



Shadow Report 2020 North Macedonia

Chapter 24

Justice, Freedom, and Security

(Migration)



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Justice, Freedom, and Security (Migration)

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I Executive Summary

As North Macedonia is expecting the launching of negotiation accessions under the new Methodology for Enlargement, the Chapter 24 gains even an increased significance as part of the Fundamentals cluster.

The shadow report on Chapter 24 elaborates all the issues relevant for migration from this chapter. The content of the subheadings Legal and irregular migration and Asylum as a whole are relevant for our topics for analysis. In addition, issues related to migration are included in other subheadings, such as Trafficking in Human Beings in the subheading Fight against organized crime and migration management aspects in the subheadings Visa Policy and Schengen and external borders.

As on global level, the context in the country was challenging due to the COVID-19 pandemic, particularly in the period of state of emergency, which lasted from March to June. Especially in this period, the ground activities of the CSOs active in the field of migration were limited and adapted to the new circumstances.

North Macedonia in the last three reports has seen the same pace of progress in terms of the criteria set out in this chapter. The country is moderately prepared to implement the EU *acquis*, and good progress has been made, mainly in meeting last year's recommendations for institutional security sector reform, as well as intelligence reform.

In the reporting period, serious delays in developing and adopting the strategic framework in the area of migration have been observed (Strategy for Integration of Refugees and Foreigners 2017-2027, Resolution on Migration Policy, Strategy for Combating Trafficking in Human Beings and Illegal Migration, policy document on returnees). These documents should to be adopted/drafting launched immediately, with an inclusive approach.

As new laws/major amendments to the relevant laws for migration were adopted in recent years (Law on Foreigners, Law on International and Temporary Protection) the focus was on implementation, especially taking into account the risks posed by the COVID crisis. While the fight against illegal migration has stepped-up, both the activities for prevention as well as the activities for protection of victims of trafficking should improve. Authorities should invest more efforts to ensure full compliance with the standards on detention of migrants, unaccompanied children and the non-refoulement principle, as well as to further improve the conditions and the services in the reception and transit centres. Urgent improvement is necessary to increase the efficiency of asylum application procedures in the administrative and court procedure. Initial results in integration of asylum seeking children in elementary education are welcome, but need sustained efforts and expanded support.

Having in mind the considerable contribution of the CSOs active in the area of migration, the Government should ensure continuous involvement and partnership with CSOs, through consultation in the policy creation and law-making process, and should establish a basis for long-term structured involvement of CSOs engaged in trafficking and migration issues. Furthermore, longer-term funding for the services that CSOs provide to victims of trafficking and vulnerable migrants and development of new services for victims and migrants in partnership with the CSOs active on the ground is advised.

II Introduction

Context

This Shadow report is produced in the framework of the EU funded Project IRIS Networking - CSOs for protection sensitive migration management, which aims at empowering CSOs in the region of the Western Balkans to be effective and accountable independent actors and to improve their capacity to dialogue with governments influencing policy and decision-making processes.

This is the second shadow report published for the Republic of (North) Macedonia. It follows up on the findings and recommendations of the previous report, but also includes specific issues that were observed during the monitored period.

The report covers the period since the publication of the last EU enlargement package, published in May 2019, until August 2020.

The year 2020 was globally marked with the COVID pandemics, which also affected migration flows, as well as migration management in the region of the Western Balkans, including North Macedonia. Due to the situation caused by the pandemic North Macedonia had an emergency situation, which lasted from 18 March until 22 June 2020. The situation also had an impact on the activities of the CSOs in the country in the fields of migration, especially on their work on the ground, which gradually resumed since June 2020.

The Republic of North Macedonia has been a candidate for accession negotiations since 2005. In March 2020 the Council of the EU decided to open accession negotiations with North Macedonia. The European Commission submitted the Draft negotiating framework to the Council of the EU on 1 July 2020, in which the new methodology for enlargement has been implemented. The Negotiating Framework is currently under discussion in the Council of EU. Following the adoption of the Negotiating Framework by the Council of the EU, it is expected that the negotiations actually start with the first Intergovernmental accession conference.

Early parliamentary elections in the country took place on July 15, 2020. The Parliament was constituted at the beginning of August 2020, while at the beginning of September the new Government was appointed.

Methodology

In line with the ToR, data for the shadow report was collected through desk research and interviews with relevant stakeholders.

Available primary and secondary sources of information relevant to **migrants** were reviewed. Primary sources of information were legislation and secondary acts, strategies and action plans of relevant ministries (Ministry of Interior, Ministry of Labour and Social Policy) prepared/adopted in the monitored period, as well as publicly available data on performance of state bodies.

Secondary sources of information were CSO reports and analyses of given policy area, reports of international organisations in the monitored period, with a specific focus on EU relevant reports: European Commission Report on North Macedonia, Fundamental Rights Report on North Macedonia of the Fundamental Rights Agency of the EU, etc. Particular attention was given to independent CSO reports, specifically those by IRIS network members.

Structure of the Shadow Report

In this report we first provide a chapter overview, presenting which areas fall within the scope of Chapter 24 and are of interest for migrants (III Chapters Overview). Then, we provide an overview of the findings for Chapter 24 in the last EC annual report on the country (IV Current Situation). Following this, we present the progress with the national developments, including comparison to the findings and recommendations noted in the last shadow report (V Progress). We close the report with a section on recommendations (VI Recommendations).

III Chapter Overview

Chapter 24 has increasingly gained importance in the EU accession process, especially after the New approach to the negotiations from 2012¹ and the new Enlargement Methodology this year.² The new/revised methodology for enlargement from March 2020 groups the negotiating chapters into clusters. Chapter 24 is particularly significant as part of the Cluster Fundamentals. In addition to specific roadmaps that will have to be developed (comparable to action plans in currently negotiating countries Montenegro and Serbia) and in addition to Chapter 23 on Judiciary and Fundamental Rights, this is the only chapter for which interim benchmarks will be developed and their implementation regularly monitored. According to the new Enlargement methodology, no other chapter will be provisionally closed before the interim benchmarks for chapters 23 and 24 are fulfilled.

The chapter is complex regarding the areas of the *acquis* that it covers and includes the following subheadings:

- Fight against organized crime
- Cooperation in the field of drugs
- Fight against terrorism
- Legal and irregular migration
- Asylum
- Visa Policy
- Schengen and external borders
- Judicial cooperation in civil and criminal matters

The content of the subheadings Legal and irregular migration and Asylum as a whole are relevant for our topics for analysis. In addition, issues related to migration are included in other subheadings, such as Trafficking in Human Beings in the subheading Fight against organized crime and migration management aspects in the subheadings Visa Policy and Schengen and external borders.

In terms of preparedness, the country is moderately advanced in Chapter 24 in all of the past 4 years based on EPI's assessment of the country's reports.

Table No.1: Overview of the assessment of the country's progress and preparedness in 2020 with regards to Chapter 24 according to EC annual reports

Chapter	Progress ³					Preparedness				
Year	2015	2016	2018	2019	2020	2015	2016	2018	2019	2020
24. Justice, freedom and security	2	2	3	3	3	3	3	3	3	3

Source: Ardita Abazi Imeri et al, *Clear Recommendation - Uncertain Date* (European Policy Institute – Skopje, 2019),12; updated by the authors.

