



Recognition of potential victims of human trafficking among migrants in Republic of North Macedonia



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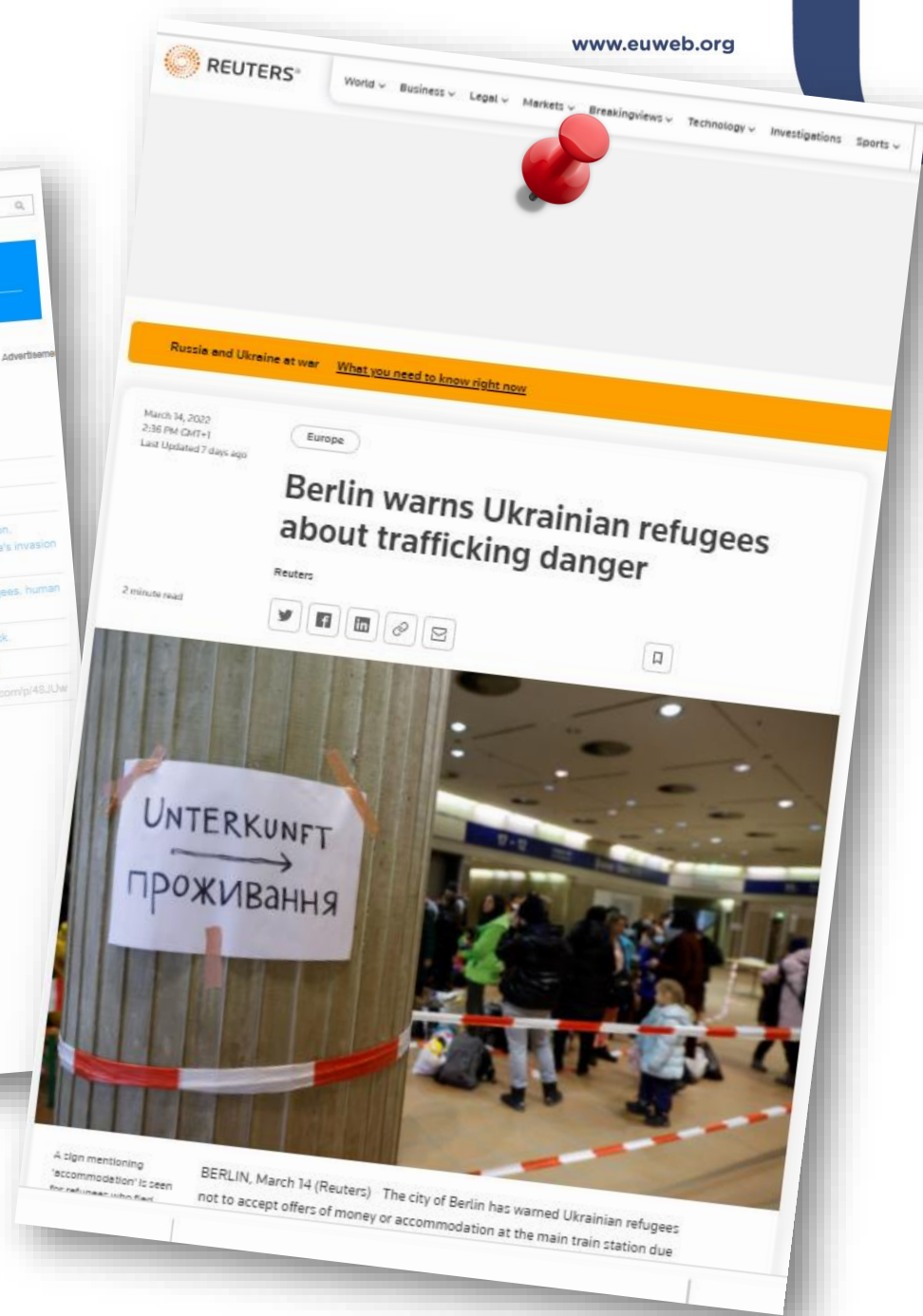
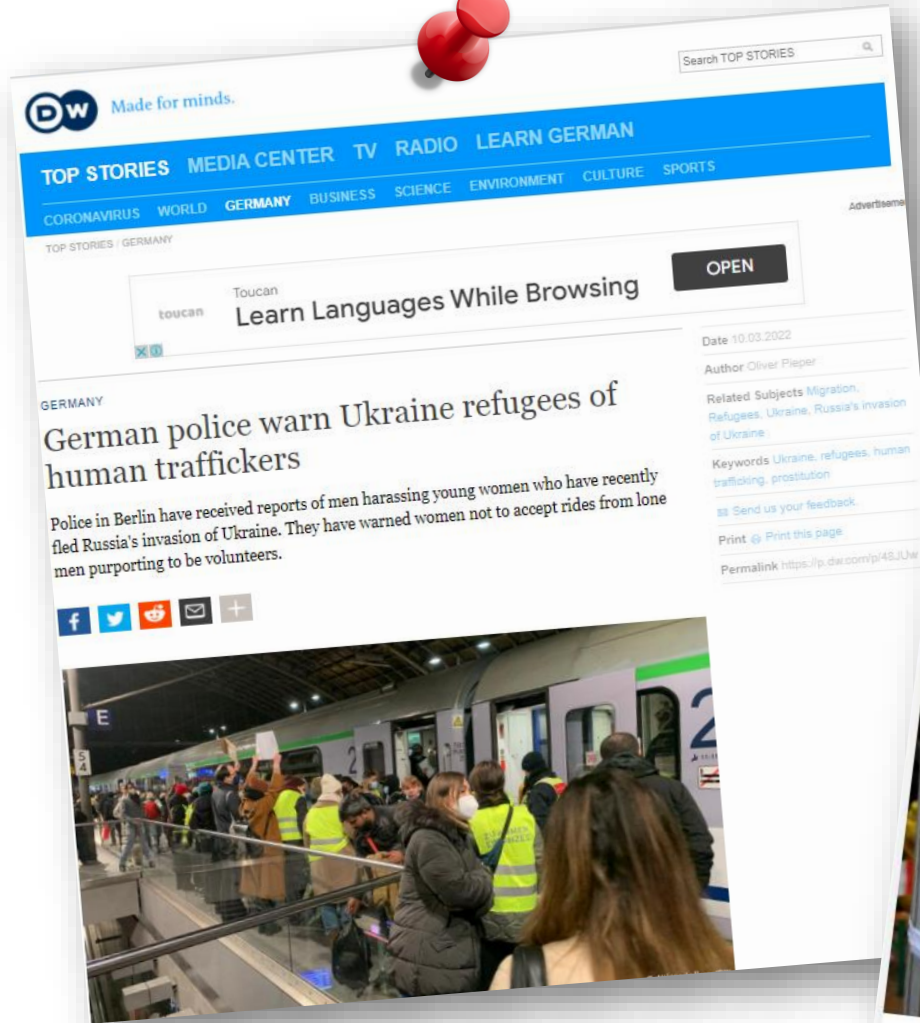
Starting problem

