

# Security for Human Beings and Borders

Combating Smuggling of Migrants  
in the Western Balkan



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by the European Union



## National monitoring report on smuggling of migrants North Macedonia

Skopje, April 2023



BALKAN  
REFUGEE AND  
MIGRATION  
COUNCIL

DRU DANISH  
REFUGEE  
COUNCIL



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# Contents

<b>1. INTRODUCTION</b>	<b>3</b>
<b>2. METHODOLOGY</b>	<b>5</b>
<b>3. INSTITUTIONAL CAPACITIES</b>	<b>6</b>
<b>4. THE MIGRANT SMUGGLING PHENOMENON – A VIEW FROM THE PRACTICE</b>	<b>8</b>
Modus operandi of migrant smuggling in the country	8
Smugglers	12
Smuggled migrants	13
Cooperation with relevant institutions	14
The practice of prevention of smuggling and protection of smuggled migrants	15
<b>5. PROPOSAL FOR COLLABORATION BETWEEN CSOS AND AUTHORITIES – STANDARD OPERATION PRACTICES (SOP) IN THE COUNTRY</b>	<b>17</b>
<b>ANNEX I</b>	<b>20</b>
QUESTIONNAIRE	20
<b>ANNEX II</b>	<b>25</b>

# 1. Introduction

The Republic of North Macedonia continues to be used as an active transit route for the movement of irregular migrants and refugees aiming to reach developed countries for permanent settlement. With the closure of the so-called *Balkan migration route* in 2016, the nearly 8-month practice of facilitated mixed migration flows through the country ended. However, even after the closure, the migration journey for migrants stranded in Greece continues to this day with the reactivation of the smuggling activities.

The country has a constructive approach to managing the mixed migration flows that involves cooperation with countries from the region and EU member states. The country still faces challenges in enabling proper services and living conditions for migrants, even though a small number of irregular migrants may be stranded in the country for a longer period. The registration of migrants, conducting adequate protection-sensitive profiling, and referral to the national protection mechanisms continue to be a challenge and need to be addressed systematically.<sup>1</sup>

To make their movement possible, often, refugees and migrants engage smugglers, to help them in transiting through the country, thus exposing themselves to serious human rights violations, exploitation and other abuses. Every so often, ending up being trafficked. Many reports indicate that smugglers use different approaches and tactics to escape the authority's detection and only a fraction of the total number of illegal movements are identified and officially processed. The authorities in the country are constantly adopting new approaches to meet the challenges of irregular border crossing and smuggling of migrants. One example is the joint cooperation and the establishment of mixed border patrols, consisting of Macedonian and foreign police officers deployed along the border areas, as well as other operational activities undertaken both at the national and regional level. Moreover, with the signature of the agreement between the EU and North Macedonia on operational cooperation in border management with the European Border and Coast Guard Agency,<sup>2</sup> FRONTEX police officers will be deployed in the country aiming to improve the overall migration management and protection of the borders.

Despite the fact that the national authorities have become more successful in detecting smuggling of migrants and trafficking of human beings' activities, according to the Annual Report of the Ministry of Interior Affairs of the Republic of North Macedonia,<sup>3</sup> there is an overall increase of migrants smuggling activities in the country. Namely, the number of irregular migrants transiting the country in 2022 followed the trends of the previous years, even though the authorities were more successful in preventing irregular border crossing for 31.2% compared with 2021. From the total number of prevented irregular border crossing of migrants, the majority were intercepted at the border with Greece 24,968, and a smaller number at the border with the Republic of Serbia, Albania, Bulgaria, and Kosovo.

Table 1: Irregular border crossing in North Macedonia

YEAR	2022	2021
Greece	24,968	18,424
Serbia	2,270	2,277
Albania	111	130
Bulgaria	4	6
Kosovo	41	37
<b>TOTAL</b>	<b>27,394</b>	<b>20,874</b>

1 EU North Macedonia Report 2022, [https://neighbourhood-enlargement.ec.europa.eu/north-macedonia-report-2022\\_en](https://neighbourhood-enlargement.ec.europa.eu/north-macedonia-report-2022_en)

2 The status agreement about FRONTEX was signed on 26 October 2022, [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_6417](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_6417)

3 Annual Report of the Ministry of Interior Affairs of the Republic of North Macedonia 2022, [https://mvr.gov.mk/Upload/Editor Upload/Godisen%20izvestaj/%D0%93%D0%BE%D0%B4%D0%B8%D1%88%D0%B5%D0%BD%20%D0%B8%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98\\_2022%D0%9C%D0%92%D0%A0.pdf](https://mvr.gov.mk/Upload/Editor Upload/Godisen%20izvestaj/%D0%93%D0%BE%D0%B4%D0%B8%D1%88%D0%B5%D0%BD%20%D0%B8%D0%B7%D0%B2%D0%B5%D1%88%D1%82%D0%B0%D1%98_2022%D0%9C%D0%92%D0%A0.pdf)

The biggest pressure was experienced in the period from April through September when most of the illegal border crossings were attempted. The figures show that the attempts for illegal border crossing at the border line with Greece from migrants that have been stranded for longer period in that country have increased for 35.5%. The most dominate group are the migrants from Syria, approximately 11,000, whose number has enormously jumped for 4.2 times in 2022 compared 2021, involving 2,644 persons from this country. The other significant number of migrants originate from Pakistan and Morocco. A novelty for the country is the abuse of visa-free regime for persons from Turkey, Tunisia, India, Cuba, China, Burundi, Egypt, etc. At the same time, the authorities were more successful in intercepting and preventing illegal border crossing of persons from India, Kongo, Iraq, Palestine, Cuba, and stateless persons.<sup>4</sup>

With the increase of the smuggling activities in the country, the number of detected cases of smuggling of migrants has also increased by 67.2%, but at the same time, the number of prevented cases of smuggling of migrants has also increased by 80%.<sup>5</sup> Within the scope of detected smuggling cases, a 13-member organized criminal group was suppressed.<sup>6</sup> The group operated at the national level and smuggled migrants from the territory of the Republic of Greece, through the territory of the Republic of North Macedonia to the Republic of Serbia.

Table 2: Smuggling of migrant's cases

YEAR	2022	2021
No. of discovered cases	107	64
No. of criminal offenses	79	49
No. of smugglers	122	77
No. of smuggled migrants	1,454	815

The police officers at the southern border have detected 73% of the total number of smuggling cases recorded in the country. From all cases, 1,454 migrants were stopped from being smuggled into the country: Syria - 759, Pakistan - 405, and a smaller number of nationals from India, Afghanistan, and Cuba. Police reports inform daily about the discovered smuggling of migrant cases. To transit the country, these people pay a lot of money to smugglers, and not rarely do they end up being robbed, mistreated, and even beaten to death. The figures show us that the so-called *Balkan transit route* not only that it cannot be fully closed regardless of the number of domestic and foreign police officers deployed in the field, but rather it is still being actively used from both migrants and smugglers because it is considered as one of the fastest and safest routes to reach the EU countries.

4    ibid.

5    ibid .

6    Net Press, Internet news article, <https://en.netpress.com.mk/2022/12/21/police-suppress-13-member-criminal-group-smuggled-migrants/>

## 2. Methodology

The National monitoring report is an overview of information and data, gathered through field visits and interviews of relevant institutions in North Macedonia, included in the system of combating the smuggling of migrants and protection of the rights of smuggled migrants and victims of human trafficking. The neutral approach in presenting the information on migration and smuggling, without intervention from the authors of this report, aims to dismiss their perspective and interpretation of the collected data. In the end, based on the functionality of the overall migration management system, this report will include the views of the MYLA for possible and more formal collaboration and partnership between CSOs and authorities on this subject in order to strengthen the national system and secure overall transparency.

The data collection was conducted with the engagement of previously selected local CSOs<sup>7</sup>, that possess the capacities, experience, and expertise in working and protecting the rights of the vulnerable groups, including migrants. Researchers from 6 national CSOs<sup>8</sup> were involved in collecting the information and other data using two methods:

- Monitoring visits in the areas close to the borders at which the greatest number of irregular state border crossings are detected and at informal migrant gathering places, etc.
- Interviews with key national stakeholders that are in charge of migrations and combating migrant smuggling, as well as with relevant international organizations that implement or provide support for the implementation of projects focused on the protection of migrants and/or children and women.

