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POLICY BRIEF

GENDER ASPECTS OF MIGRATION

Vulnerabilities and needs of women migrants in North Macedonia and steps for developing gender-sensitive, evidence-based solutions and policies

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Gender Aspects of Migration - Identified vulnerabilities and needs of women migrants in North Macedonia and steps taken towards developing gender-sensitive evidence-based solutions and policies

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Executive Summary

This paper offers an analysis about the state of protection of the rights of migrants in North Macedonia, with a focus on women. It is based on theoretical research and data collected from reports and analyses of local non-governmental and international organizations, as well as newspaper articles, studies and relevant national laws and policies. The issues affecting women migrants in the country identified in the period from 2015 to date include restrictive policies, inadequate accommodation facilities, and a general lack of comprehensive data on women migrants, which are key to the development of gender-sensitive solutions and policies.

In order to guarantee adequate protection of the rights of migrant women, the authorities of North Macedonia need to: a) provide a coordinated national response, b) end the illegal detention of women, c) improve the conditions in accommodation facilities, and d) develop gender-sensitive migration policies and services based on detailed data.

Introduction

In 2017, the number of displaced persons worldwide reached a record high of 68.5 million². According to the available data, women made up 21 million of this population. As a result of its geopolitical location in the Western Balkans, over the past few years North Macedonia has become an important part of the main migrant route to the countries of the European Union and 1 million people passed through the country³ in 2015. In 2015 and the beginning of 2016, women made half of the migrant population arriving in North Macedonia⁴.

In August 2015, the Border Police adopted its first restrictive policy which did not provide for giving priority treatment of vulnerable groups upon registration and led to flaws in the response and protection of women migrants⁵. Towards the end of 2015, the Border Police also adopted policies providing for a selective approach towards those granted entry into the country and began collectively pushing back those who did not fulfil the criteria. This led to large numbers of women and their children stranded in the border zone between Greece and North Macedonia⁶.

As a result of these and other restrictive policies along the Western Balkan route, migrants were no longer able to move through the country as quickly as they did earlier in the year, and were therefore remaining longer at the reception/transit centres in North Macedonia (Tabanovce and Vinograd). Even though the authorities succeeded in increasing the capacity of the centres, the conditions were highly substandard and inadequate, especially for women. Pregnant women and mothers were especially denied adequate accommodation,

² "Global Trends - Forced Displacement in 2017", UNHCR, June 2018. Available at: <http://www.unhcr.org/5b27be547.pdf>

³ "Over one million sea arrivals reach Europe in 2015", Jonathan Clayton/Hereward Holland/ ed. Tim Gaynor, 30 December 2015. Available at: <http://www.unhcr.org/news/latest/2015/12/5683d0b56/million-sea-arrivals-reach-europe-2015.html>

⁴ "Borders Closed", Program report on the effects of the border closures on people on the move, focused on women and children in Serbia and Macedonia", September 2016. Available at: http://myla.org.mk/wp-content/uploads/2016/09/Closed_Borders_ENG_low.pdf

⁵ "Response to the Crisis" MYLA 2015 Field Report, March 2016. Available at: <http://myla.org.mk/wp-content/uploads/2016/09/MYLA-Field-Report-2015-1.pdf>

⁶ MYLA 2016 Field Report, March 2017. Available at: <http://myla.org.mk/wp-content/uploads/2016/09/MYLA-Field-Report-2016-.pdf>

including hygienic conditions and healthcare, as well as psychological counselling⁷. Additionally, there were reported cases of beatings and violence towards these women, as well as kidnappings by migrant smugglers with a purpose of extorting money from their families in their home countries⁸. Girls and women, as well as separated and unaccompanied children, were exposed to various forms of violence and coercion, especially from members of their families, groups they were travelling with, or smugglers whose services they were using⁹.

