



Macedonian Young Lawyers Association

THE PROSPECTS OF ESTABLISHING BORDER MONITORING IN MACEDONIA

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Introduction

Monitoring in its usual understanding means monitoring the conditions in jails, prisons, detention centres and other facilities where freedom of movement of people is restricted¹. In this sense, the Macedonian Young Lawyers Association has a long standing cooperation with the Ombudsman of the Republic of Macedonia². However, in the recent years when asylum and migration issues have been put on the agenda and mass movements of people inevitably influence the creation of migration policy and legal framework, countries started to pay specific attention to migration management and monitoring activities, usually performed by the NGOs (but also by independent state bodies such as Ombudsman's offices and International Organizations), which have been extended to places where the authorities come in contact with people on move: the border crossings or green border areas. Following, border monitoring in this context and the context of this discussion paper represents systematic activity aimed at observing and documenting the implementation of national procedures during handling migrants and potential asylum seekers at the borders, thus ultimately monitoring whether their guaranteed human rights are respected.

Cross-border cooperation between NGO partners, working in the field of asylum and migration

“ZAGREB PROTOCOL”- Information Sharing Protocol

Since the adoption of the Information Sharing Protocol in Zagreb in August 2012 new challenges have emerged in the Western Balkans and a requirement for a more comprehensive practice of sharing of information between NGOs has been identified by the signatories to the original Protocol and other stakeholders in the region. This objective has been strengthened by the experience of cross-border cooperation during the organized migration of refugees through the Balkan route in 2015/2016. Furthermore, development of structural mechanisms for NGO cross-border communication is also one of the goals of Skopje Declaration on Asylum, Migration and NGO Cooperation, drafted by the regional asylum NGOs in December 2013. The purpose of the Protocol is to institute a framework for exchange of information comprising of basic guidelines and practices to be followed by the signatories, to enhance the understanding on the importance of fast and precise exchange of information and to strengthen the legitimacy of information sharing, considering its sensitivity and confidentiality.

¹http://ombudsman.mk/MK/nacionalen_preventiven_mehanizam/npm_vo_rm.aspx

²More information available on: <http://www.myla.org.mk/index.php/sorabotka/narodniot-pravobranitel-na-rm>

The signatories to the Protocol agree to share information with their cross-border partners with the aim to:

- support monitoring of access to territories and access to asylum procedures,
- be able to foresee trends and developments and forecast the number of persons requiring assistance,
- ensure continuous assistance to individuals travelling between countries without gaps and without duplication of work,
- be able to prepare most well-suited assistance to individuals with specific needs and vulnerabilities
- understand the situation and policies in countries of other parties affecting persons of concern,
- support the litigation work of partners, particularly in cases concerning multiple countries in the region.

“Skopje declaration on asylum, migration and NGO cooperation”

Representatives from 15 NGOs from Western Balkan active in the field of asylum and migration met in Skopje for the Regional NGO Round Table on Asylum and Migration Issues – regional trends and NGO good practice held on 16-17 December 2013³. At this meeting, under the guidance of the Macedonian Young Lawyers Association, the Skopje Declaration on Asylum, Migration and NGO Cooperation was prepared and was later signed by all NGOs – participants.

The Declaration⁴ serves as a basis of cooperation between the signatories in the area of asylum and migration, motivated by the cross-border natures, challenges and complexity of the increased mixed movements throughout the Balkan borders, including persons in need of international protection. For this purpose, the NGOs agreed to develop structural mechanisms for improving the NGO cross border communication and cooperation that would ensure coordination of the ongoing regional initiatives. Some of these mechanisms include exchange of good practices, methodology and experiences, exchange of information, and other relevant reports and publications.

The signatories will develop border monitoring mechanisms in partnership with the relevant governmental institution and will contribute to the reduction of the use and duration of detention for asylum seeker and migrants, and to urge authorities on improvement of the detention conditions when needed. Also, the signatories will promote successful court decisions as an important advocacy tool for strategic litigation and will work on identifying and providing assistance to persons with specific needs/vulnerable groups such as victims of trafficking, unaccompanied minors and separated children or women at risk. They also committed to contribute in the prevention of xenophobia and to encourage NGOs to sign the Information Sharing Protocol “Zagreb Protocol” as a tool for strengthening cross-border cooperation between NGO partners.