- ❑ Mixed migratory flows - serious risks of victimization
- ❑ Migrants in transit - particularly vulnerable to smuggling - consent to commit this offense.
- ❑ Over the years - huge number of omissions have been made in terms of adequate recognition of potential victims or victims of trafficking! – **fear of repeating the practice**



Acts either pass as migrant smuggling or are not detected at all



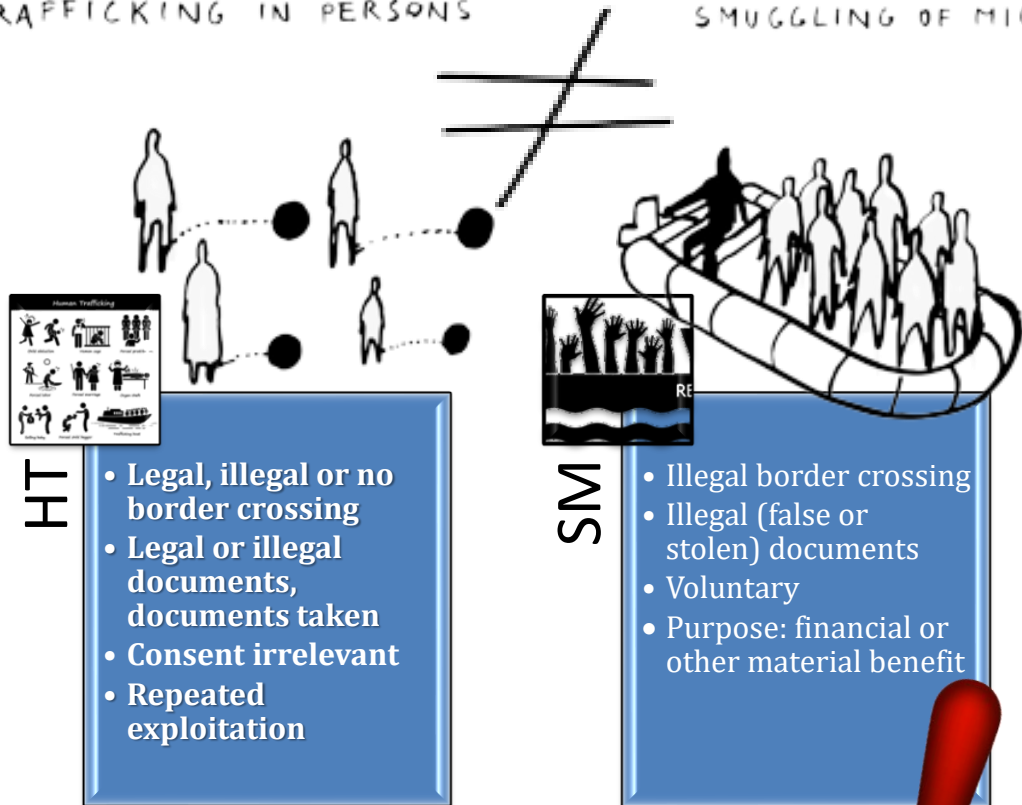



Risk groups → women, children and elderly people, some of whom are unaccompanied or separated

Important to distinguish

TRAFFICKING IN PERSONS

SMUGGLING OF MIGRANTS



For proper identification of trafficking victims and the activation of relevant assistance and protection mechanisms


Smuggled migrants, even subjected to hardship and abuse -not considered victims of crime or human rights violations →no right to support and assistance, remedies for the harm suffered or protection from possible further harm, penalized for violating immigration regimes.

Victims of trafficking are entitled to comprehensive assistance and protection, immunity from prosecution for any crimes or administrative offences that may have been committed due to their being trafficked.



UNODC

United Nations Office on Drugs and Crime

Possible HT
victimization

In country of origin

UNDOC -Poverty, instability,
conflict, lack of economic
or social opportunities,
exploitation of armed
groups