Another worrying practice during this period was the illegal detention of migrants at the Reception Centre for Foreigners in Skopje. In 2016 women represented 10.2% of the migrants detained in North Macedonia¹⁰. Not only did the authorities detain women and children¹¹, but the facilities they were accommodated in had undignified conditions and were not gender-sensitive at all. As a result of the large number of migrants, sometimes men, women and children were all accommodated together¹². Other worrying problems include the legal basis for detention, the lack of documents explaining the reasons for or duration of the detention, and access to legal assistance, which contributed to the increased vulnerability of the detained women.

In March 2016, North Macedonia closed its borders as a result of the European Union policies¹³.

Current Context and Challenges in North Macedonia

Since the border closure, border controls have increased and there have been mixed patrols by the Border Police of North Macedonia together with the border services from the European Border and Coast Guard Agency (Frontex), whose intent was to prevent new migrant arrivals¹⁴. The only solution out of this unsafe and dire situation for the migrants travelling along the Western Balkan route was to continue moving forward by using alternate routes and methods¹⁵.

⁷ "Refugees Make the Best of Camp Life in Macedonia" by Meri Jordanova, July 2016. Available at:

<http://www.balkaninsight.com/en/article/refugees-make-best-of-camp-life-in-macedonia-07-20-2016>

⁸ "Reality of women on the move: Protection risks, concerns and challenges in response to the needs of women in transit" by Aleksandra Davidovska, December 2016. Available at: <http://legis.mk/news/2150/reality-of-women-on-the-move-protection-risks-concerns-and-challenges-in-response-to-the-needs-of-women-in-transit>

⁹ "Social protection of refugees in Macedonia illustrated through their personal stories from the Western Balkan route 2015/2016", October 2017. Available at: <https://www.lastrada.org.mk/mainarchive/Priracnik%20ANG%20za%20web.pdf>

¹⁰ MYLA, Immigration Detention 2016, January 2017. Available at: <http://myla.org.mk/wp-content/uploads/2016/09/MYLA-Report-on-Immigration-Detention-in-Macedonia-FINAL.pdf>

¹¹ Ombudsman of the Republic of Macedonia, Special Report on the Conditions at the Reception Centre for Foreigners "Gazi Baba", December 2017. Available at: <http://ombudsman.mk/upload/NPM-dokumenti/2017/Posebne%20izvestaj-Gazi%20Baba-26.12.2017.pdf>

¹² Immigration Detention in Macedonia, from the Global Detention Project, updated June 2017.

Available at: <https://www.globaldetentionproject.org/countries/europe/macedonia>

¹³ "Balkan countries shut borders as attention turns to new refugee routes", Patrick Kingsley, March 2016.

Available at: <https://www.theguardian.com/world/2016/mar/09/balkans-refugee-route-closed-say-european-leaders>

¹⁴ "EU's Frontex agency to help guard Greece-Macedonia border", December 2015.

Available at: <https://www.reuters.com/article/us-europe-migrants-greece-frontex/eus-frontex-agency-to-help-guard-greece-macedonia-border-idUSKBN0TM2B120151203>

¹⁵ "Refugees & migrants face heightened risks trying to reach Europe", UNHCR, 27 February 2017.

Available at: <http://www.unhcr.org/news/press/2017/2/58b458654/refugees-migrants-faceheightened-risks-trying-reach-europe-unhcr-report.html>

This practice led to an increase in organized smuggling operations. From January to June 2018, 306 migrants were identified as victims of smuggling¹⁶. This is very worrying considering that it also increases the vulnerability of women migrants, and the risk of them becoming victims of human trafficking and other forms of exploitation by 15%¹⁷. On the other hand, there are no official statistics about victims of human trafficking among migrants in North Macedonia, and the reasons for that are many. In such rapidly moving and large migration flows, it is difficult to identify victims of human trafficking. Still, the main reason for the inability to identify such victims is the lack of appropriate training on identification and referral of victims of trafficking for officers and others who are in direct contact with these vulnerable groups.