Depending on the level of experience, the researchers were tasked to communicate with relevant personnel from designated institutions following a set of guiding questions<sup>9</sup> and the structure of the national monitoring report.

The mapping of the selected relevant institutions was conducted by taking in consideration the mandate and competencies of the institutions, their cross-sectoral cooperation, fieldwork, and established practices in the country.

The following institutions were covered with the interviews and/or field visits: the Ministry of Interior Affairs (different departments and sectors), the Ministry of Labor and Social Policy, The National Referral Mechanism, the Center for social work, the Ombudsman of North Macedonia, the National Committee for Prevention of Smuggling and Trafficking in Human Beings, the Public Prosecution Office for Organized Crime and Corruption, the Criminal Court, the Transit Center Vinojug in Gevgelija, the Transit Center Tabanovce in Kumanovo, the Reception center for asylum seekers in Skopje, Shelter center for victims of trafficking, UNHCR local stakeholders and institutions in the city of Bitola.

The data were collected from November 2022 to March 2023 and summarized in 12 individual reports prepared by the researchers.

In writing this report, additional sources such as available official reports and statistics were consulted.

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7 The organizations' motivation and capacity to work in the migrant smuggling prevention and protection field was assessed through interviews, conducted on the basis of a previously prepared questionnaire. The questionnaire covered the three key segments of competencies/capacities of organizations: (1) Familiarity with the migration-related context of work - national, regional, and the EU, (2) The CSO's capacities and (3) Familiarity with the topic of migrant smuggling, the experience, and motivation in the field of combating migrant smuggling. The questionnaire is included as Annex I in this report.

8 CSOs: Legis, Open Gate La Strada, Coalition all for fair trials, Macedonian Young Lawyers Association, Helsinki committee for human rights, and Youth forum from Bitola.

9 The interview questions divided according to relevant topics are available in Annex II of this report.

### 3. Institutional capacities

The **Ministry of Interior (Mol)** is tasked to investigate crimes, including the smuggling of migrants and represent the core authority for prevention of smuggling of migrants and trafficking in human beings. The Ministry of interior (Mol) is the key and central authority in the country mandated to prevent and investigate crimes, including fighting smuggling of migrants and trafficking in human beings in the country. The mandate and responsibilities are divided between different departments within the Ministry of Interior. **The Sector for Border Affairs and Migration** is responsible for management with security of the borders and fighting transborder crime, including smuggling and trafficking. Within this sector its operational the Mobile unit for suppression of cross-border crime and compensatory measures, covering the country with mobile teams from the borders inside the territory of the country. **The regional centers for border affaires** (4 regional centers), as separated units within the public safety department are responsible for the coordination of the activities with the local units for border affairs and regional centers for border affairs for transitional border affairs issues. **Border Police** is responsible for carrying out issues related to border checks and border surveillance, analysis of threats for national security and prevention and detection of illegal migration and trafficking in human beings. The Sector for border affairs and migration is supported by the Sector for suppression of organized and serious crimes to handle the irregular migration, through the **National unit for prevention of smuggling of migrants and trafficking in human beings (Task force)**, responsible to conduct investigations of cases of trafficking in human beings and smuggling migrants. This unit is established in 2018 with a MoU between the basic prosecutor's office for prosecuting organized crime and corruption and representatives from Mol. The National unit has its head, deputy and assistant head, their deputies, its members and contact persons. The unit is administrated by the public prosecutor. Mol members' activities within this body are coordinated by the deputy head. **The Reception Center for Foreigners** is responsible for detention and accommodation of foreigners and illegal migrants, i.e foreigners with restricted freedom of movements or that are subject to forcible removal from the country.

**The National Commission for Prevention and Combating Trafficking in Human Beings and Illegal Migrants**, is interinstitutional body established in 2001 and its members are: Ministry of Interior Affairs, Ministry of Foreign Affairs, Ministry of Labor and Social Policy, Ministry of Education and Science, Ministry of Health, Ministry of Justice, State Labor Inspectorate, Employment Agency, the Public Prosecution and the Court. The Commission is responsible to monitor and analyze the condition with trafficking in human beings and illegal migration, to coordinate the activities of the institutions and to cooperate with international and non-governmental organizations included in problem solving in the field of trafficking. There are additional 6 local commissions for prevention and combating trafficking in human beings and illegal migration established in the city of Tetovo, Shtip, Veles, Bitola, Prilep and Gevgelija.

**The National Border Management Coordination Center** is a coordinative body of the Government of Republic of North Macedonia, which aims towards efficient coordination, facilitation of the exchange of data and information and better integration in the border management<sup>10</sup>. The Center is composed of representatives from the Ministry of Internal Affairs, Ministry of Finance- Customs Administration and the Ministry of Agriculture, Forestry and Water Management, Ministry of Foreign Affairs, Ministry of Defense, Ministry of Health – Bureau for Medicines and the National Sanitary and Health Inspectorate, the Ministry for Transport and Communications, Ministry of Environment and physical planning, Directorate for Radiation Safety and the Food and Veterinary Agency.

**The National Preventive Mechanism (NPM)** is a separate unit in the office of the Ombudsman of North Macedonia, whose primary goal is to prevent torture and other cruel, inhumane and degrading actions or punishments. The NPM is mandated to conduct announced or unplanned visits to places where persons might be detained<sup>11</sup> (persons deprived from freedom). The visits to places that accommodate persons deprived of their liberty and freedom of movement is important, since the victims of smuggling are most often accommodated and detained in the reception center for Foreigners with restriction of their freedom of movement.

**National Referral Mechanism (NRM)** was created for victims of human trafficking and is institutionalized through the Ministry of Labor and Social Policy in 2009. It is responsible to coordinate the referral of identified victims to the relevant institutions, provision of accommodation, protection, re-integration and re-socialization

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<sup>10</sup> Articles 56 and 57 from the Law on Border Control

<sup>11</sup> <https://shorturl.at/jnptS>

**The Public Prosecutor's Office for Prosecuting Organized Crime and Corruption** in Skopje is authorized for pursuing perpetrators of the crimes "smuggling migrants" and "trafficking in human beings" and consequently, all cases related to organized crime, including smuggling migrants, are administered in Skopje. In order to be more effective in conducting investigations and identifying organized criminal groups of smuggling migrants and trafficking in human beings, in 2018 a National unit for suppression of smuggling of migrants and trafficking in human beings (TASK FORCE) has been incorporated by signing a Memorandum for cooperation by and between the Ministry of Internal Affairs and the Basic prosecutor's office for prosecuting organized crime and corruption.

**The Criminal Court in Skopje** is the only judicial institution in the country responsible for judicial management of smuggling cases and sentencing smugglers for smuggling of migrants, through its specialized unit for organized crime cases. For unsatisfied verdicts, parties can address to the second instance Appellate court in Skopje, and later to the Supreme court of the country, upon fulfilling the criteria.

From the non-state actors, the international organizations are actively involved and perform different activities: The most important entities are: **The International Organization for Migration (IOM), United Nations High Commissioner for Refugees (UNHCR), Migration Asylum Refugee Regional Initiative (MARRI), and The International Centre for Migration Policy Development (ICMPD)**. The international organizations covers several aspects concerning migration and migrant rights in North Macedonia. International organization's activities address a variety of pressing migration related issues including the right of asylum, protection to refugees and stateless persons, trafficking in human beings, technical cooperation and institutional capacity building in the field of migration, voluntary return and reintegration programmes, economic stabilization programmes, to support the region in the migration management and policies etc.