The country's efforts in regard specifically to migration were recognized in the EC country reports from 2015-2019 as it was assessed that "some" to "good progress" was achieved. In the EC annual reports

¹ European Commission, 'Enlargement Strategy and Main Challenges 2012-2013' (Commission of the European Communities 2012) <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2012/package/strategy_paper_2012_en.pdf> accessed 14 September 2020.

² European Commission, 'Enhancing the Accession Process - A Credible EU Perspective for the Western Balkans' <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/enlargement-methodology_en.pdf> accessed 14 September 2020.

³ The numeric values correspond to the following standardised EU assessments:

from 2015 and 2016 some progress was noted, in 2018 – it was stated that the country kept up its efforts, while in 2019 good progress in the area of migration was observed.

The priorities set as recommendations for this Chapter in the Annual Report of the Commission 2019 do not include issues related to migration.⁴ Neither do the main recommendations from this year's Report include migration related issues.⁵

IV Current situation

Over the years, the country notes improved results in the fight against organized crime. The EC has recorded a steady increase in the number of criminal investigations against organized crime groups, especially against groups involving many suspects. Consequently, by March 31 2020, 19 new investigations had been launched against 108 persons, and two investigations continued in 2018 against 15 suspects. The investigations mainly focus on migrant smuggling or drug-related crimes. The track record of indictments and convictions in 2019 has improved compared to 2017 and 2018.⁶

The dedicated task force for combating trafficking in human beings and illegal migration, which includes representatives from the Ministry of Interior and two prosecutors from the Basic Public Prosecutor's Office for Prosecution of Organized Crime and Corruption, is assessed as operational. 6 victims of human trafficking have been identified and final verdicts have been delivered against 23 persons for human trafficking or smuggling of migrants.⁷

Legal and irregular migration

The legal framework in the area of legal and illegal migration is largely in line with EU standards.

Still, the fragmentation of tasks between multiple bodies with an impact on the efficiency remains a problem.⁸ The EC assesses that progress has been made in implementing standard operating procedures (SOPs) for unaccompanied and separated children and for vulnerable categories of foreigners. The key document remains the Migration Resolution of 2015. However, the EC notes that the new Strategy for Integration of Refugees and Foreigners was prepared three years ago, but is still pending adoption due to lack of political will.⁹

As in the previous years, the country continues to have an active role in the management of migration flows but the contingency plan for managing large migration flows has yet to be finalized and agreed upon. Effective control of the southern border is ensured, with the support of the EU member states. However, the EC Report states that 'the country has still not set up a fully-fledged protection sensitive migration management system'. The EC recommends that the mechanism should be accompanied by systematic protection-sensitive profiling and referring anyone identified as being in need of international protection to the national protection mechanisms. In the absence of an appropriate system for managing irregular movements, the practice of returning migrants outside the legal and / or

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- On progress: From 2015 to 2019 the EC applied the following phrases: Backsliding, No progress, Some progress, Good progress, Very good progress. In 2020 the EC added the assessment "limited progress". Consequently, the assigned numerical values for the updated scale are the following: (-1—3) Backsliding; - 0 No progress; 1 – Limited progress; 2 - Some progress; 3- Good progress; 4 - Very good progress.
 - On preparedness: 1 - At an early stage; 2 - Some level of preparation; 3 Moderately prepared; 4 - Good level of preparation; 5 - Well advanced.

⁴ European Commission, 'North Macedonia 2019 Report' Brussels SWD(2019) 218 final.

⁵ European Commission, 'North Macedonia 2020 Report' (European Commission 2020) SWD(2020) 351 final 36 (European Commission, 'North Macedonia 2020 Report') <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf>.

⁶ European Commission, 'North Macedonia 2020 Report' 38. .

⁷ *ibid.*

⁸ *ibid* 42.

⁹ *ibid* 42.

procedural framework continues. Additionally, it is noted that there are also significant differences in the number of illegal crossings and accommodated persons in transit centres.¹⁰

There is also an increase in irregular movements on the territory of Northern Macedonia. In 2019, 20,314 irregular arrivals were recorded, which is 16% more than in 2018. However, according to the EC, the real number is much higher. In this regard, the number of detected smuggling attempts has increased despite police operations. As of December 2019, about 119 people were detained and 82 criminal charges were filed against 64 people for migrant smuggling. In comparison, in 2018, about 60 people were detained while 44 people were charged with smuggling migrants. As in the previous report, EC recommends that the fight against smuggling networks must be improved and made a priority.

According to the EC, none of the transit centres is suitable for extended stays, and the authorities still do not want to allow anything more than temporary stays.

The implementation of the readmission agreements with the EU as noted in the last three EC reports is assessed as satisfactory. However, the finding on the lack of attention dedicated to the integration of returnees in accordance with these agreements remains the same as in the previous report.

Asylum

The Law on International and Temporary Protection,¹¹ adopted in April 2018, is largely in line with EU legislation, while the bylaws implementing this law have been adopted. However, it is noted that the gap in the area of detention for persons in irregular movement remains, which is based on the absence of alternatives in the existing legal framework. This law stipulates the right to family reunification from which recognized refugees can immediately benefit, but the problem arises with persons under subsidiary protection who can enjoy this legal benefit with a delay of two years after status recognition. Due to the fact that subsidiary protection is becoming a widespread form of protection granted in the country, including for unaccompanied children, the EC considers that such delays can significantly affect the right to family reunification, which is contrary to the principle of best interest of the child.¹²

The new Law on Foreigners¹³ entered into force in May 2019. Although this law offers certain benefits, criteria such as proof of regular income and registered place of residence make these benefits only theoretical given the extreme vulnerability of some of the applicants. The EC notes that such requirements are particularly difficult for Kosovo Roma who are still under subsidiary protection as their status is reviewed every year and prevents them from gaining long-term employment.¹⁴

The asylum procedure is not yet fully implemented in accordance with EU legislation. The Vulnerable Safe House previously run by the Jesuit Refugee Service (JRS) under the supervision of the Ministry of Labour and Social Policy is no longer operational. Due to the pandemic caused by COVID-19, the Government decided to quarantine all new asylum seekers for 25 days in the Vinojug transit centre, on the southern border.¹⁵

In 2019, 490 asylum applications were registered, while in comparison from 2018 the number was 299 and in 2017 it was only 163. The recommendation remains from the previous EC report, that the existing database for foreigners needs to be upgraded through development of a new asylum module, which should provide a tool for managing the procedures for processing asylum applications. Regarding the approved asylum applications, with the exception of the status of subsidiary protection granted in 2019 on a humanitarian basis to a person from Kosovo, there are no positive decisions for granting

¹⁰ *ibid.*

¹¹ Law on International and Temporary Protection 2018 (Official Gazette of the Republic of Macedonia no 64/2018).

¹² European Commission, 'North Macedonia 2020 Report' 43.

¹³ Law on Foreigners 2018 (Official Gazette of the Republic of Macedonia no 97).

¹⁴ European Commission, 'North Macedonia 2020 Report' 43.

