WORKING GROUP 4 – JUSTICE, FREEDOM AND SECURITY – CHAPTER 24

FOURTH SESSION OF WORKING GROUP 4

"NEW FORMS OF PREVENTION AND FIGHT AGAINST HUMAN TRAFFICKING"

On 05.02.2019 the National Convention on the European Union in the Republic of Macedonia held the 4th session of WG4 (Justice, Freedom and Security – Chapter 24), in the Club of Deputies, Skopje. The official theme of the session was: NEW FORMS OF PREVENTION AND FIGHT AGAINST HUMAN TRAFFICKING. The topic provoked great interest and active and constructive debate. More than 60 participants were present, from different fields (representatives from NGO's, MOI, from diplomatic bodies, international organisations, academics, and private citizens).

Fallowing the Agenda, Mr. **Andrej Lepavcov**, co-chair of WG4, opened the session. Providing some introductory remarks, Mr Lapavcov underlined that the National Convention continues to be a crucial platform which with the help of USAID and SlovakAid, and through the European Movement and SFPA, fosters an important intra institutional dialog.

Ms **Magdalena Nestorovska**, State Secretary in the Ministry of Interior, began by stressing that as new forms of trafficking emerge, they require new forms of definition, measuring, prevention, and recommendations for more effective resolution of this phenomenon.

"New forms of trafficking are constantly emerging, and they need to be defined and monitored. For example, labor exploitation is a new form of trafficking and new preventive measures need to be developed." Ms Nestorovska said that the reasons for human trafficking, lie mainly in poverty, unemployment and domestic violence. A National Commission for Prevention has been set up in the Ministry of the Interior, which fully monitors this phenomenon. The Ministry also established a national "Task Force" unit. Mobile teams, composed of representatives of local self-government, the police, social workers, as well as from the civil sector, are working efficiently. In particular, Ms Nestorovska accented the significance of the civic sector and their constructive contribution to the fight against human trafficking. Educational lectures, town halls discussions and discussions, like this Session, help to recognise the risks and raise public awareness as a kind of new form of prevention in the fight against this type of crime. It is also important to note that over the past two years, about 80% of labor inspectors have been trained to recognise trafficking.

Prof. **Trpe Stojanovski**, NCEU-MK expert, went over the legal legislation with reference to human trafficking. The main characteristic of these phenomena, according to him, is violence which manifests itself both physically and psychologically. The issue is that it can be difficult to detect and recognise, therefore making it even more difficult to prevent and combat this type of organised crime.

A special contribution to the session gave Ms **Zuzana Vatralova**, expert from the Republic of Slovakia. Ms Vatralova, spoke of the Slovak experiences in the implementation of the EU regulation on anti-trafficking. It was beneficial to hear the positive practices from Slovakia. She conveyed that the official statistic in Slovakia show that, annually, there are 100 victims of trafficking - both male and female, which in particular are young people looking for work. Ms Vatralova explained that in Slovakia, in addition to the Government - through the Ministry of Interior as the main institution that fights for the prevention of human trafficking, experts and non-governmental organisations are also heavily involved in the process. Prevention in Slovakia is a systematic approach, consisting of training for all who have contact with potential victims, victim support programs, and even mobile phone applications that help young people to educate themselves and recognise this type of crime.

EXPERT'S CONCLUSIONS

Human trafficking is still perceived as a threat and is treated as an isolated social and criminal phenomenon that can be resolved separately from other problems. The root causes of human trafficking are well known — poverty, unemployment, discrimination, domestic violence, demand in countries of destination. It is socio-economic factors that are strongly linked to the "vulnerability" of human trafficking. However, this knowledge is still not adequately translated into policies and strategies.

The documents that the countries of the region sign with the EU most often perceive human trafficking in Southeast Europe as a problem of organised crime and migration management. The documents suggest that human trafficking can be resolved by strengthening the capacity of law enforcement agencies to fight organised crime and irregular migration. What is lacking is a broader approach which will address the causes of human trafficking.

There are prevention programs that focus on addressing the essential causes of human trafficking, such as empowerment, supplementary education programs, employment and job development skills for vulnerable groups in the countries of origin. There is a need for a wider debate on trafficking, in the context of poverty reduction strategies, sustainable development, policies for the prevention of various forms of discrimination, social policy models and, of course, migration policy.

Structural reforms must take into account the role of women in society, including the economy and high levels of unemployment among young people. They should be accompanied by social policy measures to support vulnerable groups. There is also a need to develop a new type of activity that will provide income for high-risk groups that could be an alternative to migration.

Prevention of human trafficking is not sufficiently represented in national action programs and is not sufficiently coordinated with other action plans affecting the same groups, such as child protection, gender, HIV / AIDS prevention, etc. Not enough attention is paid to the relationship between related social issues, such as education and children's rights, gender discrimination, and inequality in the labor market. There is a lack of cooperation and coordination between the various institutions and the various government action plans to the detriment of the

preventive work of human trafficking. Multiple government plans and programs (fully) are not being implemented because they are not real-dimensioned.