During the path –
transit

Asylum seekers,
migrants – risk of
additional exploitation

In EU country –
destination

While waiting for
papers

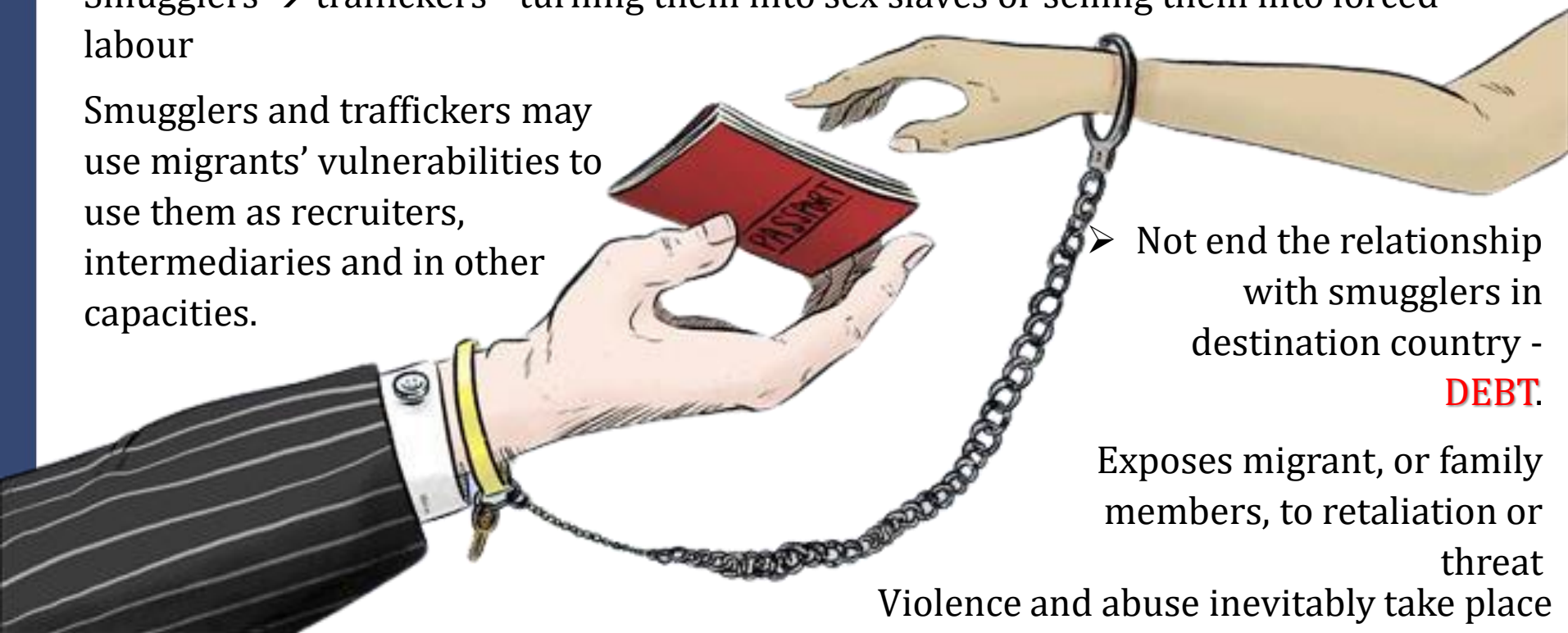


Scenarios under which a migrant can become a victim of HT during their journey:

- Migrants exposed to trafficking **after smuggled across the border.**

Smugglers → traffickers - turning them into sex slaves or selling them into forced labour

Smugglers and traffickers may use migrants' vulnerabilities to use them as recruiters, intermediaries and in other capacities.



- Not end the relationship with smugglers in destination country - **DEBT.**

Exposes migrant, or family members, to retaliation or threat
Violence and abuse inevitably take place

- Exploitation - **prior to the migrants' arrival** - in the form of domestic servitude - victims, predominantly women, sexually abused, work in sweatshops or on construction sites, involved in crime...

Proper identification – states obligation

States have a legal and positive obligation to protect victims of human trafficking.



CE *Convention on Action against Trafficking in Human Beings* (2005, Article 10/1)6 - victims should be identified by competent authorities of State Parties and protected. States ensure - legal representation, legal counsel and access to specific schemes for the protection of witnesses, based on individual risk assessments, in accordance with domestic law and procedures, protection against victimization which may occur when they are interviewed and when they give evidence in court



ECHR

Article 4 of the Convention - Member States criminalize and prosecute effectively any act aimed at maintaining a person in a situation of slavery, servitude or forced or compulsory labour.

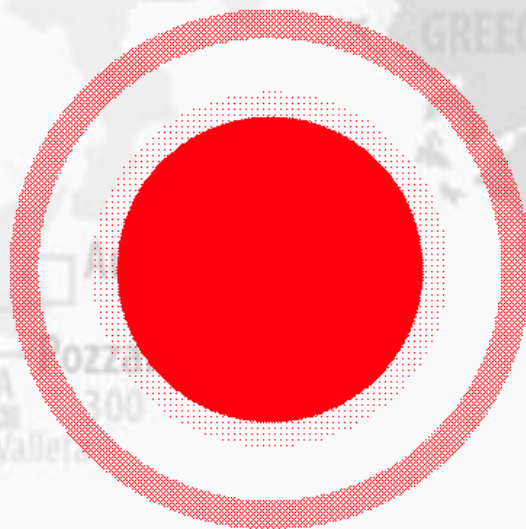
Operational measures - protect victims/potential victims. Procedural obligation to investigate. Requirement to investigate - not depend on a complaint from victim - authorities must act of their own motion once the matter has come to their attention

EU's hotspot approach

- The hotspot - European Commission in May 2015 in 'European Agenda on Migration' - comprehensive strategy to migration management refugee crisis
- first place to get their vulnerability recognized, identification and registration of asylum-seekers and migrants - screening interviews



- concerns - reception conditions in hotspots
 - effectiveness of vulnerability screenings
 - availability of interpreters and mediation services
 - number of people accommodated at the facilities
 - access to healthcare.



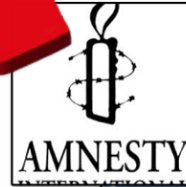
Vulnerability problem

EU-Turkey Statement 2016 →
longer transit period of stay in
the Greek hotspots



European Court of Auditors

- 2017 special report on the hotspot approach, - before the adoption of the statement migrants were transferred to the mainland once the initial identification, registration and fingerprinting completed in hotspots.
- After this agreement - new arrivals lodge asylum application directly at the hotspot - changed the transit period from a few days to several months (until a decision is taken), increasing the problem of overpopulation, poor material conditions and overall security in the transit camps.