From the local actors (CSOs) which are active on migration related issues are the **Macedonian Young Lawyers Association (MYLA), Open gate La Strada, Red Cross, Legis and**. MYLA provides legal aid and representation to asylum seekers, refugees and migrant in the country. It advocates for better asylum and migration standards and policies in the country through analyses research and litigation of cases before institutions. Open gate La Strada provides psycho-social support to migrants and they are focused more in identifying victims of human trafficking and accommodating them in the Shelter center for victims of human trafficking managed from this organization. Legis is mostly focused on provision of humanitarian aid to refugees and migrants transiting through the country, the Red Cross Skopje and North Macedonia is implementing local activities with refugees and migrants.

## 4. The migrant smuggling phenomenon – a view from the practice

### Modus operandi of migrant smuggling in the country

The **standard route of movement through the Republic of North Macedonia is the south-north direction**. Migrants enter at several points near the southern border through Bogorodica, Gevgelija and Dojran crossings points, but in the past, they also used the route around Strumica. The main smuggling route is *Corridor 10: Gevgelija-Skopje-Kumanovo-Tabanovce* border crossing, using the traffic road directions Gevgelija-Valandovo-Demir Kapija-Negotino-Veles-Skopje-Kumanovo for smuggling and logistical support. As an alternative route that is more and more being used is *Sveti Nikole - Kumanovo - Kriva Palanka* and further towards the border with the Republic of Serbia.

In the eastern part of the country, the route leading through *Belasica mountain to Strumica - Shtip - Sveti Nikole - Kumanovo - Kriva Palanka* and the route through *Mount Ogražden - Suvi Laki towards Berovo - Kočani - Štip - Sveti Nikole - Kumanovo Lipkovo* region and then across the Serbian-Macedonian border, are rarely used. In the past, the arrival of migrants from *Greece to North Macedonia via Bitola* was also observed, but because it's a specific mountainous region and it's very difficult to cross, this route is no longer in operation. The smuggled migrants continue their journey to the *northern part of the country*, in the Kumanovo-Lipkovo region, where they cross the Macedonian-Serbian border and head to Serbia. Resident of the village of Lojane explains that the mountainous area near the villages of Lojane and Vaksince is not accessible for police patrols, therefore migrants often use it as a route or exit point from North Macedonia. From Serbia, the entrance to the countries of the European Union is through Hungary. These are pre-developed routes, and are used for the illegal transfer of drugs, weapons, artefacts and other types of illegal transfers of goods. Migrants stay in the territory of our country for a very short time, usually a day or two.

There is an **opposing north-south route** known since 2017, used by Iranian nationals due to visa-free regime between Serbia Iran. Iranian citizens arriving in Serbia headed to Kumanovo and Skopje, and from there used bus to travel to Gevgelija.

In 2021, an increased entry from the northern border of citizens of Cuba and India is noticed. The migrants use the visa-free regime with the Republic of Serbia to transit through the country heading to Greece. Their destination is EU countries. The reason why Cuban citizens still decide to enter the country illegally is because if they try to enter legally, they could be asked by the border police about the purpose of their travel. If they say that they are going to Greece, they will be refused entry to North Macedonia, given that they plan to continue their journey to a member state of EU. An alternative route of movement of migrants, very rarely used, is from the Republic of Bulgaria through North Macedonia to Serbia, i.e. east-north direction of movement.

#### Routes used by migrants to enter from Greece to Serbia

**Route 1: Hotel Hara via railway line GK 59 to Gevgelija**, from where persons (mostly from Morocco, Libya, Afghanistan) use public transport, train or bus, to reach North of the country.

**Route 2: Hotel Hara then GK 57 along the river Vardar heading towards the exit of Gevgelija**, which is divided into two routes: one towards Bogdanci (regional road), the other towards Prdejci (highway) from where vehicles are taken and depending on the presence of police patrols, the smugglers head either to the old road Udovo-Demir Kapija-Negotino-Veles-Kumanovo, or they go directly to the highway and head to Kumanovo.

**Route 3:** entrance from the previously mentioned entry points where the smuggler leads the persons (mostly groups of 7-8 people) and travels with them to the northern border by cargo train or public transport. At the northern border the smuggler hands over the group to another smuggler.

**Route 4: Evzoni-Skra-Uma**, migrants have a longer walk, headed down to the village of Moin and from there to the village of Negorci, where the route is divided into two directions, depending on a previous agreement and pick up point with smugglers. The first option is to head to the A1 highway toward the exit point for the village of Negorci/Prdejci, then village of Smokvica near the toll station or on the side of the road. The other direction is towards the village of Miravci, then to the old road to Demir Kapija, from where they take vehicles and head to Kumanovo.

**Route 5: entrance to GK 55 (abandoned barrack Cede Filipovski)** towards Selemli and the road to Bogdanci, from where they either head towards the old regional road Udovo-Demir Kapija-Negotino to Kumanovo or head to the highway exit to Gevgelija in direction to Kumanovo.

**Route 6: entrance Paljurtci dam** towards Valandovo and Dojran, from the village of Furka, the village of Kazan Dol as a pick-up point, after which the migrants use either the regional road Valandovo--Udovo-Demir Kapija towards Negotino-Kumanovo or they head towards Gevgelija and the highway exit to Kumanovo.

**Route 7: entrance Drosato-Mrdaja-Nov Dojran** where they are picked up and taken to the village of Furka, on the road near the village of Balinci-Brajkovci, from where they either head to the regional road Udovo-Demir Kapija-Negotino and then on the highway to Kumanovo or they use the direction Bogdanci - Gevgelija, from where they head to the highway and to Kumanovo.

**Route 8: the village of Muries to the village of Nikolic in the direction the village of Dedeli**, from where they head to Valandovo or Nikolic to Crnicani and in the direction of the village of Furka, from where they use the regional or highway roads to travel.

The ***modus operandi* of illegal entry, transit and exit from the North Macedonia remains almost the same**. Unlike the previous period, because of the increase of the police patrols presence and the operative information of Mol, **walking is becoming longer**<sup>12</sup>. Police patrols for the prevention of smuggling are set up all the way to Negotino. Because of high temperatures during the summer period, migrants move during the night, while in the winter they move more often during the day.

## **The process of smuggling migrants includes several key stages:**

(1) **Illegal border crossing to enter North Macedonia** with so-called “leaders” who are familiar with the terrain where migrants are supposed to be smuggled. These people are called “kacaci” by the migrants, and according to their testimonies, they used to be migrants; (2) **The temporary shelter of migrants** is realized in abandoned buildings, huts, forests, private houses, etc., which are located near the southern border in the Strumica-Gevgelija region; (3) **Transportation of migrants** from the locations where they are sheltered to the villages along the Macedonian-Serbian border;

Furthermore, after transiting through one of the routes, migrants take refuge mostly in the northern parts of the country in border villages (abandoned buildings, buildings without defined ownership, or owned by people who have migrated or are on temporary work abroad). After a few days their illegal transfer across the green border is organized by organized criminal groups, composed of people from the local population and smugglers from the countries of origin of the migrants. They have the role of organizers or “leaders” of groups of migrants and are part of transnational organized criminal groups that are deployed and operate along the entire route of movement from the countries of origin (Kabul, Kandahar or other cities from Middle East) to the countries of destination (EU countries).

## **Transportation of smuggled migrants**

In most cases, **smugglers transfer the migrants across the border on foot**. After moving on foot, they are taken with vehicles, vans, trucks, etc. from smugglers and transported to the northern border. Migrants cannot move freely because they must follow the directions of smugglers. **Transportation is usually carried out by vehicles that are old or damaged**. The smugglers tend to transport as many migrants as possible without taking into account the

<sup>12</sup> For example: instead of walking to Gevgelija, migrants now have to walk to Demir Kapija or to the pay toll Smokvica and then to Negotino where they are picked up by a vehicle.

manner or the treatment of the migrants during the transportation. Thus, a group of more than 10 migrants are usually accepted in one vehicle, some of them fitted in the luggage compartment and then the carriers drive at very high speed regardless of the conditions in the road.