There are no analyses of the link between human trafficking, labor markets, and forced labor. The introduction of minimum standards for the labor market will reduce the economic incentive for employment of illegal migrants and exploitation of victims of human trafficking, while the reduction of non-employment among high-risk groups in the countries of origin would reduce illegal migration, and therefore human trafficking. Labor-oriented anti-trafficking strategies are not directly targeted to trafficking, but eliminate economic incentives and should be very effective as a long-term preventive strategy.

Without a stronger sustainable policy for greater prevention and involvement of institutions that have the authority to fight human trafficking and who can address the root causes of trafficking, a successful action against this phenomenon is not possible.

Although there are results from the work of inter-ministerial activity, it is necessary to consider the possibility of further strengthening the capacities of the national coordinator's office and strengthening the function of the national rapporteur with greater institutional independence (perhaps placing it with the Ombudsman), as are the recommendations of the Council of Europe.

Significant efforts have been made in the area of strengthening mechanisms for identification, referral and assistance to victims of human trafficking. This is visible through the establishment of mobile teams to identify and refer victims of human trafficking, increase direct assistance to trafficking victims, including the number of identified victims of trafficking, as well as the number of victims of human trafficking who benefit from the direct help services. It is crucial to continue these positive practices and ensure their sustainability.

Taking into account the continuous changes in the modus operandi of human traffickers and smugglers, it is necessary to continue the activities for capacity building for the implementation of the law on combating human trafficking and cross-border cooperation (positive examples include initiatives for signing protocols for cooperation in the area of prevention of smuggling and human trafficking with Serbia).

In line with the objectives of the National Strategy for Combating Human Trafficking and Illegal Migration, there is a need to continue activities to prevent human trafficking by increasing public awareness in vulnerable categories, their socio-economic empowerment, and establishes a compensation fund for victims of human trafficking.

International instruments are essential in harmonising national legislation and in building sustainable policies to prevent and combat human trafficking. Significant progress has been made by adopting the essential provisions of the United Nations Convention against Transnational Organised Crime and related protocols, as well as the Council of Europe Convention on Action against Trafficking in Human Beings. These documents will continue to serve as an important source and basis for the further harmonisation of national legislation. A new, serious challenge is the harmonisation of national legislation with the Council of Europe Convention on the Prevention

and Combating Violence against Women and Domestic Violence (2011) known as the Istanbul Convention and the implementation of these provisions with integrity.

DISCUSSION

At the 4th session of WG4 provided a platform for a very constructive debate.

Ms **Gordana Smakoska**, Public Prosecutor and the Head of the National Unit for Suppression of Smuggling of Migrants and Human Trafficking at the Public Prosecutor's Office of the Republic of Macedonia for Organised Crime and Corruption, spoke at the session. She underlined that, the National Unit for Combating Smuggling of Migrants and Human Trafficking was established in January 2018, in order to strengthen the national capacities for the suppression of organised crime and human trafficking. In addition to this institution and mobile teams, they contribute significantly to the fight against trafficking in human beings.

In a year, the National Unit has achieved significant results in the discovery of organised crime and smuggling of migrants and trafficking in human beings. Victims are provided with psychological, and medical assistance during their stay in the centre. From the experience so far it has been shown that team work is necessary in order to provide evidence, overcome traumas and determine penalties, which range up to 20,000 euros. The National Unit is constantly in contact with the regional centres, from which it receives initial information on trafficking in people in the ranks of migrants. Instrumental is also the help from the non-governmental sector. So far, many illegal migrants have been successfully prevented. Ms Smakoska, concluded by saying that their work has shown the need to raise public awareness and further train and educate inspectors and mobile teams, which are central in providing evidence for initiating criminal proceedings.

Judge **Olja Ristova** from the Criminal Court spoke as a representative of the Academy of Judges, where it was concluded that the trainings were not adequate and sufficient. It is therefore important that the trainings and the capacity of the trainers are carried out. Propose to bring quality lecturers who will offer new ways of prevention. It also believes that the financial police should also be involved in order to jointly raise the level of capacity to solve this problem.

Mr **Ljupco Markudov**, representative from the Ministry of the Interior, spoke of the work of the National Unit, as it is directly involved in the prevention and fight against human trafficking. Emphasis was placed on proactivity, which consists of requesting documents for initiation of proceedings, after the perpetrators of trafficking in children will be identified. The National Unit analyses the trends of coercion of persons by labor exploiters, and identifies potential traffickers.

Prof. **Blerim Reka**, NCEU Expert, presented the 9 draft recommendations. He stressed that albeit human trafficking sounds technical, it should not be treated just as a criminal phenomenon, but also as an analysis of the socioeconomic reasons which cause it.

Mr **Dragi Zmijanac**, from the First Children's Embassy "Megjashi" asked if there is any international sign that the child victim will give as a signal at the border crossings, which was answered that no universal sign exists, because it is difficult to expect the children to learn these signs while at the same time not be known by the traffickers and criminal groups. It is therefore preferable to continue training trainers to recognise child potential victims.