Amnesty International

- many migrants – nationals of countries prejudged to be producing 'economic migrants' rather than 'refugees', were automatically detained and expected to be returned to Turkey; such migrants could include undetected victims of trafficking, for instance from Nigeria.



international organization of migration

findings of HT and Exploitation Prevalence Indication Survey on Croatia, Greece, Hungary, Macedonia, Serbia and Slovenia - 10% of 1,042 migrants interviewed answered 'yes' to at least one of five questions, intended to act as proxy indicators of trafficking and exploitation, with a further 1.2% responding that one or more indicators applied to a family member travelling with them.

2018

Ministry of Interior and the Ministry of Labor and Social Policy – memorandum of understanding → legal basis for the establishment of Mobile Teams for the identification of vulnerable categories of persons, including victims of trafficking in human beings.

Mobile teams are established in five cities throughout the country: Skopje, Kumanovo, Tetovo, Bitola and Gevgelija. They are comprised of social worker, police officer and representative from the civil sector.

a National Unit for the Suppression of Smuggling of Migrants and Human Trafficking has been established, as well.

Representative from the National Unit participates in the work of the Mobile Teams, thus ensuring coordination and cooperation between these two structures.



Macedonia's answer



Standard operating procedures for treatment of victims of trafficking in human begins -2010



Национална Комисија за борба против трговија со луѓе и илегална миграција

Standard operating procedures for dealing with unaccompanied and separated children - 2015

Standard operating procedures for processing vulnerable categories of foreign migrants - 2016



Indicators For identification of victims of human trafficking - 2014

General indicators for preliminary identification of assumed and potential victims of HT in cases of mixed migration movements in the R. Macedonia - 2016

Indicators for Initial/Preliminary Identification of Presumed and Potential Victims of Trafficking in Human Beings in the Context of Mixed Migration Flows -2016

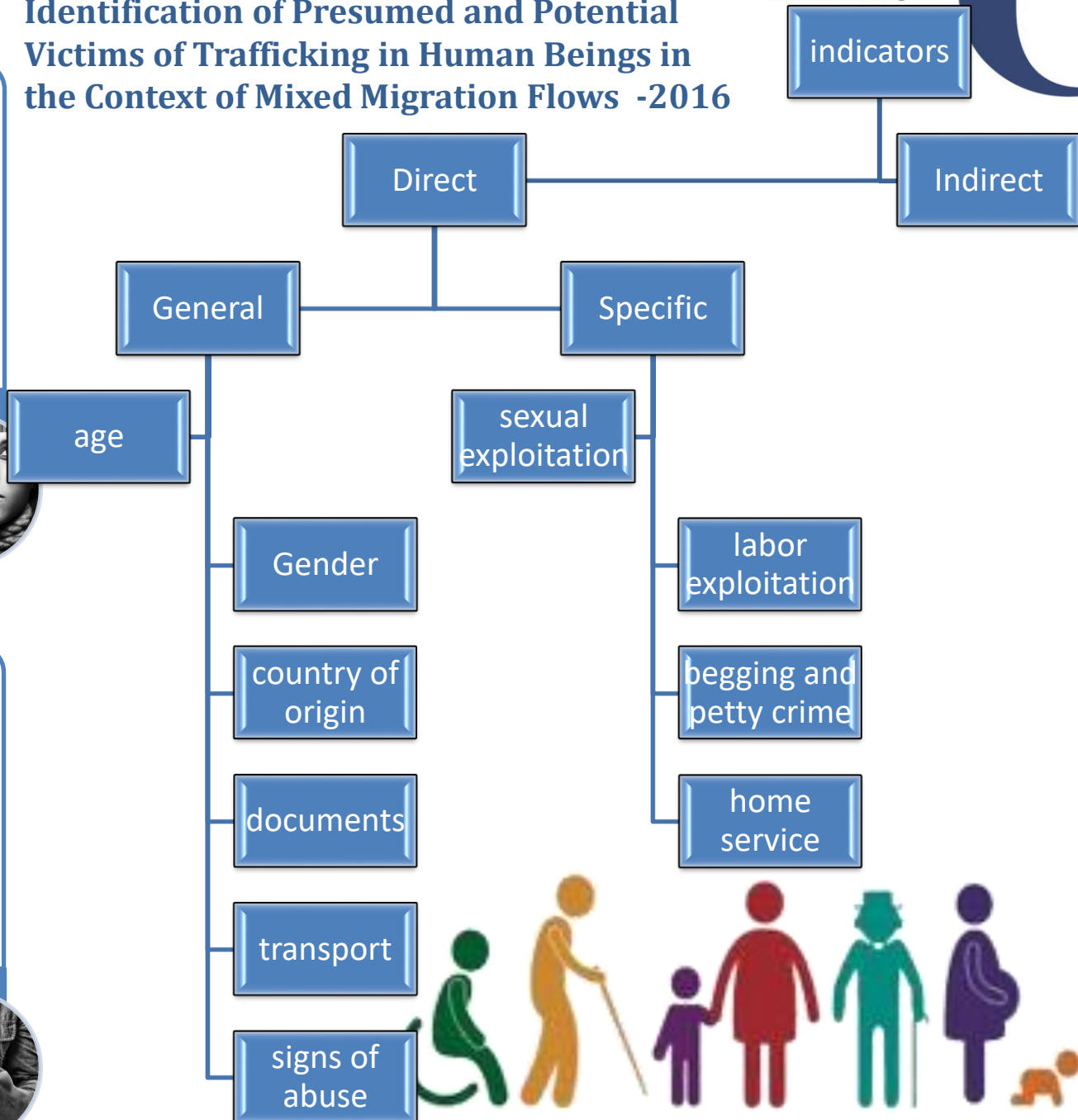
- competent authorities have confidently and unequivocally identified as HTV, through the identification procedures or in court proceedings.