The **vehicles** that are used for transfer of migrants are extremely old and in poor condition. Very often rented vehicles from car agencies are used. This practice is used to conceal the connection of the members of the organized group (who are at the top of the hierarchy) with the ownership of the vehicles used for smuggling. Namely, in cases when only the driver is caught by the police, but not the other members of the group, the organized group will not suffer major damage, they will only need to find a new driver. Otherwise, if the vehicle is owned by a member of the group, they can be discovered, and the vehicle used for smuggling will be confiscated. Migrants are also transported in **trucks**, in groups of over 30 migrants, where they do not even have a place to sit or stand during transportation. The transportation is done at very high speed regardless the conditions on the road. *For example, the Mol found 23 to 55 people in a van, while 55 to 212 migrants were found in truck trailers.* There are situations when migrants, due to lack of money for engagement of smugglers, get on the lower part of the truck (outside), driving from Serbia to Switzerland, with breaks when the truck stops.

They also use the **train for transport**. Near the "Lukoil" gas station close to Gevgelija, they wait for the train hiding in the bushes. When the speed of the train slows down, they get on it. In trains, they are hidden in places where there is not enough air or under the trailers.

The transportation of the migrants through the country is done usually by the country's national. This is because if foreigners are put in this role, they could attract much more attention. Regarding the **profile of the drivers**, usually those people are drug addicts, don't have any income, they gamble, therefore quick earnings are a good opportunity and a way out from their situation. The organizers of the criminal groups of smuggling of migrants also use drivers with additional vehicles that are not used to transport migrants. These drivers are so-called "*road cleaners*" and they keep greater distance in front of the vehicles in which the migrants are being transported. Their role is to surveille the road on which migrants are smuggled, to detect police patrols and to inform the drivers transporting the migrants whether the road is "safe" or not. Should the driver of migrants be forced to stop and manage to escape and hide from the police, these "*road cleaners*" pick them up once the location is shared with them. An additional phenomenon is that vehicles with domestic car plates are seen parked in front of the **Reception Center for asylum seekers in Vizbegovo** which transports asylum seekers to unknown locations. The situation demands further investigation by the police.

The **price** that migrants pay to smugglers depends on the services they should receive (for example few people in a vehicle) and the distance from the country they travel. It doesn't depend on their country of origin. The major change during the smuggling is the **payment method** involving reservation of funds and payment at the destination. **Payment is rarely made in cash**, but they do not carry cash with them during their journey. Migrants agree a certain amount of money with the smuggler before starting the journey. The most used system is the **Havala system**, which is very difficult for detection. The agreed amount of money is "released" when the migrant calls from the country of the destination and reports that he/she has arrived, which means that the contract has been fulfilled. The money then is shared with all individuals who helped the illegal movement from the initial to the destination. If the migrant paid 3,500 euros to the smuggler at the beginning, with each entry to a new country a portion of the money is deducted. *For example, if entry to Turkey costs 300 euros, that amount of money will be taken from the migrant who entered Turkey.* To carry a smaller amount of money, migrants usually reserve money for food in a fixed amount that they give to the smuggler, who then contacts a person that meet the migrants and give them money for food, drink, etc. *For example, the smugglers inform the migrants that a person is waiting for them in a mosque who will give them 200 euros.* From this money reserved/deposited, the smugglers provide them with food and everything they need during their journey. Rarely, but there are also cases when migrants are asked to make a payment in advance with fast transfer of money (Western Union and Ria) or when smugglers demanded money in cash which are then distributed among the members of the group.

### Based on the data received from migrants, interviewees stated:

- **The payment in North Macedonia is the most expensive because of high/increased number of police patrols.** Between **1500 - 2000 EUR** is a transfer with a vehicle with 4 people. Between **700 - 900 EUR** if 15 - 18 people are smuggled in one vehicle. Between **500 - 700 EUR** is the price for smuggling with cargo vehicles (van, truck, etc.);
- The price between **100 - 300 EUR** is paid for transfer from the Gevgelija to Tabanovce border crossing and **2000 EUR** upon arrival at the destination through a bank transaction;
- A group of 30 and more persons from African countries, led by a person that was not with them, were asked between of **400 - 700 EUR** to enter our country on foot. It was agreed that part of the group would cross a certain part of the territory by rail transport, while another part of the group would cross the same part of the territory on foot. They were assured that after 7 days all of them would reach the northern border;
- The price can be up to **10,000 EUR** if the migrants come from Turkey to Serbia;
- Based on unofficial information, the price for accommodation in the villages of **Vaksinci and Lojane is 15 euros per day**, with the use of the Internet, for longer accommodation. For short accommodation the price is between **100 - 150 EUR per day**;
- In a case recorded, one migrant was smuggled and transported with exceptionally luxurious vehicle, thus the amount for the smuggling rather higher than usual;

**In general, the smuggling services are paid in money.** But there are reports that in the northern part of the country near the villages of Vaksinci and Lojane, some of the migrants who could not afford to pay were **forced to be leaders of other groups to pay off the debt**. There are cases when migrants are kept locked in a house, until they pay the required amount of money. They were threatened by smugglers armed with weapons and knives. Some of these smugglers were convicted, but this practice continues in this part of the country, mostly because of the support they have from the local population.

### Smuggling compensation

*According to information of the Mol and the PPO obtained during the investigative procedures, in Greece migrants who could not fully pay the amount for the illegal transport worked in factories, plantations or donated organs to pay a debt related to their transport.*

*Some migrants, due to lack of financial resources, are forced to cross the road more than 10 times and lead groups to Serbia to compensate the smuggler for their smuggling.*

*In one case, a person was forced to smuggle a certain group into Serbia and after that he was allowed to return to his family in North Macedonia.*

In case a migrant is not able to pay the agreed amount, or when the smuggler demands a higher amount of money from the one agreed, pressure is put on the migrant's family. It involves sending unpleasant photos or videos to the family or threats about violations are made in order to receive the agreed or higher amount of money. In these situations, migrants are restricted from freely moving and are kept locked in facilities where they are accommodated until the necessary financial resources are secured.

### Case of smuggled migrants in North Macedonia

*"In a phone seized from a migrant woman, the authorities found photos of small child with tears in his eyes and a plaster over his mouth. The child was smuggled together with his mother. The photos were sent to his father to extort a bigger amount of money from the one agreed. During the examination, the mother stated and insisted that those photos were taken as a joke, as well as allegedly that the child was not calm, so they wanted to scare him."*

In the past, minors were also used as smugglers, but it is no longer a practice. In such case, the line between human trafficking and migrant smuggling is very thin, because sometimes the minor needs to take 20 groups of persons to Serbia (2 months of work) to pay the debt to smuggler. It's very rare for migrants to stay in the country for a longer period, except for migrants who need medical assistance.

## Smugglers

Migrants get in contact with the smugglers in other countries, however the method of selection of smugglers is not known. **In most cases, the choice of the smuggler depends on the amount of money to be paid.** Smugglers often advertise their services on social networks Instagram, Facebook, Tik Tok, etc. Satisfied migrants who have reached their desired destination make videos that are sent to the smugglers who publish them on their social networks for advertisement. Migrants often choose a smuggler following a good advertisement and recommendation. This was the case with smugglers from Preševo that smuggled mainly Cuban citizens, later found and caught by the police in the country. They shared videos of leading migrants and advertised themselves.

Smugglers often come into contact with migrants in the semi-closed and closed camps. At the same time because the reception center for asylum seekers in Vizbegovo is an open type of camp, smugglers not only engage with migrants, but they can also be accommodated there. Employees of the Reception Center for asylum seekers in Vizbegovo suspect that some of the persons accommodated for a longer period are actively involved in the smuggling activities and serve as contact points of organized criminal groups. These people are the ones that greet the new residents in this center and provide them with further information about the trip. They inform the migrants when they should leave the center and arrange their movement to the northern border. Residents usually leave the center late at night or early in the morning. Employees of the Reception center for asylum seekers have reported to police that they suspect that residents of the reception center are involved in organizing, recruiting or assisting in smuggling activities, however there were no action taken upon these allegations.

