a. Does your internal law ensure that a legal person can be held liable for criminal offences established in accordance with the Convention as provided for in its Article 22?**

Yes  ~~No~~

### **49.b. What types of legal persons are subject to corporate liability for such offences?**

In accordance with the recommendations of the Convention, in September 2009 the Criminal Code was amended whereupon the responsibility of the legal entity connected with perpetrated criminal act Trafficking in Human Beings Article 418 page 5 and Trafficking in minors Article 418d paragraph 6 was criminalized whereby fine is foreseen.

## Question 50

**50. Which sanctions does your internal law provide for criminal offences established in accordance with the Convention? Please specify the criminal, civil and administrative sanctions**

In accordance with the Law on Criminal Procedure, 3 sanctions were envisaged: criminal, administrative and civil. For trafficking in human beings, criminal sanction or penalty imprisonment is foreseen, but at the same time in the frameworks of the criminal offence the following is foreseen: the confiscation of the goods, means of transport and objects which are used during the perpetration of the criminal act Trafficking in Human Beings.

## Question 51

**51. Does your internal law provide for the possibility to take into account previous convictions in another party when determining the penalty in relation to offences established in accordance with the Convention?**

Yes

~~No~~

### **Possible comments concerning your reply**

The Internal Law of the Republic of Macedonia provides possibility to take into consideration previously brought verdicts in the frameworks of other side in establishing of the penalty against the convicted, and in relation with criminal offences established in accordance with the Convention.

## Question 52

**52. Please describe how your internal law provides 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. (As provided for in Article 26 of the Convention.)**

In accordance with the internal law of the Republic of Macedonia, the victims of trafficking in human beings for their participation in illegal activities in cases where they were forced to do that, and regarding trafficking in human beings, possibility is envisaged not to impose penalties for them.

## Question 53

**53. Does your internal law provide for the initiation of legal proceedings by the victim and/or ex officio (for example, by the public prosecutor)?**

Yes

~~No~~

### **Possible comments concerning your reply**

The internal law of the Republic of Macedonia envisages possibility for initiation of legal procedures by ex officio (the public prosecutor) regarding the criminal responsibility, and on suggestion of the victim regarding the procedure for damage compensation.

## Question 54

**54. Please describe how your internal law allows for NGOs or associations/groups assisting or supporting victims to participate in legal proceedings (for example, as third parties)? (Please specify the conditions for this participation as well as their legal status during these proceedings.)**

In accordance with the internal law of the Republic of Macedonia, the public search should be public and adults can be present during the same procedure, and also the members of NGO and other associations who are helping and are providing support to the victims of THB. On the other hand members of NGO, on authorization of the Center for Social Affairs (which generally takes care of the victims of THB) as proxies of the victims, represents the same in the course of the procedure and on that manner they participate in the same.

## Question 55

**55. Please describe the measures taken in your internal law to protect the identity and safety of victims before, during and after investigations and legal proceedings**

This question is regulated in the Criminal Code of the Republic of Macedonia:

Chapter XX

PROTECTION OF THE WITNESSES,

OF THE COOPERATIVES OF THE JUSTICE AND OF THE VICTIMS

Article 270-a

- 1) The court on suggestion of the public prosecutor decides for the measures of procedural protection of the endangered witness. If the endangered witness shortened the providing of data from Article 223-a paragraph (1) of this Law, the investigating judge or the president of the council without delay notifies the public prosecutor and submits him minutes with request for him in period of three days to submit written reasoned proposal for application of the special manner of interviewing and participation in the procedure.
- 2) If the public prosecutor in the deadline envisaged in the paragraph (1) of this Article fails to submit suggestion for special manner of interviewing and participation of the endangered witness, the investigative judge or the president of the council shall ask from the council to bring decision on the special manner of interviewing and participation (Article 22 paragraph 6). The council(Article 22 paragraph 6) must bring the decision within a period of 48 hours from the reception of the request from the investigating judge or the president of the council.
- 3) The public prosecutor shall submit the written reasoned suggestion for application of the special manner of interviewing and participation in the procedure to the investigating judge or the president of the council in a sealed envelope with remark „endangered witness – confidential„. The public prosecutor in the suggestion shall explain the special manner of interviewing and participation of the endangered witness which are suggested by him and the reasons regarding the same.
- 4) The public prosecutor can submit the suggestion from the paragraph (4) of this article even before the first examination of the endangered witness, or later during the procedure, and immediately upon finding for existence of the danger upon the endangered witness regarding the Article 223-a of this Article.
- 5) The investigating judge i.e. the president of the council decides with solution regarding the suggestion of the public prosecutor.
- 6) The parties and endangered witness have right on appeal against the decision from the paragraph (5) to the council (Article 22 paragraph 6) who decides within a period of three days.