In order to be successful in their aims, the signatories will support and cooperate with UNHCR, IOM, ECRE, the Government officials and will encourage the last to develop standard operating procedures that are in line with

³More info on www.myla.org.mk

⁴The text of the declaration can be found on the following website: <http://seerefugee.com/wp-content/uploads/2016/07/skopjedeclaration.pdf>

international standards and adequate reception conditions during the RSD procedure, and will encourage them to set minimum standards of reception conditions for asylum seeker guaranteeing a dignified standard of living.

This collaboration will continue to be conducted through developing an action plan for future activities and conducting joint meetings in order to coordinate and develop mechanisms for implementation of the action plan.

The signatory NGOs are the following:

1. Albanian Helsinki Committee – Albania
2. APC (Asylum protection center) – Serbia
3. BCHR (Belgrade center for human rights) – Serbia
4. Bulgarian Helsinki Committee – Bulgaria
5. CLC (Croatian Law center) – Croatia
6. CRP/K – Kosovo
7. FLD (Fondacija Lokalne Demokratije) – Bosnia and Herzegovina
8. Grupa 484 – Serbia
9. Helsinki Citizen Assembly – Turkey
10. Macedonian Young Lawyers Association – Macedonia
11. Montenegro Legal center – Montenegro
12. PIC – Slovenia
13. PRAXIS – Serbia
14. RMSA (Refugee and Migrant services Albania) – Albania
15. Vasa Prava – Bosnia and Herzegovina
16. Dutch Council for Refugees – The Netherlands
17. European Council on Refugees and Exiles – ECRE

Comparative overview of different border monitoring concepts in the region– border management and refugee protection in Central and Eastern European countries

THREE-SIDED AGREEMENT SYSTEMS

Bulgaria

The Bulgarian border monitoring model that supports access to territory and procedure for granting protection status for person seeking international protection is based on the agreement signed between state body/authority represented by Chief directorate border police (CDBP) within the Ministry of interior of Bulgaria, UNHCR and Bulgarian Helsinki Committee (BHC) as local NGO.

This three-sided agreement – memorandum of understandings for mutual cooperation and coordination grants the signatory parties to jointly monitor the access to territory and procedures for international protection for asylum seekers and families as well as protection against *refoulement* (compliance with the principle of *non-refoulement*). The agreement sets the activities and modalities that should be carried out from the parties, thus:

CDBP commits to:

- cooperate with UNHCR and BHC regarding monitoring activities through sharing relevant information, information related to joint operations in Bulgaria organized and coordinated by FRONTEX and training activities organized by UNHCR and/or BHC.
- ensure that persons seeking international protection are in full knowledge of their rights based on domestic regulations, particularly the right to seek asylum and free legal aid in Bulgaria; and publications released by UNHCR, BHC and State Agency for Refugees (SAR).
- facilitate establishing contacts with UNHCR and BHC representatives, access to territory and procedure and legal assistance to asylum seekers;
- provide relevant information to asylum seekers about protection-granting procedure in Bulgaria
- issue summary from documentation and statistics related to asylum seekers upon request of UNHCR and BHC
- upon request and without delay inform UNHCR and BHC about the nationality and number of person of concerns that might be in need of specialized assistance and counseling

UNHCR will:

- upon coordination with CDBP, have access/gain access to persons seeking protection to ensure access to procedure, territory and legal assistance

- jointly with CDBP conduct monitoring visits to areas and places where persons in need of international protection are located and verify implementation and compliance with international and European procedure standards. If concern are identified they will be communicated with CDBP
- monitor and focus its work on persons with disabilities (UAMs, persons with disability, etc.) to ensure that the fundamental rights and family unity are respected
- facilitate sharing information in the field of asylum and organize training sessions for field CDBP staff

BHC will:

- have access (will be granted access) to persons seeking international protection guaranteed by the Border Police in accordance with established admission regime in Mol facilities in carrying out UNHCR assigned tasks for provision of additional guarantees for access to territory, procedure and legal assistance in Bulgaria
- identify themselves as BHC staff to persons seeking protection who they intend to interview
- inform the person seeking international protection about the nature of interview, the right to refuse to be interviewed and free legal assistance
- submit to the CDBP the list with names and data of its staff who will carry out the monitoring activities
- monitor and replenish the use and accessibility of information and publications materials of UNHCR, BHC and SAR
- develop, prepare and distribute monthly report to UNHCR and CDBP which will be entitled to submit comments and objections within 10 days from the receipt
- provide legal assistance also to other persons of those concern with the agreement upon request of CDBP containing information about the persons
- facilitate in finding solutions to issues related to procedures in police detainment facilities within the CDBP units

As part of the memorandum, the signatory parties should establish a working group that will supervise the implementation of the agreement and analyze monitoring reports. The working group will comprise of one representative each but might be accompanied by experts where necessary upon parties consent. The group will meet minimum three times per year, which might be attended by representatives of other institutions active in the field of migration. The group might undertake joint monitoring visits.