In 2018, the authorities of North Macedonia reported that they registered a total of 1,098 migrants and asylum seekers, which is nine times higher than the number for the same period in 2017 (122), of which 18% were women¹⁸. This shows that the efforts to prevent the entry of migrants into the country were insufficient, and apart from preventing the migrants from passing through the country in a controlled manner, the authorities achieved nothing else. Women who are constantly on the move are under great risk of various forms of exploitation, and many factors limit their ability to seek protection during their trip, such as travelling alone, the urgency to reach their final destination, and language and cultural barriers.

State institutions and NGOs that work directly with this population need to be efficiently organized and properly trained so that they may offer adequate protection to these especially vulnerable migrants. Unfortunately, in the past few years, the state authorities did not succeed in providing adequate and well-organized protection to the migrants who arrived, especially to women.

Recommendations and Ways Forward

Despite efforts made to respond to the increased migration flows over the past few years, the authorities were not able to offer a coordinated response aiming at human rights protection, nor were they able to guarantee appropriate protection of women migrants. The authorities did succeed, however, in implementing all measures intended to suppress migratory movements in the country, and thus in the region¹⁹.

However, even though the numbers are small, migrants are still arriving in the country and additional efforts are needed in order to guarantee the best protection for women migrants. The authorities of North Macedonia need to set the following goals so that in future they can provide safe policies that will focus on human rights and will be gender-sensitive.

¹⁶ MYLA, Quarterly Field Report on the Condition of Human Rights of Migrants and Refugees in the Field April-June 2018, August 2018. Available at: <http://myla.org.mk/wp-content/uploads/2018/09/Quarterly-Field-Report-on-the-Status-of-Migrant-and-Refugee-Human-Rights-April-June-2018.pdf>

¹⁷ Flow Monitoring Surveys: The Human Trafficking and Other Exploitative Practices Indication Survey. Male and Female Respondents Interviewed along the Central and the Eastern Mediterranean Routes in 2017, International Organization for Migration (IOM), January 2018. Available at: http://migration.iom.int/docs/FMS_CT_Analysis_male%20female_Central_Eastern_2017.pdf

¹⁸ Mixed Migrant Flows in the Mediterranean. Compilation of available data and information, June 2018, International Organization for Migration (IOM), July 2018. Available at: http://migration.iom.int/docs/Flows_Compilation_Report_June_2018.pdf

¹⁹ Annual Risk Analysis in the Western Balkans 2018, Frontex, European Border and Coast Guard Agency, August 2018. Available at: https://frontex.europa.eu/assets/Publications/Risk_Analysis/WB/WB_ARA_2018.pdf

Provide a Coordinated National Response according to the Relevant Legislation

Coordinating the institutional response over the past few years on national and local levels, as well as coordination with international organizations and civil society organizations, has proven to be a long-term problem in North Macedonia. Despite their efforts, state authorities did not succeed in taking advantage of a number of protection mechanisms provided by relevant laws and standard operating procedures (SOPs) related to the treatment of vulnerable categories of foreigners.

First, in order to provide a gender-sensitive response to the needs of women migrants in the country, it is necessary to ensure individual registration and documentation of arriving migrants. To this end, the Border Police and Ministry of Interior need to register all migrants entering the country. Providing evidence of the legal status and proper documentation, as prescribed by law, reduces the risk of statelessness of children born during migration and their mothers, and provides for an effective access to the appropriate procedures by potential victims.

Additionally, access to legal assistance must be guaranteed. In particular, information must be provided about measures corresponding to the concrete needs of women, and women with children. This is especially important because it is guaranteed by Article 35 of the Law for International and Temporary Protection²⁰, and the special needs of vulnerable persons, including pregnant women and women with small children, must be taken into account. Furthermore, by addressing these special needs, the probability that potential victims of sexual and gender-based violence or trafficking will report the crime increases.

The SOPs for processing vulnerable categories of foreign citizens²¹, SOPs for treating victims of human trafficking²², and the multi-sectoral SOPs for preventing and dealing with gender-based violence in emergency and crisis situations and disasters²³ indicate a response and key measures and activities of the state authorities. In order to better implement these procedures, the authorities need to evaluate how they were implemented from the start of 2015, and whether they offer gender-sensitive mechanisms for protection. These evaluations should be done in coordination with, and with help from international organizations and civil society organizations that have specific skills in working in the field of migration, asylum, human trafficking and gender issues parallel to state institutions. Also, when working together to identify inconsistencies, the aforementioned actors need to develop an emergency plan that will clearly define their roles and responsibilities, thereby facilitating future coordination and referrals.