Article 270-b

- 1) The special manner of interviewing may be consisted of concealment of the identity and appearance of the endangered witness.
- 2) In cases where the special manner of interviewing and participation of the endangered witness regards only to concealment of the data from the Article 223-a paragraph (1) of this Article, the concealment of the identity shall be conducted through examination of the endangered witness under pseudonym. In

certain cases, especially regarding person who participated in undertaking of special investigative measures from the Article 142-b of this Law, during the examination the person may give the name and the address of the authority in which he works, but not his personal data. In the rest part, the examination of the endangered witness shall be conducted in accordance with the basic provisions for examination of witnesses of this Law.

3) The concealment of the appearance of the endangered witness who is interviewed under pseudonym shall be accomplished by application of special technical devices for transfer of picture and sound, whereby the figure of the endangered witness is found in special room which it is physically divided from the courtroom in which the investigating judge i.e. the president of the council and the other persons present on the examination are placed.

4) Upon finished examination the endangered witness signs the minutes under pseudonym in presence only of the investigating judge or the president of the council and the court clerk.

5) The persons who in any role or function found the data regarding the endangered witness are obliged to act upon the same as with classified information in accordance with the law.

Article 270-c

Application of measures for protection off the procedure shall be conducted trough inclusion in Program for witness protection, with application of the provisions regulated by special law.

## **Comments concerning your Reply to this Questionnaire**

***Please use this area to add any comments concerning your Reply to this Questionnaire***

(Not answered)

## Statistics on THB

Question	Table 1: Victims of THB	2009				2010				2011			
		women	men	children <sup>1</sup>	total	women	men	children <sup>1</sup>	total	women	men	children <sup>1</sup>	total
	<b>Article 10 – Identification of the victims</b>												
T1	Number of victims identified <sup>2</sup> during the year	7	0	7	7	9	0	8	9	11	0	6	11
T2	Types of exploitation identified victims of THB were subject to:												
	- sexual exploitation	2	0	2	2	7	0	6	7	8	0	4	8
	- forced labour or services	3	0	3	3	2	0	2	2	1	0	1	1
	- slavery or practices similar to slavery	0	0	0	0	0	0	0	0	0	0	0	0
	- servitude	0	0	0	0	0	0	0	0	0	0	0	0
	- removal of organs	0	0	0	0	0	0	0	0	0	0	0	0
	- other, please specify "false marriage"	4	0	4	4					2	0	1	2
T3	Number of persons whom the competent authorities had reasonable grounds to believe were victims of:												
	- national trafficking	0	0	0	0	0	0	0	0	0	0	0	0
	- transnational trafficking	0	0	0	0	0	0	0	0	3	0	2	3
	<b>Article 12 – Assistance to victims</b>												
T4	Number of victims of THB who received assistance of any type	2	0	6	8	1	0	9	10	11	0	6	11
T5	Number of victims of THB who refused assistance which was offered to them	0	0	0	0	0	0	0	0	0	0	0	0
T6	Number of shelters for victims of THB in your country	2	1	2	2	2	1	2	2	2	1	2	2
T7	Total number of places in shelters for victims of THB	27	10	13	50	27	10	13	50	27	10	13	50
T8	Number of victims of THB accommodated in shelters	6	0	6	8	8	0	8	8	9	0	8	9

<sup>1</sup> "Child" shall mean any person under eighteen years of age (Article 4-d of the Convention).

<sup>2</sup> "Identified" within the meaning of the Convention.