¹⁵ *ibid.*

asylum since December 2018. The EC considers that deciding on asylum applications is ‘without quality assessment whether an individual may be subject to persecution upon return’. Additionally, the administrative review, as well as administrative court decisions ‘are on technical, rather than substantial grounds’.¹⁶

A positive development in this area is the enrolment of asylum-seeking children in local schools, from September 2019. This is in line with the new Law on Primary Education,¹⁷ which specifically provides for the inclusion of refugees and asylum seekers in the national education system and sets out measures to facilitate such integration.¹⁸

Schengen and external borders

As in the EC previous report, the assessment is that the legislative framework for external border management is largely in line with EU standards. The need for a new strategy is noted, as well as a clarification who is responsible for guiding the process. A risk management concept and methodology has also been established that regulates the management and implementation of risk analysis by the border police.¹⁹

The recommendation from the previous report that the Schengen Action Plan adopted in 2008 must be supplemented and adapted to the recent developments in the EU remains unfulfilled. There is also a need to strengthen the National Coordination Centre for Border Management, which has been established for effective coordination, data exchange, information sharing and greater efficiency.²⁰

The state of crisis on the country's borders was prolonged, allowing the deployment of the army to continue. Additionally, on 6th of October, the Assembly extended the crisis situation until March 31, 2021 in order to protect the borders against illegal migration.²¹

The deployment of mixed police patrols on the southern border continues, involving members of the border police of Austria, Croatia, the Czech Republic, Hungary, Poland, Serbia, Slovenia and Slovakia, to manage migration flows. The text of the Status Agreement of Northern Macedonia with Frontex was initialled in 2018 but the agreement has not been ratified yet.²²

The EC assesses that the cooperation with the neighbouring countries continues to be good and the implementation of the border agreements with most of the neighbouring countries is going smoothly. No formal agreement has been reached with Greece as noted in the previous report, but bilateral technical co-operation is taking place in practice.²³

V Progress

In this section we trace the progress in North Macedonia towards alignment and implementation of the EU acquis in relation to the main areas covered by Chapter 24. These are: legal and illegal migration, asylum and Schengen and external borders. We discuss these in that order.

¹⁶ European Commission, ‘North Macedonia 2020 Report’ 44.

¹⁷ Law on Elementary Education (Official Gazette of the Republic of North Macedonia no. 161/2019).

¹⁸ European Commission, ‘North Macedonia 2020 Report’ 44.

¹⁹ *ibid.*

²⁰ *ibid.*

²¹ *ibid.*

²² *ibid.*

²³ *ibid.*

LEGAL AND ILLEGAL MIGRATION

Legal migration

The new Law on Foreigners entered into force in June 2019, ensuring a relatively high level of alignment with the EU acquis. Several bylaws were adopted for the implementation of the Law.

Foreigners in North Macedonia face lack of credible information as regards available services and communication with the administration, at central and local level, as well as difficulties in obtaining working permits.^{24 25}

The current Strategy for Refugees and Foreigners (already expired)²⁶ lacks to address a number of issues relevant for legal migration. A new Strategy for Integration of Refugees and Foreigners 2017-2022 was prepared, but due to lack of political will, this document was never adopted by the Assembly.²⁷ This document should be adopted not only because it is a recommendation set by the EC report, but also due to the fact that the country must be prepared with an established strategic/legal framework related to this area.²⁸ The Resolution on Migration policies is also expiring this year²⁹ and no information is available on the launching of the process for preparation of the new Resolution, to be adopted by the Assembly.

During the state of emergency, the Government adopted a Decree with force of Law on application of the Law on Foreigners, prolonging the period of short-term residence, with or without a visa, for the entire duration of the emergency situation.³⁰ The Government Decree adopted in June extended the duration of the residence permits until 31st of August, even after the emergency state ended.³¹

Illegal migration

The current Strategy for Combating Trafficking in Human Beings and Illegal Migration ends this year. A new strategy is being prepared which would address some key issues such as identifying victims of trafficking on the social media, compensation of victims, preparing of emergency plans, envisaging of monitoring body and evaluation of activities undertaken within the framework of the document.³²

The irregular migration has been one of the main challenges since 2015, when the high influx of migrants arriving in Greece intending to reach EU member states through North Macedonia, Albania and Serbia had a direct impact on the Western Balkan route. Even though 764.033 illegal crossings were

²⁴ Macedonian Young Lawyers Association, "Analysis of policies and services available to foreigners in North Macedonia" [Анализа на политиките и услугите достапни на странците во Република Северна Македонија] 2020 <https://myla.org.mk/wp-content/uploads/2020/08/Analiza-stranci.pdf>, accessed on 26 August 2020.

²⁵ Interview with a representative from Macedonian CSO conducted on 18.09.2020

²⁶ Strategy for Integration of Refugees and Foreigners in the Republic of Macedonia 2008-2015, [Стратегија за интеграција на бегалци странци во Република Македонија 2008-2015] 2008 http://mtsp.gov.mk/WBStorage/Files/strategija_begalci.pdf, accessed on 23 August 2020.

²⁷ Interview with a representative from Macedonian CSO conducted on 11.09.2020

²⁸ Interview with a representative from a state institution conducted on 19.10.2020

²⁹ Resolution on Migration Policies of the Republic of Macedonia 2015-2020, [Резолуција за миграционата политика на Република Македонија 2015-2020] 2015 (Official Gazette of the Republic of Macedonia no 8/15 ["Службен весник на РМ" бр. 8/15]).

³⁰ Decree with legal force for application of the Law on Foreigners during a state of emergency [Уредба со законска сила за примена на Законот за странци за време на вонредна состојба] 2020 (Official Gazette of the Republic of North Macedonia no 71/20 ["Службен весник на РСМ" бр. 71/20]).

³¹ Decree with legal force of law amending the Decree with Legal Force for Application of the Law on Foreigners during a State of Emergency [Уредба со законска сила за изменување на уредбата со законска сила за примена на законот за странци за време на вонредна состојба] (Official Gazette of the Republic of North Macedonia no 169/20 ["Службен весник на РСМ" бр. 169/20]).

³² Interview with a representative from an intergovernmental organization conducted on 21.09.2020

noted that year, the country with the assistance from EU and the EU member states managed to keep the control of the borders.

UNHCR estimates that a total of 16.553 refugee/migrant arrivals were registered in 2020 as of June.³³ The police registered 13.000 attempts for illegal crossing in the first six months of 2020, which is almost 20% more than the same period last year.³⁴ On the other hand, the CSOs estimates are that about 40.000 migrants have tried to enter North Macedonia from the beginning of 2020 until August. The number is five times higher compared to the same period in the previous year.³⁵

After the Government's decision³⁶ to close the borders on 16 March due to the COVID-19 pandemic, the irregular migration continued with decreased intensity, according to the Ministry of Interior.³⁷ A **high** influx of migrants was observed following the Government's decision to re-open the borders on 17 June.

According to Mol statistics, in the first 6 months of 2020, 48 cases of smuggling of 1,250 migrants were detected, which is 45 percent more than the same period last year.³⁸

Courts issued harsher sentences for *trafficking in human beings* than previous years. However, in recent years no case of prosecuting a government official for complicity related to trafficking crimes was registered.³⁹ The CSOs observe trends that North Macedonia was once a country of destination, but in the recent years is becoming more and more a country of origin of human trafficking.⁴⁰ Significant efforts have been invested in strengthening the capacities of the police forces for fight against human trafficking, but an issue is that they are centralised. The main unit in this regard is the Mol's unit for fight against human trafficking and illegal migration; however, effective functioning on local level is lacking. The connection/communication to ensure inter-institutional cooperation is weak, especially between the regions and the districts. On national level, the capacities are generally good in terms of knowledge and technical capacity, but the same cannot be stated at the municipal/sectorial level of the Ministry of Interior.⁴¹

One of the main challenges victims of human trafficking are still faced with is the right to compensation. The compensations are not covered due to non-existent legal mechanism for compensating the adult victims of human trafficking in case when the property-legal claim cannot be realized by the convicted

³³ Relief Web, 'UNHCR: North Macedonia Refugee/Migrant Children in 2020, as of 30 June 2020' (2020) <<https://reliefweb.int/report/republic-north-macedonia/unhcr-north-macedonia-refugeemigrant-children-2020-30-june-2020>> accessed 21 August 2020.