Put an End to the Illegal Detention of Women and Improve Accommodation Conditions

The illegal detention of migrants, especially of women and children, is a well-known practice of the authorities in North Macedonia. This is a violation of the migrants' rights and has proven to be especially dangerous when women travel alone or with children, as well as for unaccompanied minors, adolescent girls, etc.²⁴. Although in

²⁰ Law for International and Temporary Protection, adopted on 19 April 2018. Available at: <https://bit.ly/2OfLQYJ>

²¹ Standard Operating Procedures for Dealing with Vulnerable Categories of Foreign Persons, adopted by the Government of the Republic of Macedonia, July 2016. Available at: <https://bit.ly/2BbN81x>

²² Standard Operating Procedures for Dealing with Victims of Human Trafficking, October 2010. Available at: http://www.mtsp.gov.mk/content/pdf/operativni_eng.pdf

²³ Multi-sectoral Standard Operating Procedures for Preventing and Dealing with Gender-Based Violence in Crisis Conditions, Available at: <https://bit.ly/2Rli075>

²⁴ "Borders Closed", Program report on the influence of the border closures on people on the move, with focus on women and children in Serbia and Macedonia", September 2016. Available at: http://myla.org.mk/wp-content/uploads/2016/09/Closed_Borders_ENG_low.pdf

2017 and 2018 fewer women were detained as a result of the decrease in the number of new migrants²⁵, meeting international standards for accommodation, ensuring legal basis for detention, providing necessary information on the reasons and duration of the detention, as well as providing access to legal assistance, remained problematic. In such conditions the vulnerability of women, especially those who are pregnant or travelling with small children is increased because of the additional risks and potential harm that can occur while they are detained in inappropriate conditions without legal or other type of special assistance they may need.

In order to resolve this issue, the detention of women, especially pregnant women or those with small children, must only be used as a last resort. In cases where the authorities deem it necessary, they should be accommodated in specially assigned facilities separate from the other detainees. Furthermore, the Ministry of Interior must ensure that they are informed of their rights during their detention and must issue them a decision which explains the reason for the detention. Access to legal assistance and access to asylum must also be provided in each case. This will allow the detained women migrants the opportunity to use their right to challenge their detention and seek international protection in the country.

In addition, accommodation conditions at the Reception Centre for Foreigners and other reception facilities in the country, such as the reception-transit centers and the Reception Centre for Asylum Seekers in Skopje, need to be improved and basic services need to be provided at all the centers. Each center must have separate accommodation units for women, pregnant women, and women with children. There is also an evident need for safe spaces specially intended for confidential interviews, counselling and psycho-social support. By making these centers safer, more accessible and more responsive to the special needs of women and children, the state authorities will be able to better ensure their safety and to prevent physical and sexual violence against them.

Develop Gender Sensitive Migration Policies and Services Based on Comprehensive Data

The general position of the authorities is that North Macedonia is just a transit country, and therefore efforts have not been made to try to find durable solutions. State authorities implemented restrictive policies that were subject to frequent changes; the process of registration lacked an appropriate identification and referral of individuals from vulnerable groups; and there were weaknesses in the response to adequately protect these groups²⁶. In recent years, more than ever, experts confirmed that data gathering and data analysis are key to understanding and developing sensitive and timely solutions, as well as to identifying durable solutions when it comes to managing migration flows²⁷.

