

Resolution A/RES/73/146

The Government of R.N. Macedonia, in accordance with the assumed international obligations for combating organised crime, including the fight against migrant smuggling and human trafficking, adopted a National Strategy and a National Action Plan (2017-2020) at the end of 2016 which, inter alia, foresee the establishment of a Task force to fight against organised crime groups whose members undertake criminal activities like migrant smuggling and human trafficking, and in November 2019 adopted a Decision on the establishment of a Working Group.

In January 2018, this was followed by the signing of a Memorandum of Cooperation between the Ministry of Interior of the R.N. Macedonia and the Public Prosecutor's Office of R.N. Macedonia, in order to strengthen the cooperation between the two institutions, i.e. to strengthen the national capacities and to strengthen the efficiency of the police force and the prosecution in combating organised forms of migrant smuggling and human trafficking.

A National Unit for Combating Migrant Smuggling and Human Trafficking was established to implement this cooperation and the Unit officially commenced its activities in April 2018.

From August 1, 2018 to date, in terms of human trafficking, the National Unit has identified a total of 16 victims of human trafficking, whereby 9 criminal charges were filed against 23 persons suspected of being perpetrators of human trafficking activities (Article 418-a of the CC) and Child Trafficking (Article 418-d of the CC). Of the total number of identified victims – all 16 were females, 14 children and 2 adults, 13 human trafficking victims (HTW) are citizens of R.N. Macedonia, 2 are citizens of Kosovo and 1 of R. BiH.

The completed court proceedings confirm that this type of crime in R.N. Macedonia is sanctioned with heavy punishments. To illustrate, in one case of trafficking of a 12-year-old child, the court sentenced the first defendant to 17 years in prison, while the second and third defendants were sentenced to 14 years in prison each.

In the same period, on the territory of this country, the National Unit, i.e. the mobile teams¹ for dealing with vulnerable categories of persons, including HTVs, as well as non-governmental organizations identified a total of 248 potential victims of human trafficking, 172 of which were children. Of the total number, 166 were females and 82 were males. The potential HTVs included irregular migrants. All the potential victims lacked the element of exploitation, so they could not be identified as HTVs per se, based on what is stipulated on this type of crime in the Criminal Code of RNM. It should be noted that in terms of the protection and services provided to these categories of persons, no distinction is made in our country between a potential victim and a victim of human trafficking. However, the irregular migrants refused the offered aid and protection. We believe the reasons behind this are manifold:

- Mistrust in the police and state bodies (as they come from countries where the police, the army and state institutions are the ones who abused or persecuted them)
- Communication difficulties (people coming from countries where a specific language is spoken - Urdu, Pashto, Dari, for which there are no suitable translators in our country)
- Cultural differences and
- perhaps most importantly, the desire to get to the final destination country as soon as possible, where the abuses will eventually be reported and help, and protection will be sought.

Naturally, in line with SOP for treatment of this category of persons, the unaccompanied minor foreigners², were provided with a guardian (chosen from among social workers), who then submitted an asylum application on behalf of the child, in order to accommodate them in appropriate shelters (which differ from Asylum Centres and Accommodation Centres for Irregular Migrants, and where there are no adult asylum seekers or irregular migrants), after which a procedure was started to locate the parents of said children so that they can be reunited

¹Established in March 2018 until December 2019, based on a signed Memorandum of Cooperation between the Ministry of Interior and the Ministry of Labour and Social Policy. The mobile team is comprised of social workers, members of the National Unit, NGOs (the Red Cross, Open Gate – La Strada, Young Lawyers Association)

² Unaccompanied minor foreigners – minor foreigners traveling unaccompanied by their parents or close family member

with their families (if that was in the best interest of the child, i.e. if there was no security risk for the child, if the parents themselves were not involved in criminal activities).

Regarding the new state of emergency caused by the impact of COVID-19, we would like to inform you that this has also had an effect on the regular activities of the National Unit for Combating Migrant Smuggling and Human Trafficking, especially those aimed at early detection of potential, i.e. victims of human trafficking. In this context, declaring a state of emergency in the country and introducing restrictions on free movement of the citizens of R.N. Macedonia, converting several hotels in the country into quarantine facilities for citizens who return to our country after staying in high and medium risk countries, as well as closing down the hospitality sector (in line with the ban on hospitality-related activities), has reduced the occurrence of vulnerable categories of persons, who, under certain circumstances, could be exploited i.e. become victims of human trafficking.

On the other hand, due to the decision to extend the curfew, the police officers from the National Unit are also assigned to enforce this curfew, hence the intensity of activities aimed at identifying potential, i.e. victims of human trafficking has been decreased.

As for the possibility for victims to access the instruments of assistance, support and protection, since we have not been informed by the NRM (in charge of the aforesaid instruments) about their position on these emerging circumstances, we are unable to provide an explanation and an appropriate response, but if victims of human trafficking are identified, we shall notify the NRM to undertake the necessary measures and activities to help, support and protect those victims, taking into account the guidelines and the recommendations of the Government of RNM for the prevention and protection from the spread of COVID - 19.

Regarding the data on violence against women and children in R.N. Macedonia with an emphasis on sexual violence, we inform that this does not fall within the competence and activities of the Unit (when elements of criminal offenses i.e. Human Trafficking - Article 418-a of the CC, and Child Trafficking - Article 418-d of the CC are lacking). The same applies for female genital mutilation, although I believe no such case has been recorded in our country since our independence.

If we single out sexual violence as a form of exploitation, 9 victims have been sexually exploited, 6 of whom are girls. Sexual exploitation usually occurs in combination with labour exploitation and forced marriage.

Regarding the requested information on the elimination of female genital mutilation, no victims who have been subjected to such violencehave been registered.

As for the human trafficking victims' access to the assistance and protection mechanism, there are no restrictions onthe procedures for identification and further treatment of these persons. The only restrictions (mostly restriction of movement, obligation to self-isolate, quarantine accommodation, etc.) would be those that apply to the entire population, in accordance with the Decision to declare a state of emergency and the decisions and conclusions of the Government of the Republic of North Macedonia for dealing with COVID-19.

In addition, tocontrol the situation more efficiently and to reduce the risk of possible spread of the infection, at the 28th session of the Government of R.N. Macedonia, held on 25.03.2020, a conclusion was adopted that "throughout the duration of the state of emergency declared due to the COVID-19 outbreak, all new asylum seekers, as well as newly found persons whose stay on the territory of the Republic of North Macedonia is not regulated, shall be initially quarantined in the Temporary Transit CentreVinojug-Gevgelija for 25 days."

This conclusion, adopted at the proposal of the Ministry of Labour and Social Policy, does not in any way mean that these persons are unable or are prevented access to the international protection mechanism, their access to the right to apply for asylum is unhindered and is being implemented in practice.

In the past period, the National Commission for Combating Trafficking in Human Beings and Illegal Migration, through a project of the German Association for International Cooperation (GIZ), secured a donation of medical equipment and disinfectants in response to the COVID-19 situation, which was distributed among the National Unit for Fight Against Trafficking in Human Beings and Illegalmigration, the Centre for Victims of Human Trafficking and Sexual Exploitation and the Temporary Transit CentreVinojug - Gevgelija.