³⁴ 24.mk, 'Do We Have a Hidden Migrant Crisis and Well Organized Smuggling Groups? [имаме ли скриена мигрантска криза и добро организирани шверцески групи?]' (20 August 2020) <<https://www.24.mk/details/imame-li-skriena-migrantska-kriza-i-dobro-organizirani-shvercerski-grupi>> accessed 20 August 2020.

³⁵ Voice of America, 'Almost Five Times More Migrants Entered Macedonia This Year than Last Year [Речиси петпати повеќе мигранти влегле во Македонија годинава за разлика од лани]' (7 August 2020) <<https://mk.voanews.com/a/migrants-macedonia-border-/5534610.html>> accessed 20 August 2020.

³⁶ Decision amending the Decision on measures to prevent the introduction and spread of Coronavirus COVID-19 [Одлука за изменување и дополнување на Одлуката за мерки за спречување на внесување и ширење на Коронавирус COVID-19] (Official Gazette of the Republic of North Macedonia no 66/20).

³⁷ EU Agency for Fundamental Rights, 'Migration: Key Fundamental Rights Concerns - 1.1.2020 - 31.3.2020' <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-2_en.pdf> accessed 27 August 2020.

³⁸ telma.com.mk, 'Increase in the Number of Illegal Migrants [Пораст на бројот на илегалните мигранти]' (12 August 2020) <<https://telma.com.mk/2020/08/12/porast-na-brojot-na-ilegalnite-migran/>> accessed 21 August 2020.

³⁹ US Department of State, '2020 Trafficking in Persons Report: North Macedonia' (2020) <https://www.state.gov/reports/2020-trafficking-in-persons-rseport/north-macedonia/> accessed 5 September 2020.

⁴⁰ Open Gate Policy Brief – Identification, protection and reintegration of victims of human trafficking in North Macedonia 2020, https://drive.google.com/file/d/1FoZdrjliVrQgKPH_Xl2jaVjHpp71yWji/view

⁴¹ Interview with a representative of Macedonian CSO conducted on 22.09.2020.

perpetrator of crimes related to human trafficking⁴², as the compensation fund has still not been established. Furthermore, the right to compensation can be attained only in cases when the perpetrators of human trafficking have been convicted, but not in cases where the perpetrators are suspects or charged with the crime. In practice, due to the identified shortcomings, the issue of compensation is excluded from the criminal proceedings in courts. This is also true for the process of identification, assessment and sale of the perpetrators' assets, which can be used in the compensation scheme. In addition, the Program for Compensation of Child Victims of Human Trafficking, developed by the Ministry of Justice, has not been effectively implemented.

Providing free legal protection for victims, without a residence status in the country, is also a challenge. With a regulated residence status, they have the same rights as the Macedonian victims of human trafficking. However, access to free health care, free access to medicines and access to legal aid are a challenge.

The Government does not allocate sufficient funds for the implementation of policies and laws in the action against trafficking in human beings, so related actions are mostly funded by the international donors. Still, it is worth noting that in 2019 Open Gate received a one-year project from MLSP for running the state shelter and in 2020 the Organisation was granted funds from the Government for addressing the COVID-19 consequences.⁴³

In order to improve the process of identification and protection of victims of trafficking in human beings, with the support of IOM, 5 mobile teams in Skopje, Bitola, Kumanovo, Gevgelija and Tetovo were established to identify vulnerable categories of citizens, including victims of human trafficking. The mobile teams include representatives of the centres for Social Work, Ministry of Interior - the national unit for combating trafficking in human beings and citizens' associations.⁴⁴ These teams during their work achieved results, and in 2019 identified 3 victims of trafficking, 63 potential victims of trafficking and a number of vulnerable people who are referred to appropriate assistance and support to other relevant institutions. The largest percentage of them are children.⁴⁵ Still, the relevant CSOs emphasize the need to conduct analysis regarding the identification of these vulnerable groups. Another issue is sustainability of the participation of CSOs, as they were included as a part of a project, that has ended in the meantime.⁴⁶

The number of identified victims is small compared to real numbers of victims of illegal trafficking.⁴⁷ According to sources from CSOs, the number of suspected/potential victims in the past three years has increased as compared to that from 2014 and 2015, and yet the number of formally confirmed victims is still rather low, hardly reaching two digits. Despite the fact that there are strong indications of cases

⁴² Macedonian Young Lawyers Association, 'Analysis on the Legislative and on the Application of the Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings through Case Study' (2020) <https://myla.org.mk/wp-content/uploads/2020/05/Analysis_ENG.pdf> accessed 26 August 2020.

⁴³ Previously, the last time the Government awarded funds to CSOs related to anti- trafficking was in 2015. In the period 2016-2018, CSOs working on curbing human trafficking received no government funds.

⁴⁴ Participants from CSOs - Open Gate La Strada and MYLA - were selected at an open call.

⁴⁵ Ministry of Labour and Social Policy, 'The MLSP Is Committed to Developing and Improving National Policies for the Prevention of Trafficking in Human Beings [МТСП посветено работи на развивање и подобрување на националните политики за превенција од трговијата со луѓе]' (18 October 2020) <http://www.mtsp.gov.mk/oktomvri-2019-ns_article-mtsp-posveteno-raboti-na-razvivanje-i-podobruvanje-na-nacionalnite-politiki-za-prevencija-od-trgovij.nsp>.

⁴⁶ Open Gate, Monitoring and Evaluation of Act and Policies for Action against Human Trafficking and their Enactment in the Republic of North Macedonia 2018, February 2020 p.54.

https://drive.google.com/file/d/1YJDQfekjQcUkZBJenzru3QGZZdjvGr_3/view

⁴⁷ Interview with a representative of Macedonian CSO conducted on 22.09.2020.

of human trafficking among migrants, asylum seekers and unaccompanied minors, a very small number of these are confirmed victims of trafficking, preventing them to receive the needed help and support.⁴⁸

The issue of identification in the area of the management of the migration has persisted. Namely, foreigners are deported without screening and checking whether they are potential or victims of human trafficking, which indicates that there is lack proper screening, system and recognition of indications of human trafficking, although there are special indicators for that.⁴⁹

Reintegration is one of the weakest links in the process, although there is a program for reintegration of victims of trafficking. It should be noted that there is no adequate capacity at local level for its implementation. In addition, lack of funding for the implementation of the program in general is observed. Most of the measures and activities are provided by citizens' associations, i.e. by Open Gate. The State's Employment Agency has programs to support these vulnerable groups, but they are not properly adapted to be used by the victims of trafficking due to the fact that they do not have personal data protection and therefore access to these employment programs is difficult.⁵⁰

