



**PERMANENT MISSION OF THE
REPUBLIC OF MACEDONIA
Geneva
HEAD OF MISSION**

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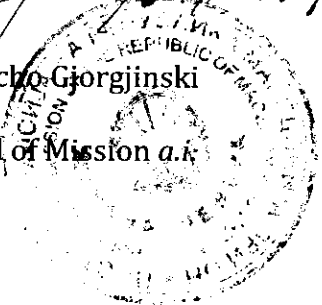
The Permanent Mission of the Republic of Macedonia to the United Nations Office and Other International Organizations in Geneva presents its compliments to the Secretariat of the UN Human Rights Committee in Geneva and has the honor to inform that the Republic of Macedonia is submitting its replies to paragraphs 15, 16 and 23 of the recommendations of the Human Rights Committee (CCPR/C/MKD/CO/3).

The Permanent Mission of the Republic of Macedonia to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Secretariat of the UN Human Rights Committee in Geneva the assurances of its highest consideration.

Sincerely,

Ljupcho Gjorgjinski

Head of Mission *a.k.*



**SECRETARIAT OF THE
HUMAN RIGHTS COMMITTEE
GENEVA**

REPLIES BY THE REPUBLIC OF MACEDONIA RELATING TO PARAGRAPHS
15, 16,23, OF THE RECOMMENDATIONS OF THE
UN HUMAN RIGHTS COMMITTEE (CCPR/C/MKD/CO/3)

Recommendation in paragraph 15:

In 2015, 3 victims and 11 potential victims of human trafficking were identified in the Republic of Macedonia. The identified victims of human trafficking involved one adult and two children. All victims were female. Regarding the type of exploitation, the following was recorded: one sexual exploitation; a sexual and labor exploitation; a forced marriage and labor exploitation. In terms of the country where the exploitation occurred: one in Italy and two in Macedonia.

In 2015, the influx of migrants escalated; they have used the country as part of the secondary movement across the Western Balkan route to the final destination in the countries of the European Union. The migrant crisis that was faced not only by the Republic of Macedonia but the whole European continent resulted in increased efforts to detect criminal networks dealing with smuggling of migrant and human trafficking.¹

For crimes related to human trafficking in 2015, the Basic Court Skopje 1 initiated 161 cases, which involved 201 persons as defendants. In 2015, including also cases initiated from previous years, 175 defendants were given prison sentence. In 2015 there was also a sentence pronounced whereby a person employed in the Ministry of Interior was sentenced to prison for a period of 4 years.

¹ In 2015, 120 criminal charges for 142 offenses under Article 418-b of the Criminal Code of the Republic of Macedonia were initiated, involving "smuggling of migrants" committed by 212 perpetrators, an increase of 33% compared to the previous year.

Year / Article	Cases initiated in 2015	Verdicts made in 2015 for court cases	Charged (men / women)	Prison sentence	Suspended sentence Conviction
Art.418-a	2	1	3 men	/	4 (3 men / 1 woman)
Art.418-b ²	153	149	181 (179 men / 2 women)	164 (162 men / 2 women)	7 men
Art.418-c ³	4	2	15 (14 men / 1 woman)	4 men	/
Art.418-d	1	4	1 woman	7 (5 men / 2 women)	/
Art.418-e	1	/	1	/	/
Total	161	156	201 individuals (197 men / 4 women)	175 individuals (171 men / 4 women)	11 individuals (10 men / 1 woman)

In 2016, criminal charges for the criminal offense of "trafficking in children" under Article 418-d of the Criminal Code were initiated against one person. Meanwhile the authorities identified three potential victims of trafficking detected among migrants. It involved minors from Afghanistan (2) and Nigeria (1).

In order to strengthen the capacities aimed at identifying and dealing with victims of trafficking, during 2015 and 2016, the Government of the Republic of Macedonia, at the suggestion of the relevant National Commission, adopted several key documents, such as:

- Standard Operating Procedures regulating the set of actions, procedures, and manner of operation by the competent institutions involving identified unaccompanied foreign child, unaccompanied foreign child, through a comprehensive approach based on respect for human rights and aimed at the best interests of the child.

²The range of court sentences for crimes under Art.418-b of the Criminal Code is from 7 months to 12 years in prison.

³Under Article 418 of the Criminal Code: from 1 year/1 year and 1 month to 15 years in prison.

- Standard Operating Procedures for dealing with vulnerable foreigners, and
- Indicators for identifying victims of human trafficking in cases of mixed migratory movements.

In addition to these documents, it is worth mentioning that there is continuous training to prevent human trafficking and to make use of existing and new Standard Operating Procedures, aimed at strengthening national capacities to combat human trafficking. Thus, during 2015 basic and specialized training for police officers were conducted, especially for juvenile delinquency inspectors for recognition / identification and referral of potential victims of human trafficking/children, as well as specialized training for 180 members of the Border Police on human trafficking.

Recognizing the need for involvement of all relevant institutions in the fight against human trafficking, the National Commission for Combating Human Trafficking and Illegal Migration adopted the Plan for inter-institutional training on fight against human trafficking and illegal migration for the 2016-2017 period.