"OFFICIALLY RECOGNIZED (IDENTIFIED) VHT"



- persons in contact with the authorities, there are indications and reasonable suspicion to be victims of HT but have not yet been officially classified as HTV.
- the element of coercion is missing or there is insufficient evidence

"PRESUMED (POTENTIAL) VICTIMS OF TRAFFICKING"



Indicators related to the behavior of victims of trafficking:

afraid to speak

instructed how to speak

Gives conflicting, incomplete and untrue information

Tries to escape

stands away from the group in the building where a control / raid has been made

Allows others to speak on their behalf

Manifested fear and anxiety

Responds with anger, irritability and aggression

signs of depression

Disorientation, confusion, phobias or panic attacks are present

signs of dependence on alcohol, drugs and medications

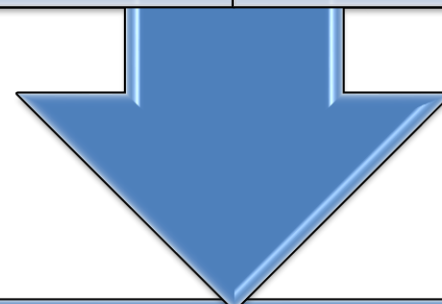
distrust of the authorities and refuses to cooperate

Protects trader and his associates

First-level identification

trained professionals from the Ministry of Interior, Border Police representatives, Ministry of Labour and Social Policy, representatives (social workers) or the responsible personnel of the transit centres or the Centre for Asylum Seekers.

Outside reception facilities - an authorised officer of a state institution, a representative of a civil society or international organisation, or a Macedonian citizen.



Formal identification

Unit for Combating Human Trafficking and Smuggling of Migrants within Ministry of Interior or the Office of the NRM/Centre for Social Work

The protection and rehabilitation of victims of trafficking is coordinated by the Office of the NRM, within the MLSP, in collaboration with Centres for Social Work and NGOs.

- The competent authority determines the identity of the presumed (potential) victim
 - collects information from the victim and determines her needs
 - early risk assessment is performed
 - potential victim is interviewed to determine the victim's status (help of an interpreter, the interview is conducted in a language understandable for the victim)
 - period of reflection and recovery, in which the victim resides in the Center for victims of trafficking or in the Reception Center for Foreigners



Informing about the rights and obligations, assistance, support, rehabilitation and reintegration services



permission for temporary residence



Attorney for the victim of human trafficking + Free legal aid



Procedural protection of the victim



Protect the safety and dignity of the victim during the procedure



Impunity clause



Compensation to victims



What happened actually?

- **difficulties in providing the basic human rights and freedoms**
- Systematic push-backs - **forcible return, not undergo any identification procedure**
- **inhumane, degrading treatment**
- **Detention without a written act**, inability to apply for asylum, overcrowding of about 300%, dilapidated living conditions
- problem with **police violence** against asylum seekers and migrants
- **inhumane treatment** of refugees by special police officers who used excessive and unjustified force and coercive measures, using tear gas and stun grenades in a failed attempt to prevent refugees from crossing the country
- frontline responders preferring to **pay attention to other more “visible” vulnerabilities**, children travelling alone, pregnant women, people in need of medical assistance and elderly people
- During 2014, until June 2015, considering them as "illegal migrants", the Republic of Macedonia did not allow them to use public transport and forced the refugees to walk throughout the country in an attempt to reach the Republic of Serbia.
- Migrants/refugees only tried **to stay here as short as possible - transit country**



ICMPD

International Centre for
Migration Policy Development



Sexual trafficking has been identified in Macedonia, Serbia, Hungary and Germany exploitation of Afghan boys in the context of bacha bāzī, exploitative practice by men who sexually abuse boys.