In order to develop gender-sensitive policies and responses geared towards women migrants in the country, the state authorities must make the registration of all incoming migrants a priority. Furthermore, the data gathered from the registration must be categorized according to sex, age, and vulnerability factors in order to advance the development of concrete responses and protection mechanisms. The Ministry of Interior should

²⁵ MYLA, Immigration Detention 2017, April 2018, Available at: http://myla.org.mk/wp-content/uploads/2018/04/ENG_MYLA-Annual-Immigration-Detention-Report-2017.pdf and Mid-Year Report on Immigration Detention 2018, October 2018, Available at: <http://myla.org.mk/wp-content/uploads/2018/10/2018-MYLA-MID-YEAR-REPORT-ON-IMMIGRATION-DETENTION.pdf>

²⁶ "Gender Assessment of the Refugee and Migration Crisis in Serbia and FYR Macedonia", UN Women, January 2016. Available at: <https://bit.ly/2Nmn4qk>

²⁷ Global Migration Group. 2017. "Handbook for Improving the Production and Use of Migration Data for Development", Global Knowledge Partnership on Migration and Development (KNOMAD), World Bank, Washington, Available at: <https://reliefweb.int/sites/reliefweb.int/files/resources/Handbook%20for%20Improving%20the%20Production%20and%20Use%20of%20Migration%20Data%20for%20Development.pdf>

develop a centralized system for registration, including mobile registration of vulnerable groups. It is essential that the staff handling registrations are adequately trained and always include an appropriate number of women.

Moreover, state authorities, international organizations and NGOs should all gather data on migrant movements for their own purposes. The data collected should be disaggregated based on different criteria and parameters, in order to get a realistic picture of the situation. If all these actors worked together to develop a common system for data collection, then they will all benefit from the comprehensive information resulting from the cooperation among local and global partners. This will lead to the improvement of existing migrant policies and practices that are needed on a national, regional and global level²⁸.

To ensure that the state authorities effectively promote and protect the rights of women migrants, all those working with asylum seekers, refugees and migrants, as well as the public servants who implement the laws, need to be trained continuously and regularly. Sufficient resources must be allocated to establish special inter-sectoral monitoring, coordination and intervention groups that should have the operational capacity to address the needs of women migrants and girls throughout the migration cycle²⁹.

A problem, which was identified and should be resolved through a special training, is to develop capacities of representatives of state institutions and other actors working in the field of migration and anti-trafficking, so they can understand the difference between smuggling of migrants and human trafficking³⁰. Every person who works directly with migrants should be trained in order to better identify needs and vulnerabilities, be able to refer potential victims, understand gender issues and issues relating to women's rights, and identify and prevent sexual and gender-based violence. The training should be conducted in coordination with international organizations and NGOs with expertise in the relevant subject areas.

Conclusions

It is crucial for the government of North Macedonia to develop and implement migration policies that will entirely respect the fundamental human rights, prohibit discrimination and be gender-sensitive. It is essential to ensure respect of the rights and well-being of women migrants in the process of individual registration; access to procedures and legal assistance; as well as concrete gender-sensitive services and humane accommodation facilities.

Registration of migrants must become a priority, in addition to gathering data that will serve as the foundation for evidence-based policies in order to ensure that migration policies and practices are gender-sensitive. Furthermore, increased efforts should be invested to warrant that the state protection and accommodation services are adequately financed and integrated in the action plans. Only when all these essentials are in place, North Macedonia can claim to have established legal procedures and productive gender-sensitive migration policies leading to a decrease in the vulnerability, violence and exploitation of migrants.

²⁸ Global Compact for Safe, Orderly and Regular Migration, July 2018. Available at:

https://refugeesmigrants.un.org/sites/default/files/180711_final_draft_0.pdf

²⁹ Recommendations for addressing women's human rights in the global compact for safe, orderly and regular migration, UN Women, November 2016. Available at: <https://bit.ly/2ghl6aK>

³⁰ Trafficking Along Migration Routes to Europe: Bridging the Gap between Migration, Asylum and Anti-Trafficking. Vienna: ICMPD, Forin, Roberto and Healy, Claire, 2018. Available at:

https://www.icmpd.org/fileadmin/1_2018/Bridging_the_Gap_between_Migration_Asylum_and_Anti-Trafficking.pdf



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