In 2016, training was organized for 180 members of the Border Police on the topic "Dealing with illegal migration" which among other things included profiling of mixed migrants (identity detection, recognition of unaccompanied minors, identifying whether a given person is refugee or migrant, whether a given person belongs to the category of vulnerable people including victims of trafficking).

Regarding future activities related to the fight against human trafficking, a draft version was made of the new National Strategy for Combating Human Trafficking and Illegal Migration, combined with an Action Plan for the 2017- 2020 period, which will address the recommendations contained in key reports by EU and international organizations (UN, Council of Europe (GRECO), OSCE, State Department etc.). The new Strategy envisages monitoring the current trends in the fight against human trafficking and, inter alia, special emphasis in it will be placed on intensifying the activities of providing adequate protection to victims of human trafficking.

Recommendation in paragraph 16:

The Law on Border Control (Article 4) is applied for all persons crossing the state border of the Republic of Macedonia, regardless of their socio-economic, religious, or ethnic affiliation. According to Article 8, paragraph 3, of the Law on Border Control (Official Gazette of the Republic of Macedonia No. 171/10), while conducting border control, police officers shall not discriminate in terms of gender, racial or ethnic origin, skin color,

age, nationality affiliation, social background, religious belief, disability, sexual orientation, and economic and social condition of the individuals checked by the authorities.

The right to equality and the right to freedom of movement are guaranteed by the Constitution of the Republic of Macedonia; likewise, one must bear in mind that with the intention of leaving the territory of the country, it is necessary to respect the conditions of entry and the right to freedom of movement within the territory of the Member States of the European Union, as defined under Article 17 (1) of the Treaty, the Schengen Borders Code as well as the EU Directive 38/2004 of 29 April 2004.

For a smooth exit from the territory of the Republic of Macedonia and entry into an EU Member State, pursuant to Article 5 of the Schengen Borders Code, it is not enough to possess only a valid biometric passport, but it is also required to meet other conditions and possess also additional documents or certificates that are provided for under Annex 1 of this Regulation of the EU, i.e., documents that justify or prove the motives and purposes of travel and stay in the EU Member States.

In the Republic of Macedonia there is no ban on exit as such, but in accordance with legal regulations and contractual obligations under the Agreement on visa liberalization between the Republic of Macedonia and the EU, as an international valid agreement, Macedonian nationals, who do not have the necessary documentation under this Agreement, are informed of this and are also informed that they may leave the country upon completion of the required documentation.

Also, the Ministry of Interior, through its Sector for Internal Control and Professional Standards, supervises the Ministry employees; likewise, the Ministry, through this Sector, continuously acts upon complaints filed by citizens; in all cases which the Sector was informed about that there had been any illegal or unprofessional police conduct, the Ministry or the Sector acts professionally investigating complaints, with equal treatment of all citizens regardless of their ethnic, religious and gender affiliation or any other basis for possible discrimination, without exception, while delivering timely responses to the individuals that have filed the complaints.

For the purpose of implementation of prevention programs, the Ministry of Interior also conducted public forums and panel discussions in order to explain to the population the consequences of the submission of unfounded requests for asylum in the Western countries, with the involvement of inspectors for prevention and the OSCE officers.

In the recent period, the Ministry largely seeks to raise awareness among members of the police force with regard to respect for human rights, informing that in this context,

particular attention is paid to cooperation with non-governmental organizations and the Ombudsman's Office for the implementation of joint training, as well as with the Council of Europe, OSCE and relevant UN committees and other international organizations; the Ministry also informs of holding periodic meetings with senior police staff in different organizational units and various police stations; these meetings are used to point to the necessity of strict adherence to the body of human rights and freedoms in exercising police powers, respect for the laws and bylaws and internal regulations of the Ministry.

Recommendation in paragraph 23:

On 15 September 2015, the Assembly of the Republic of Macedonia passed the Law on Public Prosecutor's Office for prosecuting offenses related to and arising from the content of the illegal interception of communications (Official Gazette of the Republic of Macedonia no. 159/2016).

This law regulates the competence, establishment, abolition, organization, and functioning of the Public Prosecutor's Office for crimes related to and arising from the contents of unauthorized interception of communications, the grounds for appointment and dismissal of the Public Prosecutor for prosecution of crimes related to and arising from the contents of unauthorized interception of communications and other issues related to the work of this prosecution. Pursuant to the provisions of this Law, "Unauthorized interception of communications" is defined as the unauthorized interception of all communications made between 2008 and 2015, including but not limited to audio recordings and transcripts submitted to the Public Prosecutor's Office before 15 July 2015.

Given these legal provisions, on 15 September 2015 the Council of Public Prosecutors of the Republic of Macedonia elected the Public Prosecutor who manages the Public Prosecutor's Office for crimes related arising from the contents of unauthorized interception of communications. In addition, on 14 October and 4 November 2015, 12 public prosecutors were elected as assistants to this Public Prosecutor.

This Public Prosecutor is responsible for her work before the Assembly of the Republic of Macedonia and the Council of Public Prosecutors of the Republic of Macedonia. According to Article 7 of the relevant Law, this Public Prosecutor submitted to the Assembly of the Republic of Macedonia a report on the first six months for the activities undertaken, i.e., for the period from 15 September 2015 until 15 March 2016.

Considering the above-mentioned provisions, this Public Prosecutor initiated investigative and preliminary proceedings concerning unauthorized interception of communications.