Ms **Stojne Atanasovska Dimishkovska**, from the Open Port La Strada NGO, spoke of the direct views on the prevention of this phenomenon. There is no magic formula to deal with it and this kind of forums can greatly help prevent trafficking through prevention and spreading information. She pointed out that much attention should be paid to educational institutions and to include professors in such forums through the Ministry of Education and Labor and Social Policy. They will know how to convey to youth advice how to protect themselves from this phenomenon in an acceptable way and approach and point out the example of rigged advertisements from Slovakia.

Ms **Svetlana Cvetkovska**, Coordinator of the National Mechanism for Referral to Victims of Trafficking in Human Beings at the Ministry of Labor and Social Policy, pledged to reduce the trauma among these victims. She pointed out that it is very important to find the roots of the reasons for the occurrence of trafficking in human beings. Innovative ways of preventing this crime should be found. As for the prevention and protection against this phenomenon, she said that the schools are the right place. She asked the Public Prosecutor if the punishment affect the trafficking victims. To this the Prosecutor replied replied that there had been no punishment until now of the victims of trafficking, whether it is a theft or illegal stay in someone else's apartments, since they are treated from the beginning as victims, and reiterated that no migrant was punished for illegally entering the territory of the Republic of Macedonia.

Mr **Zoran Draganovski** from the Association of Young Lawyers underlined that this is a good direction for building confidence in the fight against human trafficking, especially if it is known that the majority of victims are children. He pointed out the example that the 245 foreign citizens that were detained, who worked as dancers as an indicator that among them there are more potential victims of trafficking.

Professor **Oliver Bachanovic** from the Faculty of Security spoke about the history of human trafficking in Macedonia starting in 2000 when trafficking was equated with prostitution, but today we say that this is modern slavery and a flagrant violation of human rights. It is explicitly stated that the consent of the victim is irrelevant in the conduct of the proceedings. It is a serious and very complex crime because there are many forms of trafficking in human beings such as sexual or labor exploitation, forced marriages, begging, children on the street.

The prevention in the true sense, according to him, is the most important measure. He stressed that the role of the media plays a significant role in the prevention of trafficking in human beings.

Ms **Svetlana Vlahovic Dimanovska** from the Sector for European Integration in the Ministry of Interior said that only through the exchange of information and experiences can we reach quality solutions. She talked about the principle of impunity and its application, because there was no legal framework so far. Ms Vlahovic also said that local governments are important as a policy maker, but they need financial backing. For the recommendations, she said that a great deal of effort was being made, but it does not correspond completely with our reality. For example, the regulation has been adopted, but implementation is missing. Attention should be paid to compensating victims of trafficking. I disagree with recommendation 5 that there is no coordination, as the national commission is not composed only of people from the Ministry of Interior.

Ms **Monika Sandri** of the UN Refugee Agency, also contributed to the discussion. She pointed out that attention should be paid to the extremely vulnerable groups and that in Macedonia there is a group of "invisible" people who are not recorded anywhere, they do not have an ID or a birth certificate address of residence. These people are often victims of human trafficking. They are people born in Macedonia, not foreign nationals. They have neither the possibility of education nor the possibility for health insurance, but they can be seen on the streets. They are the most potential victims. She expressed hope that we would like to see 2019 as the year in which a solution for this category of citizens will be found.

Mr **Nikola Todorovski**, from EDRM asked for a sufficient number of centres for accepting victims of trafficking in human beings, which was answered that there are three centres, that is shelters, provided by the Ministry of Health for sheltering victims of sexual violence and shelters for victims of domestic violence and victims of gender-based violence.

Mr **Blashko Mitkovski** from EDRM said that there are many open issues that deserve an answer, as the last incident with several seriously injured persons and whether there are elements indicating trafficking in persons, that is, by kidnapping as reported in the media. It was answered that it is unclear whether the kidnapped child in the Municipality of Shuto Orizari is rather particular, because there is no application for a missing child from the parents. There are many unknown and different information about this case, which is why he is pervading the Sector for Protection from Violent Crime.

At the end, the Coordinator of the NCEU-RM and the President of the European Movement in the Republic of Macedonia, Prof. Dr. **Mileva Gjurovska** gave a concluding address. She expressed her satisfaction with the fruitful discussion of this complex issue. The debate provided the opportunity to confront varied opinions and share experiences between the various stakeholders who show that they should be acting in a systematic common way. She stressed that close cooperation with the Ministry of Interior and the synergy between the institutions, the non-governmental sector, the academic environment and the private sector is of crucial importance. To this

end, the National Convention is performing a very important task, by providing a platform for that cooperation to happen.

Prof. Gjurovska expressed gratitude to all who contributed to what would be the final result of the session, the Recommendations. She stressed that the Convention differs from all other debates because the debate is concluded with constructive recommendations that, in the four chapters in which they have been working so far, more than 200 recommendations were proposed, providing a different solution to real issues. “A security of a state cannot be achieved only with the work of relevant institutions, but every citizen should be the bearer of that responsibility, including teachers, local self-government, universities”, concluded Gjurovska.