CSOs have recorded cases of non-compliance with the *non-refoulement principle*, as well as not providing legal protection and legal aid to victims. As an example, in a police operation, 25 foreign women were detained based on the grounds that they worked in local restaurants illegally. Still, the foreign nationals were not provided the opportunity for legal protection and legal aid, the elements of the principle of non-refoulement (if there were such elements) were not considered. Additionally, it was not taken into account that if there were circumstances for committing the crime of Trafficking in Human Beings, and that the victim may be granted the status of a person under humanitarian protection in accordance with the Law on Foreigners.⁵¹

The Ombudsman and a MYLA report criticized the *accommodation of unaccompanied children* at the Reception Centre for Foreigners "Gazi Baba", which is used for immigration detention.⁵² As the reports state, children were accommodated together with adults and did not have access to fresh air. Additionally, there were complaints that the local staff did not provide opportunity to make phone calls and the accommodated migrants were not informed by the police on the reasons for their detention. Additional issues reported are related to lack of information on the rights of the migrants in the language they understand, such as right to defendant, medical assistance and informing their family on their status. The main reason for detention of migrants was to secure their presence as witnesses in criminal procedures, even though the legal ground for this was non-existent.⁵³

Despite the fact that there is a state-run shelter for victims of human trafficking in the country, operated by Open Gate and the MLSP, these CSOs have established the need for increasing accommodation capacities. Additional issue is securing the sustainability of the shelter. There are no shelters for male victims of exploitation, nor is there a possibility to split the existing facility into two parts so as to provide adequate accommodation for underage victims of human trafficking. Consequently, there is a strong need to apply a victim-centred approach in order to provide adequate support and protection.

⁴⁸ Open Gate, Monitoring and Evaluation of Act and Policies for Action against Human Trafficking and their Enactment in the Republic of North Macedonia 2018, February 2020 p.13.

https://drive.google.com/file/d/1YJDQfekjQcUkZBJenzru3QGZZdjvGr_3/view

⁴⁹ *ibid*

⁵⁰ Open Gate, Analysis of challenges in identification, protection and reintegration of victims of human trafficking, 2020 <https://drive.google.com/file/d/1U1LB0DADHztZO-IgF5oNBKRjYFcQj90K/view>

⁵¹ Macedonian Young Lawyers Association, 'Analysis on the Legislative and on the Application of the Standard Operating Procedures for Treatment of Victims of Trafficking in Human Beings through Case Study' (n 37).

⁵² Macedonian Young Lawyers Association, 'Immigration Detention in North Macedonia through Numbers' (2019) <<https://myla.org.mk/wp-content/uploads/2019/12/Immigration-Detention-Mid-year-Report-2019.pdf>> accessed 26 August 2020.

⁵³ *ibid*.

ASYLUM

The *Strategy for Integration of Refugees and Foreigners (2017-2027)* and the National Action Plan for its implementation are pending Government adoption.

The Reception Centre for Asylum Seekers has a capacity to accommodate 150 people. Both accommodation facilities have been renovated, there are 16 new apartments, a new kitchen and a restaurant.⁵⁴ According to the statistics provided by the Ministry of Interior, there were no cases of granted asylum in 2019. In the period 15 September – 15 December 2019, the Ministry of Interior received 185 asylum applications (including 30 applications from unaccompanied children).⁵⁵ In 2020, as of June, a total of 172 asylum application were lodged in the Macedonian institutions. 1 decision was issued on granting complementary protection, 44% of the asylum applications were processed through detention and no decisions were issued on granting refugee status. 77% of the asylum seekers are men, while 11% are women and 12% are children.⁵⁶

The reports by CSOs state that the *asylum application procedure* is long and inefficient. The average time for issuing a judgement by the Administrative Court is 255 days (contrary to the legally prescribed 2 months) and the average procedure in front of the Supreme Administrative Court is 501 days.⁵⁷ The CSOs report that the asylum seekers are imprisoned for more than 48 hours up to 6 months, which constitutes a violation of human rights.⁵⁸ From another perspective, a relevant institution's representative states that the asylum seekers are free to move and are being sheltered in the Reception center for asylum seekers.⁵⁹ Others state that limiting of the freedom of movement is legitimate due to fact that in the past certain asylum seekers abused their right to move freely and have committed offenses and even crimes. Accordingly, representatives of some institutions justify the limitation of this right with the assessed security risks.⁶⁰

The *Reception Centre for Foreigners* have been accommodating vulnerable categories of migrants in the last three years. It employs one psychologist and one social worker who conduct only initial conversation with the vulnerable categories of migrants, but a follow up with professional, educative or recreational activities is non-existent.⁶¹ A part of the Reception centres is adapted to accommodate vulnerable categories, but the needs of the persons with physical disabilities and visual impairments cannot be fully met.⁶²

In the period from October 2019 until June 2020, a total of 7.628 migrants were registered in the reception-transit centres in the country.⁶³

⁵⁴ Interview with representative from state's institution conducted on 28.09.2020.

⁵⁵ EU Agency for Fundamental Rights, 'Migration: Key Fundamental Rights Concerns - 1.10.2019 31.12.2019' <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-1_en.pdf> accessed 27 August 2020.

⁵⁶ Relief Web, 'UNHCR: North Macedonia Asylum Statistics in 2020, as of 30 June 2020' (2020) <<https://reliefweb.int/report/republic-north-macedonia/unhcr-north-macedonia-asylum-statistics-2020-30-june-2020>> accessed 21 August 2020.

⁵⁷ Macedonian Young Lawyers Association, 'Annual Report on the Effectiveness of the Legal Protection of Human Rights in the Republic of Northern Macedonia [Годишен извештај за ефикасноста на правната заштита на човековите права во република северна македонија]' (2020) <<https://myla.org.mk/wp-content/uploads/2019/12/ГОДИШЕН-ИЗВЕШТАЈ-ЗА-ЕФИКАСНОСТА-НА-ПРАВНАТА-ЗАШТИТА-НА-ЧОВЕКОВИТЕ-ПРАВА-ВО-РЕПУБЛИКА-СЕВЕРНА-МАКЕДОНИЈА-2019-1.pdf>> accessed 26 August 2020.

⁵⁸ Interview with CSO representative conducted on 11.09.2020.

⁵⁹ Interview with representative from state's institution conducted on 28.09.2020.

⁶⁰ Interview with a representative from an intergovernmental organization conducted on 21.09.2020

⁶¹ Macedonian Young Lawyers Association, 'The Right to Freedom versus the State's Response to Irregular Migration' (2020) <<https://myla.org.mk/wp-content/uploads/2020/01/Правото-на-слобода-наспроти-одговорот-на-државата-на-нерегуларната-миграција-23.01.2020.pdf>> accessed 14 September 2020.

⁶² *ibid.*

⁶³ Field Reports issued by the Macedonian Young Lawyers Association from October 2019 to June 2020. Available at: <https://myla.org.mk/wp-content/uploads/2020/07/Field-Report-Apr-May-June-2020.pdf>

After the declaration of the state of emergency on March 18th, the Transit Centre Vinojug stopped accepting new arrivals as reported by CSO Legis.⁶⁴ RTC Vinojug was transformed into a quarantine centre, with a decision of the Government from 25 March 2020.⁶⁵ According to the same decision, all asylum applicants and all newly detected foreign nationals with unregulated stay, were supposed to be accommodated at the RTC Vinojug initially for a period of 25 days.⁶⁶ The issue in this regard is that the citizens of the country who have been in contact with a COVID-19 positive patient, were obliged to be in quarantine for only 14 days.⁶⁷

Most of the CSOs present at the transit centres have decreased or withdrew their personnel which affected the available services and support offered to the migrants.⁶⁸ CSO representatives (field lawyers) returned to RTC Tabanovce in June 2020.