**The smugglers originate from the countries of origin of migrants: Pakistan, Afghanistan, Syria and India.** *"For example, the smugglers who are responsible for crossing the green border, are usually from Pakistan, Afghanistan, Morocco, etc. while the smugglers who are responsible for transportation with vehicles are from North Macedonia, Kosovo, Serbia."*

**Smuggling is always organized in a group. Individual cases do not even qualify as smuggling.** The smuggling is organized and there is a hierarchy of each of the members. The main, the *organizer*, is the one who communicates with organizers from other countries through which the smuggling is carried out. Because these are sophisticated criminal groups, everyone in the group has a clear role and task. *For example: one smuggler is responsible for delivering 20 meals per day, another to place the migrants in Vacsinci and Lojane, while the third has the role of transporting them by car to a certain point.* The organized group has a *"chief smuggler"* and an assistant *"cleaner"* on the road. The main smuggler rarely participates in the smuggling itself; it's usually performed from the assistant *"cleaner"* on the route.

At the bottom of the hierarchy are **the drivers**. These are people in conflict with the law or people who have debts. Selected people are in the role of drivers because of their speed driving skills and good knowledge of roads. Some members have the role of so-called *"cleaners"*, that are, people who ensure safe transportation of the vehicles with migrants. They use sophisticated tools to communicate and constantly report about the presence of police patrols. They assess the location of police patrols or any other obstacle that might endanger the safe passage of the vehicle with migrants. Also, one of the roles of the cleaners is to attract the attention of the police officers, thus enabling the vehicle with migrants to safely reach the destination in Kumanovo-Lipkovo region.

### Resident of the village of Moin

*The groups of migrants entering the territory of North Macedonia are highly organized. After the passage of each group, two persons always return to Greece. All migrants carry the same backpacks. In case they are noticed by the border police, they throw away their backpacks and run away. Later two foreigners collect the backpacks and return to Greece. From checking several backpacks it's noticed that they were all the same, with the same supplies for one day: bread, croissant, water, energy bar, etc. They also have some kind of bar codes, supposedly used to identify the migrants and status of payment.*

## Involvement in migrant smuggling

The **local population** is mostly involved as local guides because of the knowledge of the terrain and the places where migrants can take shelter in case of a police patrol. Macedonian citizens are used from criminal groups accept, shelter, transport, and temporarily accommodate migrants. In the criminal proceedings against locals who provided accommodation to migrants, in their defence, they point out that the migrants used their property without their knowledge. They claimed to have no control over house or building and are powerless to chase them from their property. **Private transporters, hostels, hotels and catering facilities are not involved in smuggling.** Although migrants, especially those coming from the north, often use hostels, these facilities frequently report these crimes to police. *For example, if a large group of persons from one country, that were transported in one vehicle, left the hostel the very next day, its immediately reported to Mol.* Even the public transporters that drive and charge tickets to migrants, at the first occasion report to the authorities, fearing that they might be involved in illegal activity. **Although migrants are mainly transported by vehicles, the case with Cuban migrants is different. They are transported by taxi and buses because they can legally cross the Serbian border due to the visa-free regime between Cuba and Serbia.** When taxi drivers are suspected of being involved in smuggling of migrants, in their defence they state that their job is to transport people and were not aware they were driving migrants. They are not obliged to request identification documents to their clients when using their services. Lastly, even though it cannot be officially confirmed the involvement of police in smuggling, without their support these actions will be very difficult to conduct.

## Smuggled migrants

**Migrant children, women and families are rarely seen in the last period. There are mostly male migrants without families.** Migrants are exposed to **multiple risks during their journey** and in many cases, because of the fast speed of driving vehicles with smuggled migrants, there are traffic accidents that end with human casualties. *In 2021 alone, five migrants died while moving through Macedonia<sup>13</sup>.* There are cases of physical attacks on migrants. When migrants move on foot, they are noisy, therefore are physically attacked from smugglers fearing that the police will hear and discover them. On other hand, there are migrants who want to be found by the police because of exhaustion, pressure, suffering physical attacks for faster movement or because they are victims of torture.

*A migrant, due to exhaustion - could not walk, was beaten by smuggler to continue and to follow the other migrants to arrive on time at the agreed place for transportation.*

*A woman with visible physical injuries, found around Strumica stated that she injured herself because of falling, even though authorities suspect that she was a victim of violence.*

*A migrant from Uganda who was temporarily accommodated in the transit center Vinograd claimed that the marks of injuries on her body were a result of a fall in a mountain in Macedonia she was walking with other migrants.*

*Other migrant woman from Sierra Leone stated that in Greece she was victim of sexual exploitation from her employer she used to work illegally.*

*A minor from Syria traveling with his brother, claimed that his arm was broken by a local smuggler who was supposed to transport him. The child was sent to child surgery in Skopje.*

**Migrants are often physically abused and imprisoned in houses in Lojane and Vaksince.** They state that the smuggler may increase the price during the journey, and if unable to pay, migrants are forced to work for the smugglers. Sometimes the migrants are held captive until the family pays the ransom. Some asylum seekers stated that they were deceived by the criminals and reported the crime to the police.

13 <https://shorturl.at/bpH27>

*In one case, a pregnant woman aged 35 stated that after arriving in Greece together with a group, she sought accommodation in the African Park in Thessaloniki. But because she could not pay for accommodation, she was forced to provide sexual services.*

*Two children detained as witnesses in criminal proceedings against the smuggler reported and testified that an adult, the group's guide, tried to sexually abuse them, but were protected from other migrants of the group.*

A larger group of illegal migrants from the Middle East were found during police actions in Lojane and Vaccince. Criminal charges were filed against the perpetrators operating in the southern and northern borders and infiltrated in migrants' group that was transiting. In some cases, the migrants pointed them as their group leaders, in charge of further acceptance and transfer through the country.

The number of **potential victims of human trafficking is very small**, even though the number of migrants in migratory movements is on average 20,000-40,000 per year. Migrants state that the labor exploitation, sexual exploitation, and even organ transplantation most often is carried out in Turkey and Greece. Mobile teams working with vulnerable categories of persons including victims of human trafficking in Gevgelija and Kumanovo have not identify victim of trafficking among the migration population. Unofficial information from the team points that women and girls from African countries who traveling alone are exposed to sexual violence. *As an illustration, only in October and November 2022 in Skopje, 13 migrant children (12 boys and 1 girl) were identified as potential victims of trafficking.* The Witnesses in criminal proceedings against smugglers are accommodated in Vinojug or in the reception center in Gazi Baba. Their freedom of movement is restricted. This practice constitutes a violation of the legal framework and international standards.

*In 2022, a case of human trafficking involving organ removal was identified. A 19-year-old migrant from Pakistan, without documentation, reported that he had undergone surgery and had his kidney removed in Thessaloniki, Greece without his knowledge.*

**Unaccompanied children and women** traveling alone report that their entire trip is paid by their family. However, as a vulnerable category, they are at high risk of becoming victims of trafficking and other types of violence. The identification process of migrants poses a serious challenge for institutions because migrants hide their age and family ties. Unaccompanied children are immediately assigned a **guardian** from the Center for social work and placed in a foster family. The social worker conducts the initial interview to determine social risk, provides psychosocial support, refers them to a medical team if there are health issues. The doctors on duty perform health examinations and, if needed, migrants are referred for additional medical checks to the local hospital in Gevgelija or Kumanovo. In practice, there is a challenge when the guardian is not allowed to protect the best interest of a child because of instructions received from the public prosecution office, when children are held as witnesses in criminal proceedings against smugglers. Detained persons with injuries are immediately referred to medical institution and then accommodated following permission received from the MoI. In cases of **injured migrants**, they are immediately provided health care services at the hospital in Gevgelija. Migrants accommodated in the Transit Center in Vinojug, are also provided with free legal assistance from lawyers from the Macedonian Young lawyers Association. They are informed about the right to apply for asylum and to be accommodated in the Reception Center for asylum seekers. If necessary, they are provided with food and clothing in the transit centers. There are also situations when migrants are pushed back/ forward to the neighboring countries from police officers outside legal proceeding and rules for readmission.