Some statistics

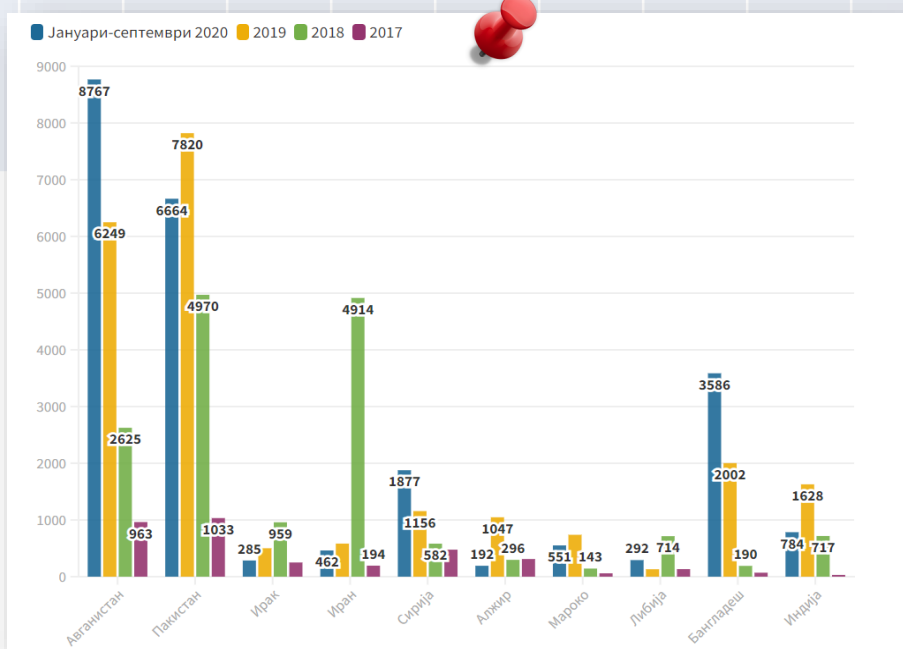


Република Северна Македонија
Државен завод за статистика

Year	2016		2017		2018		2019		2020	
Crime	prosecuted	convicted	prosecuted	convicted	prosecuted	convicted	prosecuted	convicted	prosecuted	convicted
Human trafficking	1	1	1	1	6	6	/	/	/	/
Smuggling migrants	75	73	53	50	40	27	60	42	55	20
Organizing a group and encouraging the commission of acts of HT and SM	5	5	2	2	/	/	2	2	12	10