The RTCs Vinojug and Tabanovce are suitable for short-term stay but the conditions for longer stay are not appropriate. The status of these centres is not yet defined which consequently adds to the fact that the legal status of the migrants staying in these premises is not fully defined which restricts them from formalizing or enhancing their protection.⁶⁹ The CSO Legis reported the Transit Reception Center “Vinojug” lacked food for few days throughout December.

According to CSOs, 126 migrants were brought to the camp by the police in December 2019 and they were all accommodated in the same facility, including unaccompanied children. After a reaction from the Ombudsman, unaccompanied children were accommodated in separate facilities⁷⁰.

Management of the migrants in the transit centres is based on shared responsibility among the relevant ministries, which often results in lack of accountability when an issue or a negative consequence occurs.⁷¹

The *unaccompanied children* in the country are appointed a guardian, and the Special Operating Procedures for dealing with unaccompanied minors are formally respected. In practice, this is not fully implemented because one social worker is appointed to many minors and their number is high. There are also cases when persons who are 19-20 years of age declare themselves as minors.⁷² Secondary victimisation must also be prevented. The children are not provided psychosocial support immediately while also determining if they are victim of smuggling or have drug addiction. A multi-sectoral approach should be implemented in order to ensure a safe environment for the children.⁷³ After a guardian is appointed, together with a psychologist they create an action-plan for each child. The biggest priority of the institution is reunification with the families.⁷⁴ According to UNHCR Skopje data, there were 70 unaccompanied children in North Macedonia as of February 2020 and they were all assigned

<https://myla.org.mk/wp-content/uploads/2020/07/Field-Report-Jan-Feb-Mar-2020.pdf>

<https://myla.org.mk/wp-content/uploads/2020/01/Quarterly-Field-Report-on-the-Status-of-Migrant-and-Refugee-Human-Rights-Oct-Dec.pdf>

⁶⁴ Decision establishing state of emergency on the territory of the Republic of North Macedonia for a period of 30 days [Одлука за утврдување на постоење на вонредна состојба на територијата на Република Северна Македонија за период од 30 дена] 2020 (Official Gazette of RNM, No 68/2020).

⁶⁵ Government of North Macedonia, ‘28th Session of the Government of North Macedonia [28-ма седница на Владата на Северна Македонија]’ (25 March 2020) <<https://vlada.mk/sednica/2020-28>> accessed 21 August 2020.

⁶⁶ EU Agency for Fundamental Rights, ‘Migration: Key Fundamental Concerns - 01.04.2020 - 30.06.2020’ (2020) <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-migration-bulletin-3_en.pdf> accessed 14 September 2020.

⁶⁷ Interview with a representative from Macedonian CSO conducted on 11.09.2020

⁶⁸ EU Agency for Fundamental Rights, ‘Migration: Key Fundamental Rights Concerns - 1.1.2020 - 31.3.2020’ (n 34).

⁶⁹ EU Agency for Fundamental Rights, ‘Migration: Key Fundamental Concerns - 01.04.2020 - 30.06.2020’ (n 51).

⁷⁰ EU Agency for Fundamental Rights, ‘Migration: Key Fundamental Rights Concerns - 1.10.2019 - 31.12.2019’ (n 43).

⁷¹ Interview with a representative from a state institution conducted on 19.10.2020.

⁷² Interview with a representative from an intergovernmental organization conducted on 21.09.2020

⁷³ Interview with a representative from international organization conducted on 28.09.2020.

⁷⁴ Interview with a representative from a state institution conducted on 19.10.2020.

guardians.⁷⁵ As of June 2020, a total of 789 children arrived in the country, while currently 191 are accommodated in the official government capacities.⁷⁶ One child was granted international protection in 2020 as of June 2020.⁷⁷

The unaccompanied children are accommodated at the Reception Centre for Foreigners, but the facility does not provide appropriate conditions for their accommodation, as reported by the Ombudsman Institution.⁷⁸ The relevant CSOs and institutions in the country are concerned that there is a lack of serious control of unaccompanied children and they are leaving the reception centres independently on their own.⁷⁹

For the first time in the academic year 2019/2020, seven *asylum-seeking children* from Syria, Afghanistan and Pakistan *enrolled in Macedonian-language primary education* at a local school in Skopje.⁸⁰ The enrolment is based on the Law on Elementary education which allows foreign children to attend the Macedonian schools. While being accompanied by a translator and a social worker, the children attend the school with other Macedonian children and attend the classes in Macedonian language.⁸¹ Upon the arrival of children refugees in Gevgelija in the transit centre “Vinojug”, the relevant CSOs immediately request that the children are taken to the reception centre for asylum seekers in Vizbegovo where the children are examined and are immediately sent to school in the elementary school in the Municipality of Butel.⁸²

READMISSION

The existing Programme for assistance and support in reintegration of returnees in the Republic of Macedonia in accordance with the readmission agreements, adopted in 2010 is outdated and most of the policies and measures included in the document are not implemented. Disaggregated data is not available and a system that registers voluntary returns of returnees in the country is not in place. As a consequence, the state cannot develop targeted measures towards them. The bodies relevant to the returnees are not functioning since 2012 and a communication mechanism between the relevant ministries and their sectors on returnees is not established.

In 2019 the European Policy Institute (EPI) prepared a set of recommendations for a new Strategy for reintegration of returnees under Readmission Agreements, based on EPI’s research activities.

The Permanent Inquiry Commission for Protection of Civil Liberties and Rights, on 24th of January 2020 held a Public Debate on the challenges of returnees from European Union countries in accordance with the readmission agreements. In its conclusions, the Committee stressed the need for coordination of the government policies in this area, an active policy of reintegration of the returnees, improved reception, as well as increased access to social, health and education rights for returnees.⁸³

⁷⁵ EU Agency for Fundamental Rights, ‘Migration: Key Fundamental Rights Concerns - 1.1.2020 - 31.3.2020’ (n 34).

⁷⁶ Relief Web (n 30).

⁷⁷ *ibid.*

⁷⁸ EU Agency for Fundamental Rights, ‘Migration: Key Fundamental Rights Concerns - 1.10.2019 - 31.12.2019’ (n 43).

⁷⁹ *ibid.*

⁸⁰ Macedonian Young Lawyers Association, ‘Press Release - UNHCR Report: Coronavirus Poses Serious Threat to Refugee Education - Half of the World’s Refugee Children Are out of School [Соопштение за медиумите – Извештај на УНХЦР: Коронавирусот е сериозна закана за образованието на бегалците – половина од децата бегалци во светот се надвор од училиштата]’ (3 September 2019) <<https://myla.org.mk/2020/09/соопштение-за-медиумите-извештај-на-у/>> accessed 27 August 2020.

⁸¹ Interview conducted on 11.09.2020 with CSO representative.