## Cooperation with relevant institutions

Even if migrants share experiences when their rights were violated by smugglers, they do not initiate criminal proceedings against them. The reasons are not related to the lack of trust in the institutions, but if criminal proceedings are initiated, the migrants will be stranded longer in the country, and they do not want that. It is important to point out that smuggled migrants are not cooperative, and don't share information with the institutions (police and public prosecutors when providing a statement) about abuses or other events during the smuggling. As a result, in practice, the prosecution rarely initiates proceedings for these crimes. In processing these cases, there is also the problem of legitimate identification of smuggled migrants because of lack of ID documentation.

If a migrant is accused of smuggling, the identification is done through fingerprinting and taking biological material. But this method of identification is also questionable given that those data should be submitted to the migrant's country of origin for matching. The problem is that North Macedonia doesn't have bilateral relations with the countries of origin of most of the migrants, so that data cannot be acquired and confirmed. In such cases, **recognition is carried out** to determine the fact if a smuggler is pointed or not from smuggled migrant. In court procedure, their personal data is used according to their statement. The drivers are the ones against whom criminal proceedings are often initiated and very rarely against the people who accept and provide temporary accommodation (the locals from the Kumanovo-Lipkovo region). With regard to the organizers, there are almost no cases launched.

**When there are traffic accidents**, the prosecutor takes statements from the migrants to be able to claim damages from the smuggler that was driving and caused the accident, but migrants have no interest in this type of legal proceedings.

Another problem for these cases is the detention of migrants. Smuggled migrants are detained because their testimony is required and constitutes one of the key pieces of evidence in these cases. Because there is no legal basis for detention, the authorities issue decision to temporary restriction of movement to establish the identity of the foreigner and place the migrant to the reception center for foreigners. This limitation is *de facto* detention because for some time their movement is limited only to the reception center where they are placed. Lately, there has been an attempt to question them as soon as possible within 1-2 days after the smuggling event. In the past, the detention lasted longer because defense attorneys insisted that smuggled migrants are brought to the court for hearing and examination. **To overcome this problem, Article 388 paragraph 5 of the Law on Criminal Procedure is applied**, according to which an exception is made with the reading of statements of migrants given before the public prosecutor. In this way when a migrant is examined before the public prosecutor, the defense attorney of the smuggler is notified to examine the witness. This gives the opportunity to the defense attorney to ask questions and prepare the defense strategy before the court.

The special department for organized crime and corruption at the Basic Criminal Court in Skopje deals with the **court proceedings** of smuggling of migrants. These proceedings are resolved quickly with about 90% of the cases are plea bargained with admission of guilt. Hence, the court does not engage in evidence presenting stage. The remaining 10% of court cases are also resolved in a short period of time, considering the material evidence presented at the trial.

In terms of the presentation of the evidence, most commonly used are *statements from witnesses of police officers and smuggled migrants given before public prosecutor in a preliminary procedure or during the hearing before the court, certificates for temporarily confiscated items, bills from pay tolls, video recordings from pay tolls, photo documentation, analysis of made phone calls, minutes from recognition, record of medical examination, vehicle or luggage, record of traces and objects found at the scene, minutes of inspection of crime/event scene, etc.* The application of **special investigative measures** in these cases is rarely used. With regard to **sanctions policies**, they are extremely soft with tendency to the minimum prescribed prison sentence, or towards the limits of mitigation. Even in the cases involving minors, where the law prescribes a minimum of 8 years imprisonment, smugglers are sentenced to 4, 5, or a maximum of 6 years prison because the court considers the conditions of the crime and number of people smuggled.

**International and civil society organizations** involved in the fight against illegal migration, within their projects, provide direct and indirect assistance to migrants. The support is usually provided in transit centers Vinjug and Tabanovce. Open Porta/La Strada has conducted trainings with the local population for sensitization and acceptance of people coming from other countries. MYLA provides free legal assistance to migrants and refugees, and several educational sessions have been conducted on the risks of migrant smuggling.

## The practice of prevention of smuggling and protection of smuggled migrants

In terms of preventing the smuggling of migrants, our country is taking some measures to strengthen institutional capacities. Workshops were held in the transit centers Vinjug and Tabanovce in which migrants participated where they were informed about the risks of smuggling. In addition, flyers with integrated QR code were prepared for migrants to access information about the risks they might face. Its proposed TV screens to be installed in the transit centers that will contain various information for migrants including pictures of deceased migrants that lost their lives in reaching their destination, with hope that some migrants might be deterred from engaging smugglers. Through bilateral agreements, the MoI is able to extend the police patrols that will prevent smuggling. It is also evident that despite the trainings for police officers carried in the country, they are delivered too late. Consequently, during the migration crisis, many potential victims of human trafficking were not identified because of a lack of training for police on the trafficking of human being indicators that every border police officer should be aware of.

### **Mol preventive measures against smuggling of migrants and THB**

1. Identifying the reasons for human/child trafficking and illegal migration
2. Strengthening the capacities for the implementation of preventive activities (human, financial, and technical capacities of the responsible institutions);
3. Strengthening the capacities of the media and media workers on trends and forms of human trafficking and illegal migration to avoid secondary victimization of the victims of human trafficking when informing of this case;
4. Raising public awareness of human trafficking and illegal migration and the risks (informing the youths on risks and reporting the crime of human trafficking);
5. Increasing awareness about risks and prevention among the identified vulnerable categories, including migrants and asylum seekers as potential victims of human trafficking;
6. Improving the existing and new mechanisms to reduce the causes of vulnerability as a risk factor for human trafficking and illegal migration;
7. Increasing the awareness of potential users of services that encourage the exploitation of a victim of human trafficking about the consequences for the victims and the criminality of this action.

## 5. Proposal for collaboration between CSOs and authorities – standard operation practices (SOP) in the country

The proposal of collaboration between the CSO and competent authorities aims to prevent and combat the smuggling of migrants and protect the rights of the migrants. The formal cooperation will expedite the identification of the needs of the migrants, assess the capacities of service providers, improve the access to rights and services of migrants, strengthen the protection system, effectively distinguish the victims of smuggling and trafficking from the smugglers and traffickers, provide reliable information and data to prosecute the smugglers and support the policies and strategies governing the migration management system.

With Memorandums of Cooperation (MoC) between the MoI and CSOs, the parties will set the base for communication, information exchange, and active participation of CSOs in prevention activities and protection of the rights of the migrants with a clear division of roles and responsibilities, using the existing capacities and available services.

The collaboration may include the following questions:

- Accommodation facilities for migrants;
- Information exchange and intervals;
- Coordination of activities;
- Presence of CSOs in the field ( police stations, borders);
- Provision of services to migrants;
- Joint activities with institutions;
- Awareness campaigns against smuggling of migrants and protection of the rights of migrants;
- Information collection and sharing between parties;
- Preparation of joint reports, reflecting the participatory approach;
- Addressing recommendations and conclusions about identified challenges and possible non-compliances;
- Timeframe and point of contact.

### **Accommodation facilities of migrants ( reception center for foreigners and transit centers)**

CSOs will be allowed 2 times per week to be present in the transit centers in the country and once a week at the reception center for foreigners. The exact date of the presence will be set with the plan of activities.

The institution will inform the facility about the presence of CSO and issue the necessary permits to CSOs staff.

CSOs will be bound from house rules/regulation of the facility. CSOs are allowed to chat/speak with migrants present at the facility without any obstacles and in complete discretion from the officers present at the site.

CSOs will be given a spot/place/office where they will be able to chat with migrants and provide services

### **Information exchange and intervals**

Information exchange between the parties will be conducted monthly, with possibility in more frequent intervals, depending from the needs and the nature of the information.

Information exchange will include: reports, minutes, statistical data and other information based on the needs of the migrants, abuses and violations of the migrants rights, presence of vulnerable groups, minors, status of the migrants, and other relevant information

Authorities, when intercepting migrants, will inform the CSOs about the numbers and needs of the migrants. If needed, CSOs will be enabled to establish contacts and provide their initial services to migrants: counseling, medical, food, etc.

## **Coordination of activities**

The parties will have regular briefings, every two months, to assess the collaboration, data sharing, activities performed from both parties, challenges in working together and ways to improve the overall approach.