UNHCR and BHC representatives will keep confidential the information and data availed to them in accordance with the Law for protection of personal data and Law for Protection of the classified information. The parties will carry out joint training activities regarding international principles in the field of asylum, access to territory and procedures for asylum seekers and attend in international, regional and bilateral meetings to share experience with other partners. The agreement is effective as from the date it was signed on 2010.

Hungary

Similar to Bulgaria, the border monitoring system in Hungary is based on agreement signed between three parties: Border guard of Hungary, UNHCR and Hungarian Helsinki Committee (HHC) as local NGO. To ensure access to territory, procedure and *non-refoulement* for persons seeking international protection the parties will jointly monitor the facilitation by the Border guard in Hungary. With the agreement are covered all the locations and sites facilitated by the Border Guard where persons in need of protection might stay (detention facilities, field Border Guard offices, entry point of persons in need of protection, transit zones of airports, etc.). Each parties of the agreement is committed to the following:

The Hungarian Border guard commits to:

- guarantee and facilitate the admission of persons in need of international protection access to territory, asylum procedure and uphold to the fundamental principles international protection
- ensure that asylum seekers are in full knowledge of their right to seek asylum and free legal assistance
- make UNHCR and HHC publications available
- facilitate unsupervised contact among UNHCR and HHC with asylum seeker upon asylum seekers consent, review the files and make copies of it, as well as use audio video and photographic tools in recording upon previous communication with the Border guard
- provide access and share with the monitors copies of files of designate categories with personal identification data protected
- provide statistical data upon request of UNHCR and HHC concerning aliens and refugee matters

UNHCR as party of the agreement will have free and full access to asylum seekers and person of concern. It is also entitled to examine the access to territory and asylum procedure for asylum seekers facilitated by the border guard in Hungary. Subsequently, UNHCR commits to:

- undertake monitoring visits to sites where persons in need might be located to examine the implementation and adherence with international protection standards
- verify and ensure that Border guard procedures provide protection to persons with special needs (women, separated children, etc.)
- coordinate the mobilization of the funds for monitoring activities

The Hungarian Helsinki Committee (HHC) as local NGO will implement the activities on behalf of UNHCR as specified in the partnership agreement. To perform the activities on behalf of UNHCR, the HHC will be equipped with authorization letter that will be forwarded to the Alien police and Border Guard Headquarter. During the monitoring visits the monitors will be accompanied by Border Guard staff member at any time except during the interviewing process. The HHC monitoring staff, including interpreter if needed, will inform the persons seeking international protection about

the purpose of the interview and the right to refuse to be interviewed. Upon conducting interview the monitoring staff is requested to obtain the written consent signed by the person that is being interviewed. Furthermore, the HHC will monitor and replenish accessibility to publication of UNHCR and HHC. The HHC will inform UNHCR and Border Guard 2 days in advance before conducting the monitoring visits stating the date and locations to be visited. All of the reports about the monitoring visits will be shared with the other agreements parties within 15 days which might comment, suggest and request for clarification of the report. The reports can be published only upon prior notification to the other parties. In case of disagreement of the content a dissenting opinion or position will also be published.

To ensure enforcement of the agreement, the parties will establish a working group that will analyze the report and monitor the implementation of the agreement. The group will meet at least four times per year and may undertake visits to locations where activities are implemented. Finally, the parties will take part to joint educational and awareness raising campaign on refugee law to enhance access to territory and asylum procedure in Hungary as well as attend regional meetings on experience exchange organized by UNHCR. The agreement is effective as of December 2016 when it was signed by all of the parties.

Romania

Likewise the existing agreements in Bulgaria and Hungary, Romania has effectuate tripartite agreement signed between the institutions - General Inspectorate of the Romanian Border Police (IGPF), UNHCR and Romanian National Council for Refugees (CNRR) as local NGO establishing Border Monitoring framework to ensure access to territory, asylum procedures and compliance with *non-refoulement* principle. In this regard, the IGPF will facilitate the monitoring activities of UNHCR and CNRR and share relevant information and statistical data related to persons of concerns, operations carried out with FRONTEX and training activities of the IGPF.