⁸² *ibid.*

⁸³ Assembly of the Republic of North Macedonia, ‘Public Hearing on the Problems of Returnees from EU Countries Based on the Readmission Agreements [Јавна расправа за проблемите на повратниците од ЕУ земјите согласно реадмисионите договори]’ (24 January 2020) <https://www.sobranie.mk/2016-2020-srm-ns_article-javna-rasprava-za-problemite-na-povratnicite-od-eu-zemjite-soglasno-readmisionite-dogovori.nsp> accessed 25 August 2020.

SCHENGEN AND EXTERNAL BORDERS

As COVID-19 pandemic affected the whole world in its every aspect, migration flows and their control were challenged as well. The closure of the borders in March⁸⁴ had decreased migration intensity as an impact, but the trend changed following the re-opening of the borders on 17 June.

The total number of foreign police contingent that supports the securing of the Macedonian southern border estimates 69 foreign police officers.⁸⁵ The Macedonian Government adopted conclusion on 3 March stating the need of more foreign police officers on our southern border.⁸⁶

Cases of COVID were recorded with members of the foreign police forces⁸⁷⁸⁸, while cases of the national police at the borders were not registered during the screening process that followed.⁸⁹ The police follow the same protocols as when dealing with the national citizens in terms of determination symptoms, epidemiological surveys, COVID-19 testing and hospital treatment if needed.

The Agreement between North Macedonia and EU for cooperation with the European Border and Coast Guard Agency was initialled in 2018, but the procedure for signature and ratification has not been completed.

STAKEHOLDERS DYNAMICS: CSOS CONTRIBUTION AND REGIONAL COOPERATION

In addition to the observations and findings already discussed, two main conclusions can be drawn with regards to the dynamics occurring in relation to the developments in Chapter 24 with regards to other stakeholders, in particular with regards to CSOs and with regional cooperation.

Regarding CSOs, there is a clear trend of willingness for cooperation and high activity of CSOs, especially those that work on the ground.

In addition to CSOs, another thread clearly stands out from the available data – questionable regional cooperation.

Contribution of CSOs

The representatives of the authorities highly value the contribution and dedication of the NGOs in addressing migration issues and assisting migrants and victims of trafficking, especially vulnerable categories.⁹⁰ They also suggest a more planned and coordinated action of the competent ministries with the relevant CSOs,⁹¹ as well as enhancing the role of CSOs in the provision of services.⁹²

⁸⁴ Decision amending the Decision on measures to prevent the introduction and spread of Coronavirus COVID-19 [Одлука за изменување и дополнување на Одлуката за мерки за спречување на внесување и ширење на Коронавирус COVID-19].

⁸⁵ Pravdiko.mk, 'The Number of Illegal Migrants Who Tried to Enter Our Country Has Halved [Двојно е намален бројот на илегални мигранти кои се обиделе да влезат во нашата земја]' (11 June 2020) <<https://www.pravdiko.mk/dvojno-e-namalen-brojot-na-ilegalni-migranti-koi-se-obidele-da-vlezat-vo-nashata-zemja/>> accessed 26 August 2020.

⁸⁶ Government of North Macedonia, 'From the 13th Session of the Government: The System for Dealing with the Migrant Crisis Is Ready and Functional [Од 13-тата седница на Владата: Системот за справување со мигрантската криза е подготвен и функционален]' (3 March 2020) <<https://vlada.mk/node/20401>> accessed 25 August 2020.

⁸⁷ telma.com.mk, '12 Czech Police Officers Engaged on the Southern Border Sick from COVID-19 - Discovered in CPN Gevgelija [Од корона болни 12 чешки полицајци ангажирани на јужната граница- откриено во ЦПЗ Гевгелија]' (7 September 2020) <<https://telma.com.mk/2020/09/07/12-чешки-полицајци-ангажирани-на-јужнат/>> accessed 14 September 2020.

⁸⁸ fokus.mk, 'A Policeman from Hungary Is Positive as Stated by Filipce [Позитивен е полицаец од Унгарија, кој е на работна задача во земјава, истакна Филипче]' (2 June 2020) <<https://fokus.mk/pozitiven-e-politsaets-od-ungarija-koj-e-na-rabota-zadacha-vo-zemjava-istakna-filipche/>> accessed 14 September 2020.

⁸⁹ <https://kanalvis.com/?p=23078>

⁹⁰ Interview with a representative of a Ministry, 19.10.2020; Interview with a representative of an international organisation, 21.09.2020.

⁹¹ Interview with a representative of a Ministry, 19.10.2020.

⁹² Interview with a representative of an international organisation, 28.09.2020.

Regional cooperation

While the regional cooperation is assessed as good in terms of agreeing on principles, issues arise when countries demand return of migrants, as none of the countries accepts returned migrants. As the countries in the region are not included in the EU resettlement mechanism, returning illegal migrants to EU MS is also an issue.⁹³

The developments discussed above are presented in Table No.2.

Table No.2: Comparison of the 2019 findings, the current situation and the main findings in the 2020 EC Report⁹⁴

Findings and recommendations from Shadow Report 2019	Current assessment	Country report
Amendments of the Criminal Code were adopted to incorporate the non-punishment principle, so that victims of trafficking in human beings are not punished for offences committed in the course, or as a consequence, of being trafficked.	While the non-punishment principle is complied with, detention of migrants continues to be regular practice by the Police to ensure witnesses for the smuggling cases.	A gap remains in the area of detention for people in irregular movements, as the current legislation does not provide alternatives to detention.
The Law on the Freezing, Confiscation and Management of Criminal Assets should be amended and fully harmonized with the recent strategy on Strengthening Capacities for Financial Investigations and Confiscation of Assets. The Law on Witness Protection was amended to ensure witnesses are included in the protection programme upon the Special Public Prosecutor's Office request due to the high sensitivity of the cases it deals with.	The Law on the Freezing, Confiscation and Management of Criminal Assets has not yet been amended and fully harmonized with the strategy on Strengthening Capacities for Financial Investigations and Confiscation of Assets.	The country's tools for freezing, managing and confiscating criminal assets are not effective enough. There is a need for systematic use of the confiscation or extended confiscation for a limited list of offences.
New Law on Foreigners was adopted in June 2018 and entered in force in June 2019. Although there was one-year period before implementation, the bylaws are not yet adopted. The country needs to ensure that there is full	The new Law on Foreigners started to apply as from June 2019. Several bylaws for the implementation of the Law have been adopted.	Although this law offers certain benefits, criteria such as proof of regular income and registered place of residence make these benefits only theoretical given the extreme

⁹³ Interview with a representative of an international organisation, 21.09.2020.

⁹⁴ European Commission, 'North Macedonia 2020 Report' (European Commission, 2020)

<https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf>.