The parties will prepare annual activity plan for joint activities that include capacity building, awareness raising, preparation and dissemination of info materials, possible in multiple languages, at transit centers, reception center for foreigners, border area facilities, etc. The relevance of the information and needs for capacity building will be jointly agreed, considering the deficiency and needs of the parties.

CSOs will be allowed to communicate and speak to migrants only upon previous approval from the institution. In such case, the MoI will duly pass the information to the relevant site where the migrants are held or accommodated. CSOs will provide counseling and information to migrants about rights and status in the country. Should a migrant from the group seek international protection the CSO will inform the police authorities about their intention to seek protection, which protection claim will be processed immediately.

## **Presence of CSOs in the field (police stations/borders)**

CSOs will be informed and allowed to contact with migrants that are caught and provide their services to migrants in cases when bigger group have been caught, involving more than 15 migrants or in cases of presence of vulnerable groups among migrants regardless their number.

CSOs will be allowed reasonable time to reach the venue where migrants are being held, considering the distance and time needed to reach the destinations.

If unable to travel to the destination, CSOs will inform the authorities immediately.

## **Provision of services to migrants**

Depending on their mandate and possibilities, CSOs can and will provide general information, legal counseling, healthcare, translation, psychosocial support, food, or other goods and services as agreed with the MoC.

The services, by definition, are provided immediately at the site where migrants are held or accommodated ( transit and reception centers of foreigners).

The needs and requirements of the vulnerable groups will be communicated with the authorities and such needs will be met in the shortest period.

Migrants seeking international protection will be referred to the officials at the site and allowed access to the procedure. Their claims will be duly processed in the shortest period of time.

## **Joint activities with institutions**

If needed and necessary, CSOs will be invited to participate in joint activities at places where migrants are being held or accommodated.

Joint activities may include information sharing to migrants, translation services, capacity building of staff, preparation of info notes, flyers, brochures, joint reports, media campaigns, promotion activities, equipping facilities with necessary material that are relevant for migrants, etc

The scope of activities, planning and financial obligations will be planned and implemented according to the needs and availability of funds (for actions where funds are needed).

At least capacity building activities and replication of information materials will be implemented regularly.

Judging from the collaboration and needs, the parties may propose implementation of additional joint activities that will enhance and strengthen the capacities in this field.

## **Awareness raising campaigns against smuggling of migrants and protection of the rights of migrants**

Analyzing the data, challenges and experience from practice, the parties will prepare and launch awareness raising campaign using traditional and/or social media. The campaign may include publication of infographics, statistical data, animated videos, reels, stories, publications of quotes, etc.

## **Collection and sharing of information**

Biannually, the parties will exchange collected information from their work and activities in the field. The information includes statistical data, questions/issues identified, challenges and how they were resolved, profile of migrants, identified needs, collaboration issues, etc. Through the sharing process, the parties will be able to comment on the data, provide their opinion, and give updates and feedback on identified violations, etc. In this way the parties will ensure transparency, have insights on identified issues, and propose solutions and revision of approaches, access, and collaboration between parties.

## **Joint report and addressing conclusions and recommendations**

The parties will prepare and publish a joint report based on the activities implemented as part of this collaboration. Before publishing, the report will be approved by both parties. Should the parties agree, the report may include sections where different opinions are presented about particular issues, problems, or challenges.

The report will reflect a joint and participatory approach in addressing the needs and issues of smuggled migrants and the migration management system as a whole.

The conclusions and recommendations in the report will serve as a ground for improvement and making changes in regulations, policies, and practices for which both parties will actively advocate.

Identified challenges and non-compliances on any of the parties will be jointly addressed and resolved through the planning of activities process.

## **Timeframe and point of contact**

The Memorandum of Cooperation (MoC) will be concluded for an indefinite period of time. The scope of the cooperation defined in the MoC will be extended upon mutual agreement, upon notification, without the need to amend or sign a new MoC. The MoC can be terminated within 30 days if one party informs the other party about the termination of the cooperation.

Each party will appoint a contact point and provide the contact details to the other party. Possible changes will be communicated at the shortest notice via email.

# Annex I

## QUESTIONNAIRE

### General information:

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**Organisation**

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**Country**

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**Town**

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**Address**

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**Name and surname**

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**Function / position**

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**Contact e-mail address**

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**Contact phone**

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I agree to be directly contacted regarding the results of the questionnaire:

☐ YES ☐ NO

### SECTION I

#### 1. What group of civil society organisations do you represent in terms of the scope of your work?

- ☐ Protection of human rights
  - ☐ Protection of rights of women, children and youth
  - ☐ Security sector reform and cooperation
  - ☐ Support for asylum seekers
  - ☐ Protection of migrants
  - ☐ Combating trafficking in human beings and other forms of exploitation
  - ☐ Other (specify):
- 

#### Please provide more details about the scope of your work:

- ☐ Direct work with beneficiaries (legal aid, psychological support, humanitarian aid, etc.)
  - ☐ Advocacy activities (public advocacy)
  - ☐ Education (educational and other workshops, etc.)
  - ☐ Other (specify):
- 

Please list the most important activities and projects your organisation has implemented in the previous two years:

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## 2. How many people do you employ in total?

- ☐ 1 - 5
- ☐ 6 - 10
- ☐ 11 - 20
- ☐ 21 - 30
- ☐ Over 30

Please provide more detailed information on the categories of employees (administrative workers, social workers, translators, graduate lawyers, etc.). Additionally, please specify are they working mostly with the beneficiaries or they are engaged in advocacy activities, research, capacity building activities:

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## 3. Territorial coverage of the scope of your work includes:

- ☐ Territory of local self-government
- ☐ National level
- ☐ Regional level
- ☐ International level

Please provide more detailed information about the level at which your organisation provides services as part of its work:

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## 4. Do you work closely with civil society organisations with the same goals?

- ☐ Yes (*specify the organisations you cooperate with, whether the cooperation takes place at the national/regional/international level, describe the field of joint action or activities that you carry out in partnership, etc.*)

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- ☐ No

## SECTION II

### 5. Please list the most important valid public policy documents or acts adopted by your country within the legislative process in the field of the migration management system:

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### 6. Please list certain categories of migrants who, in your opinion, are always at increased risk of abuse and violence, exploitation and neglect:

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**7. According to your work experience, select the ways migrants usually cross the state border outside the appropriate border crossings and/or without the appropriate travel or other document prescribed for crossing the state border:**

- ☐ Across the “green border” or by boats with the help of local guides hired for that purpose
  - ☐ In groups, using information and communication technologies/satellite navigation systems
  - ☐ Hidden in vehicle boots
  - ☐ Using forged travel documents
  - ☐ Other (specify):
- 

**Please select whether the ways of crossing the state border set out in question 7 contain elements of a punishable offense in line with the applicable national legislation?**

- ☐ Misdemeanour offense
- ☐ Criminal offense
- ☐ Both misdemeanour and criminal offense
- ☐ It is not a punishable offense if such a state crossing is carried out in transit in an effort to allow a migrant to enter the territory of the European Union and achieve international protection there
- ☐ None of the offered

Please explain:

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**8. Please select the mandatory elements of migrant smuggling:**

- ☐ Use of force or threat of use of force against a migrant
- ☐ Ensuring illegal entry of a migrant into another country
- ☐ Existence of migrant consent
- ☐ Abuse of power or abuse of vulnerability
- ☐ Existence of an intention to obtain financial or material benefits
- ☐ Existence of an intention to exploit a migrant

Specify related criminal offenses:

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### **SECTION III**

**9. Does your organisation work closely with state bodies?**

- ☐ Yes
- ☐ No (go to section IV)

**10. In which field is the cooperation with state bodies taking place?**

- ☐ Creation and development of public policy and participation in the legislative process (writing draft documents, commenting on proposals, etc.)
  - ☐ Capacity building of state bodies (training, education, etc.)
  - ☐ Field work (through direct contact with beneficiaries, additional protection to victims, etc.)
  - ☐ Other (specify):
-

**How often do you cooperate with state bodies?**

- ☐ Daily
- ☐ Periodically
- ☐ Occasionally/sporadically

Please provide more detailed information about the cooperation that your organisation has with state bodies:

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**11. Have you had experience of cooperating with state bodies in the field of combating human smuggling and related criminal offenses?**

- ☐ Yes (*describe the way of cooperation*)

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- ☐ No

**12. How do you assess your cooperation with state bodies?**

- ☐ Completely satisfactory
- ☐ Very satisfactory
- ☐ Satisfactory
- ☐ Less than satisfactory
- ☐ Unsatisfactory

Additional comments regarding the answers:

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**SECTION IV**

**13. Have you had the opportunity to attend training/education in the following topics in the past two years: 1) human rights principles and norms, 2) treatment of asylum seekers and their protection, 3) treatment of migrants and foreigners and their protection?**

- ☐ I have not attended any training/education courses on this topic (go to question 14)
- ☐ Between 1 and 5 training/education courses
- ☐ Between 6 and 10 training/education courses
- ☐ More than 11 training/education courses

Please specify the main thematic areas:

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Training on standards:	Answer	Number	Most important topics:
UN	<input type="checkbox"/> YES <input type="checkbox"/> NO		
Council of Europe	<input type="checkbox"/> YES <input type="checkbox"/> NO		
European Union	<input type="checkbox"/> YES <input type="checkbox"/> NO		

**14. Have you had the opportunity to attend training/education related to the phenomenon of human smuggling/human trafficking and related criminal offenses in the previous two years?**

- ☐ I have not attended any training/education courses on this topic (go to section V)
- ☐ Between 1 and 5 training/education courses
- ☐ Between 6 and 10 training/education courses
- ☐ More than 11 training/education courses

Please specify the main thematic areas:

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Did the mentioned training cover the domestic legislative and institutional framework in the field of combating human smuggling/human trafficking and related criminal offenses?

- ☐ Yes
- ☐ No

Did the mentioned training include participants from the competent state bodies/institutions in the fight against human smuggling/human trafficking and related criminal offenses?

- ☐ Yes
- ☐ No

Additional comments regarding the answers:

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**Section V – Additional comments**

**Provide additional comments or explanations, if any, regarding your answers (maximum 5,000):**

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# Annex II

## **(1) Short presentation/information of monitoring visits, conducted interviews, and other sources of information that are used.**

## **(2) Modus operandi of migrant smuggling in your country**

- Describe geographical features of the smuggling routes (describe the routes of irregular movements through your country, providing the extent to which the smuggling services are used on each of the routes)
- How are smuggling operations conducted (describe the activities of entering the country, transit through it, stay in it and border crossing at the exit of the country)
- Are there any specific routes/manners in which migrants are smuggled from some countries
- In the previous period of time, have smugglers changed the manner in which they have facilitated migrants to cross a state border unlawfully/ to stay in the country illegally/ to transit through the country, and in what sense?
- When describing the smuggling operations, please provide the description of the conditions in which the smuggled migrants were (e.g. if the smuggling operation refers to facilitating an unlawful state border crossing, and migrants were transferred in a vehicle, describe whether they were hidden, what were the vehicle capacities and how many migrants were in the vehicle; and if smugglers facilitated their unlawful stay in the country, describe whether they could move freely within the accommodation facility and whether they could leave it; was their travel document confiscated by smugglers at any moment during the smuggling operations in the territory of your country, etc.?) Have they been exposed to any risks and to which?
- How much do migrants pay to smugglers and what are the payment methods? What does the payment amount depend on? Are there any specific requirements depending on migrants' country of origin?
- Have there been any cases recorded in which smugglers got other types of compensation rather than money from the smuggled migrants, for the service of facilitating unlawful border crossing/stay in/ transit through your country? (E.g. work engagement of migrants, provision of other services by smuggled migrants, etc.)
- To which extent was the facilitation of illegal stay in, transit through, or exit from the country already arranged back in the country of destination, and to which extent during the migrant's stay in your country (or in another WB country)?
- In cases where the migrant's transit through your country was arranged prior to his/her arrival to the country, please provide the reasons for migrant's stay in your country (e.g.)

## **(3) Smugglers**

- How do migrants find smugglers? How do they get in touch with them? (by phone/social networks, which ones?). To which extent do migrants get in touch with smugglers while staying in accommodation camps? Have you got any information on the manners in which smugglers advertise their services?
- In case where several smugglers are involved, what are some of the key reasons for which a migrant opts for a specific person (recommendation by family/friends, amount of money or other reasons)?
- List the smugglers' countries of citizenship?
- Are there any migrants among smugglers and to what extent? What roles do migrants have in smugglers' groups (provide a detailed description) and do they get paid for assisting the smugglers? If they do not get paid, do they get any other type of benefits and what kind?
- How would you assess the level of smugglers' organization in your country? Are there cases of smugglers acting individually or the smuggling operations are organized only by a group of smugglers?
- According to available, direct findings, describe the roles of individual members of the criminal group of smugglers in each phase of smuggling in your country: prior to the entrance, during the stay, transit and border crossing when exiting the country.
- How would you describe the role of local citizens as members of the criminal group of smugglers? Are they usually the organizers or local coordinators/transporters/guides when crossing the border, etc.?

- According to your knowledge, to which extent are taxi drivers, registered transport operators, as well as hostel, inn and private flat/house owners connected to local smuggling coordinators or organizers in your country?
- Are there members of authorities among the smugglers and to what extent? (members of the police/members of the customs authorities/members of the authorities in charge of accommodation and reception/members of social work centers, etc.)

#### **(4) Smuggled migrants**

- What happens when a migrant is not able to pay to a smuggler the amount/ instalment agreed? (how does he/she pay off the debt?)
- To which extent do the smuggled migrants get subjected to physical attacks by smugglers? (what are the most usual reasons for the attack and the circumstances in which the attacks occur?)
- Do the smugglers confiscate movable property from smuggled migrants in the smuggling process and to what extent? (provide examples you have heard of)
- Do the smugglers confiscate movable property from smuggled migrants by using force or threats to life or body and to what extent? (provide examples you have heard of)
- In view of the elements of the crime of trafficking in human beings, in accordance with the national legislation, have there been any cases where smugglers facilitated illegal crossing of a state border/transit/stay of a migrant/ migrants for the purpose of their exploitation? (if you have any knowledge of these, please describe the cases and the measures taken both by migrants/CSOs that were in touch with him/her and by competent authorities)
- Are you familiar with any cases where smugglers kept or took smuggled migrants against their will for the purpose of extortion of money from them or other persons?
- According to your field data, to what extent do unaccompanied minors/ families/ migrant women use smugglers' services to enter/stay in/exit your country? According to them, how were they treated by smugglers during the smuggling process?
- According to available data, when the police intercept/capture smugglers in the vicinity of border or within the territory, what follow-up measures are taken with regard to the smuggled migrants who have been identified? Describe the procedure of treatment of identified unaccompanied minor migrants, as well as of persons with visible physical injuries among the smuggled migrants (the role of the competent social work centre, primary healthcare institutions)

#### **(5) Collaboration with competent authorities**

- To what extent do the smuggled migrants who were attacked or robbed during the smuggling or whose other rights were violated, commence legal proceedings against the smugglers/perpetrators, and to what extent do they require police protection? Have you, as an organization, addressed competent authorities/commenced legal proceedings against the perpetrators in cases for which you had some indications or other findings? Have you got any field data on whether any other organizations or individuals addressed the competent authorities?
- Besides the statement smuggled migrants give to the police/prosecutor's office immediately after interception of a smuggling operation, have you got any knowledge of whether the smuggled migrants are summoned to testify before a judge at a later stage of the proceedings initiated against the smugglers?
- Please explain the role of CSOs as the link in the collection of information and preparation of smuggled migrants for giving statements and giving evidence in criminal investigations against smugglers.
- Please explain the role of CSOs with regard to carrying out preventive activities of provision of information on the risks posed by smuggling.

#### **(6) The practice of prevention of smuggling and protection of smuggled migrants**

List and describe in more detail the activities that are carried out at the national and local level in your country, and which aim to achieve the following:

- prevention of smuggling of migrants ;
- protection of smuggled migrants from different forms of abuse and risks that smuggling poses.