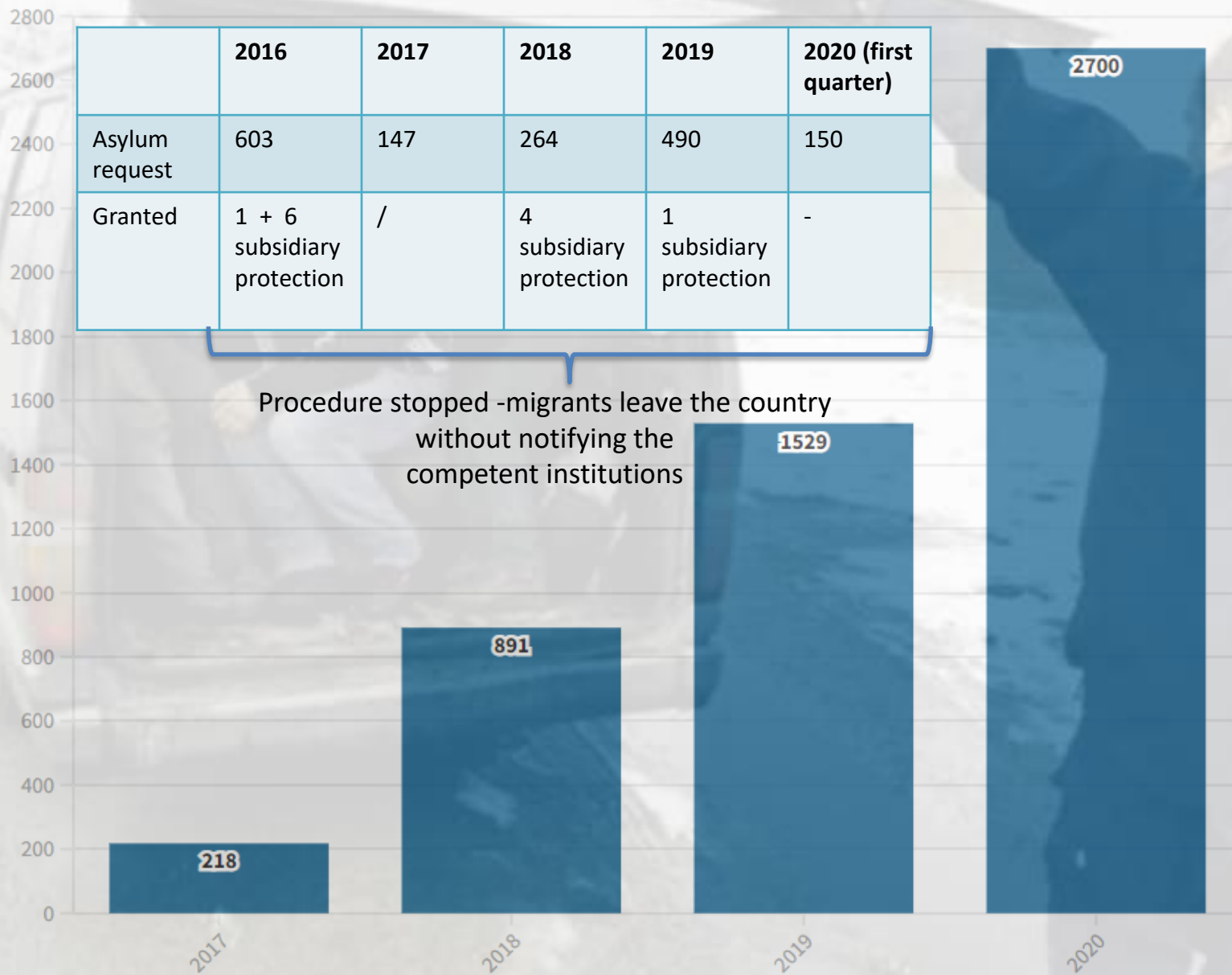


Organizing a group and encouraging the commission of acts of HT and SM



„Among the illegal migrants, 14 potential victims of human trafficking have been identified over the past year (2019). But the reality is that they have only one goal: to reach their final destination in EU countries faster and are often unaware of their vulnerability and involvement in the human trafficking chain.“ State Secretary Magdalena Nestorovska, national coordinator for HT

Suppressed SM cases – 2017-2020 - 7299 migrants



The 'invisible' migrants

On April 5, 2015 - British media Channel 4 (News 4 News) published a video about the notorious house in the village of Vaksince, Kumanovo region → hundreds of refugees were held hostage by smuggling group, armed group extorted money from refugees and forced them to work in order to let them continue their journey to EU countries, while keeping them in unbearable, inhuman conditions.

→Macedonian police needed 6 days to investigate the allegations. During the action, according to the Interior Ministry, 128 migrants were found hiding in houses in the village and several people were detained suspects of smuggling, including a police officer. While the migrants were staying in the country, information that was spread about the same crime from the authorities said that there is no such treatment

Article 4

1. No one shall be held in slavery or servitude.

2. No one shall be required to perform forced or compulsory labour.

The ECtHR has held that trafficking falls within the scope of article 4.

Constitution of the
Republic of Macedonia in
Article 11

NOT ONLY CASE!

- some cases in the period were not properly resolved mainly because:
 - of the ping - pong game with the procedure that the authorities were playing at the time.
 - very often, the charges ended up with an easier qualification for the perpetrators
 - Migrants refuse to collaborate – leave country illegally



Importance instead conclusion

Due to the lack of legal channels for migration and asylum, lack of opportunities to regularly transits along the routes, almost everyone who travels along the routes uses the services of migrant smugglers, at least at some point

Identification of HTV through - crucial. Presumed/potential HTV should be immediately informed of their rights to assistance and protection and if possible, criminal investigations should be initiated, in a multi-agency context, with a human rights based and victim-centred approach.



Will highlight the problems of the domestic system



will "awake" the domestic institutions involved in the process



Will encourage more consistent respect for human rights



Will contribute to the rule of law



encourage others to seek protection of their rights and strengthen the sense of justice and fairness



will contribute to intensive cooperation of migrants / refugees with domestic authorities





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