Question	Table 1: Victims of THB (continued)	2009				2010				2011			
		women	men	children <sup>3</sup>	total	women	men	children <sup>1</sup>	total	women	men	children <sup>1</sup>	total
	<b>Article 13 – Recovery and reflection period</b>												
T9	Number of victims of THB (including persons whom the competent authorities had reasonable grounds to believe were victims of THB) who were granted a recovery and reflection period	0	0	0	0	0	0	0	0	2	0	1	2
	<b>Article 14 – Residence permit</b>												
T10	Number of victims of THB who were issued a residence permit												
	- owing to their personal situation	0	0	0	0	0	0	0	0	0	0	0	0
	- for the purpose of their co-operation with the competent authorities	0	0	0	0	0	0	0	0	0	0	0	0
	<b>Article 15 – Compensation and legal redress</b>												
T11	Number of victims of THB who obtained compensation	0	0	0	0	0	0	0	0	3	0	3	3
T12	Compensation awarded to victims of THB:												
	- minimum amount awarded to a victim (in euros)			0				0				0	
	- maximum amount awarded to a victim (in euros)			0				0				0	
	<b>Article 16 – Repatriation and return of victims</b>												
T13	Number victims of THB who were repatriated to your country	5	0	5	5	1	0	1	1	1	0	1	1
T14	Number of victims of THB who were repatriated from your country to another country	1	0	1	1	0	0	0	0	2	0	1	2

<sup>3</sup> "Child" shall mean any person under eighteen years of age (Article 4-d of the Convention).

Question	<b>Table 2: Criminal Proceedings and Sanctions</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
<b>Article 18 – Criminalisation of trafficking in human beings</b>				
T15	Number of criminal proceedings initiated on grounds of THB	3	3	3
T16	Number of convictions for THB	1	3	2
<b>Article 19 – Criminalisation of the use of services of a victim</b>				
T17	Number of convictions for the use of services of a victim of THB	0	0	0
<b>Article 23 – Sanctions and measures</b>				
T18	Number of convictions for THB resulting in penalties involving deprivation of liberty	1	3	2
T19	Duration of penalties on grounds of THB involving deprivation of liberty			
	- minimum duration	4	4 years	1 year
	- maximum duration	4	5 years	5 years
T20	Number of judgements resulting in the confiscation of assets	1	3	2
T21	Number of judgements resulting in the closure of a business or an establishment which was being used to carry out THB	0	0	0
<b>Article 26 – Non-punishment provision</b>				
T22	Number of victims of THB who benefitted from the non-punishment provision	1	5	6

Question	<b>Table 3: Country of origin of victims of THB</b>		<b>2009</b>	<b>2010</b>	<b>2011</b>
T23	<b>Number of victims of THB originating from:</b>				
	<b>- Council of Europe Member States:</b>	Albania	0	0	1
Andorra		0	0		
Armenia		0	0		
Austria		0	0		
Azerbaijan		0	0		
Belgium		0	0		
Bosnia and Herzegovina		0	0		
Bulgaria		0	0	1	
Croatia		0	0		
Cyprus		0	0		
Czech Republic		0	0		
Denmark		0	0		
Estonia		0	0		
Finland		0	0		
France		0	0		
Georgia		0	0		
Germany		0	0		
Greece		0	0		
Hungary		0	0		
Iceland		0	0		
Ireland		0	0		
Italy		0	0		
Latvia			0		
Liechtenstein		0	0		
Lithuania		0	0		
Luxembourg		0	0		
Malta		0	0		
Republic of Moldova		0	0		
Monaco		0	0		
Montenegro		0	0		
Netherlands		0	0		
Norway		0	0		
Poland		0	0		
Portugal		0	0		
Romania		0	0		
Russian Federation		0	0		
San Marino		0	0		
Serbia		0	0		
Slovak Republic		0	0		
Slovenia		0	0		
Spain	0	0			
Sweden	0	0			
Switzerland	0	0			
"the former Yugoslav Republic of Macedonia"					
Turkey	0	0			
Ukraine	0	0			
United Kingdom	0	0			
<b>- other, please specify</b>	Kosovo	1		2	