Findings and recommendations from Shadow Report 2019	Current assessment	Country report
implementation of the new provisions especially regarding the residence status of stateless persons as well as refugees with recognized status. Further clarification is needed for the provisions related with the return procedure of foreigners (with a focus on forced returns).	With the Government Decree with force of Law on application of the Law on Foreigners during an emergency situation, the validity of short-term residence permits/visas was prolonged until 31 August 2020.	vulnerability of some of the applicants.
Following the implementation of the National Strategy for Combatting Trafficking in Human Beings and Illegal Migration (2017-2020), a dedicated Task Force was set up and is already showing positive results. The authorities need to add focus on the high number of detected unregistered foreign female workers in bars in the western part of the country.	<p>The work on the new Strategy for Combatting Trafficking in Human Beings and Illegal Migration has been launched.</p> <p>The number of detected cases of foreign female workers in bars in Western Macedonia has increased; however, CSOs have concerns that legal aid and protection was not provided to potential victims of crime.</p>	<p>The dedicated task force for combating trafficking in human beings and illegal migration, is assessed as operational. 6 victims of human trafficking have been identified and final verdicts have been noted against 23 persons for human trafficking or smuggling of migrants.</p> <p>The decentralisation of the National Commission, through the creation of local commissions at the municipal level, has yet to prove its effectiveness.</p>
New Law on International and temporary protection was adopted in May 2018 and is fully in line with the EC directives. The initial implementation phase showed lack of procedural guarantees in the new provisions for limitation of freedom of movement for asylum seekers. Both the Ministry of Interior as well as the Courts need to work on improvement of the standards for limitation of freedom of movement.	<p>The unaccompanied children in the country are regularly appointed a guardian, and the Special Operating Procedures for dealing with unaccompanied minors are formally respected. Still, these most of these children are not integrated in the regular educational system.</p> <p>The unaccompanied children are accommodated at the Reception Centre for Foreigners, but the facility does not provide appropriate conditions for accommodation of unaccompanied children.</p>	<p>The EC assesses that progress has been made in implementing the standard operating procedures (SOPs) for unaccompanied and separated children and for vulnerable categories of foreigners.</p> <p>The law stipulates the right to family reunification from which recognized refugees can immediately benefit, but the problem arises with persons under subsidiary protection which can enjoy this legal benefit with a delay of two years after the recognition of the status. Due to the fact that</p>

Findings and recommendations from Shadow Report 2019	Current assessment	Country report
	CSOs raised concerns over lack of control of unaccompanied children.	subsidiary protection is becoming a widespread form of protection granted in the country, including for unaccompanied children, the EC considers that such delays can significantly affect the right to family reunification, which is contrary to the principle of best interests of the child.
The practice of irregular deportation of migrants to Greece remains in 2018. People are being deported on daily basis on the border with Greece without any formal procedure based on readmission agreement.	The practice of irregular deportation of migrants to Greece continued.	Due to lack of a system managing irregular movements the practice of returning migrants outside of a legal and / or procedural framework reportedly continued.
Recognition rate for refugees remains very low, It is crucial that during the asylum procedure, all the requests for recognition of the right of asylum are assessed properly and the authorities must take into account the relevant reports for the country of origin of the asylum seeker regarding his/her claim.	The recognition rate for refugees continues to be very low. A source of concern is the length of asylum procedures in all instances.	The EC expresses serious concern regarding the quality of decisions, both in administrative proceedings and in proceedings before the Administrative Court.
The declared crisis situation at the Northern and Southern border in 2015 is still in active. The country has crisis situation for almost five years. There is a need for further assessment whether there is still a need the crisis situation.	The impact of the COVID pandemic and the continuing risks on the borders implied the continuation of the crisis situation declared on the Northern and Southern border in 2015.	The crisis situation at the country's borders was extended, authorising continued deployment of the army

VI Recommendations

- The **Draft Strategy for Refugees and Foreigners 2017-2027** needs to be adopted. Issues of legal migration should be adequately addressed in the new Strategy for Integration of Refugees and Foreigners, as well as in the **Resolution on Migration**, which is to be drafted and adopted by the Assembly, in an inclusive process. A process of **evaluation** of policies in the area of migration should also be launched and systematically applied.

- Government and the municipalities should make information on **rights and services of foreigners** more accessible to them.
- The responsible state bodies (Ministry of Interior, Public Prosecutor, etc.) should **increase the efforts in investigation of cases of trafficking, and in effective prosecution** of perpetrators. Special attention should be paid on detecting cases of labour exploitation.
- The law-enforcement agencies should more rigorously **investigate and prosecute complicity of officials** in cases of smuggling of migrants and trafficking in human beings, while the judiciary should continue developing jurisprudence with dissuasive penalties for these crimes.
- Coordinated action of the state bodies for **identification and protection of victims of trafficking in human beings** should step-up, so that the right to legal aid and protection is granted to them. In addition, focus should be put on re-integration measures.
- The relevant stakeholders should **work more closely with the vulnerable groups in detecting human trafficking**, as identifying cases of trafficking is central in order to provide the victims the opportunity to fully exercise their rights.
- The Parliament should adopt the **Law on Compensation for Victims of Crime**, thus enabling compensation from a state fund, to be awarded in cases of both convicted and suspected traffickers.
- The **Government's budget** for the implementation of the national strategies and action plans for curbing human trafficking should be increased.
- The responsible ministries – Ministry of Interior and Ministry of Labour and Social Policy - should step up the efforts to establish a **protection sensitive migration management system**. Within this system, registration should be followed up by protection-sensitive profiling and referral to the national protection system, when the need has been identified.
- The responsible authorities, especially the police should ensure that the principle of **non-refoulement** is fully complied with.
- In ensuring evidence in legal proceedings on smuggling the public prosecutor and the police should ensure compliance with international standards and domestic law, so that the practice of **illegal detention of migrants** is abandoned. Furthermore, all detained migrants should be informed of the reasons for detention and their rights in the language they understand.
- The responsible administrative commissions for the asylum procedure, as well as the administrative courts should make significant efforts to ensure an **efficient asylum application procedure**, in line with the domestic law. In addition, their decisions should be based on substantial, rather than on procedural grounds.
- The **conditions in the Reception Centre for Foreigners** specifically for accommodation of unaccompanied children and other vulnerable categories should be further improved. Services in the centres need to be developed to provide for professional, educational, recreational activities of the migrants.
- The Government should expand **the Centre for victims of human trafficking** and increase its **capacity**, while also providing separate facilities for child victims of trafficking, as well as ensure sufficient funds for its unobstructed operation.
- The status of the **transition centres** “Vinojug” Gevgelija and Tabanovce should be defined, in order to ensure adequate protection of the support to migrants.
- The authorities should ensure consistent application of the Special Operating Procedures for **Unaccompanied Minors**.

- The started process of **integration of children of refugees in education system** has to be further developed, especially with ensuring additional support and training in Macedonian language.
- The Government should, in an inclusive process, draft and adopt a new policy **document on integration of returnees** in line with the readmission agreements, follow-up on the conclusions of the Parliament's Enquiry Committee on Human Rights following the oversight debate held in 2020. The Government should also ensure a coordinative mechanism for the implementation of policies and effective cooperation with the local governments, as well as involved CSOs.
- The EU institutions should ensure unobstructed procedures for **signature and ratification of the Agreement between North Macedonia and EU for cooperation with the European Border and Coast Guard Agency**, in order to guarantee a consistent and sustainable framework for cooperation in the field of borders control and migration management.
- The Government should ensure **continuous involvement and partnership with CSOs** in the area of migration, through consultation in the policy creation and law making process.
- The Government should also ensure **longer-term funding for the services** that **CSOs** provide to migrants or contribute to the services provided by the State. Moreover, additional services for migrants should be developed in dialogue and partnership with the stakeholders, especially CSOs active on the ground. The process of licensing of CSOs for certain services should be monitored and its consistent implementation ensured.
- The responsible ministries (Ministry of the Interior and Ministry of Labour and Social Policy), building upon the constructive cooperation so far, should **initiate a structured dialogue with the CSOs** engaged in migration issues, that would result in more coordinated and planned approach to future actions.

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