IGPF is committed to

- guarantee and facilitate the admission of the persons in need of international protection to asylum procedure and in consultation with UNHCR, CNRR and other agencies take measures to uphold to the fundamental principles
- undertake the necessary measures to ensure the persons in need of protection are fully aware and in knowledge about their rights (asylum procedure, legal assistance)
- make UNHCR and CNRR publications available
- facilitate unsupervised contact of persons of concern with UNHCR and/or CNRR
- facilitate unimpeded access to authorized UNHCR and CNRR staff to areas for processing , interviewing and accommodation of persons of concerns at entry points and international airports in Romania

- provide access to copies of files of person of concern to UNHCR and CNRR in line with the laws for confidentiality and data protection
- provide statistical data and relevant information from its records upon request of UNHCR and CNRR
- without delay, inform UNHCR on the number of nationality of aliens apprehended at the borders (even for illegally crossing of borders) who might be persons of concern and need assistance

UNHCR will be granted free and full access to persons of concern in custody at the border police to ensure access to access to procedure and legal counseling and representation. UNHCR will undertake monitoring visit to all the places where persons of concern might be located, including transit zones, to verify and ensure compliance/adherence with international protection standards especially persons with special needs.

CNRR will contribute in implementation of the activities after obtaining UNHCR partnership authorization letter to facilitate access to territory and procedure for persons of concern, conduct unsupervised interview and take the necessary measures to ensure the persons of concern are aware about their rights. CNRR informs the aliens about their rights and duties and provide legal assistance and representation to person of concern. The monitoring staff is obliged to present themselves before the persons of concern, state their background organization and inform that the interview is given on voluntary basis. CNRR is also entitled to monitor access to information materials provided by UNCHR and CNRR. Prior each monitoring visit CNRR will inform UNHCR and the border police about the visit 10 days in advance. After each monitoring visit, CNRR will write and submit the report and share with all of the parties.

Joint working group will ensure proper implementation of the agreement and analyze the monitoring reports from the visits and will meet minimum three times per year. Finally the parties will pursue joint trainings and awareness raising campaign and participate in regional and international meetings regarding refugee law. The agreement is effective as of moment it was signed in July 2008.

Slovakia

Slovakia has enforced agreement between the office of aliens and border police within the Ministry of interior, UNHCR and the Human Rights League (HRL) to establish border monitoring system consequently ensuring access to territory and asylum procedure in Slovakia and compliance of the authorities with the principle of *non-refoulement*. The monitoring process is carried out by UNHCR and HRL.

The Border police is responsible to allow access to territory and asylum procedure to aliens who seek international protection. In this regard, the border police will take all the necessary measures to familiarize the asylum seekers with their rights and the right for free legal assistance in language that the aliens understand. They will also make available information materials from UNHCR and HRL. The border police at the airports will give unimpeded access and activities to authorized representatives from HRL to areas designated for processing and interview of persons of concern. The border police will also provide statistical information to UNHCR and HLR on quarterly basis about the

number of aliens refused entry in Slovakia and the reasons about the rejections. This information is communicated by email. Monitors are also allowed by the border police to examine the file documentation of the cases which should be in compliance with the personal data protection regulations. Finally the border police will inform UNHCR via email the number and nationality of aliens that are detained in Slovakia, who were granted tolerated stay in Slovakia.

UNHCR has free and unimpeded access to persons of concern and will take monitoring visits to all the places where persons of concerns may be located. The monitoring visits aim to ensure adherence with the international protection standards, particularly verify treatment of persons with special protection needs.

HRL works and implements the agreement on behalf of UNHCR. HRL will inform the persons of concern on their rights and duties and obligations of the Slovak Republic in terms of international protection. To implement the activities, HRL need to obtain authorization from UNHCR and provide a copy of the authorization to the border police. HRL will inform the persons of concern about the interview and their right to reject to be interviewed and facilitate and ensure access to publication materials for persons of concern. Within 10 days from the monitoring visit, HRL will prepare monitoring report and share the reports with the other parties. The reports related to the monitoring and other activities may be published after consultation and agreement with UNHCR. The agreement is effective as from the date it was signed, i.e. 5th September 2007.

TWO-SIDED AGREEMENT SYSTEMS

Slovenia

The Slovenian model of border monitoring is based on two sided agreement signed between the Ministry of interior of Slovenia – the border police division and UNHCR. The model is based on exchange on information on illegal migration in the country, asylum applications, meetings, training of the police and monitors and monitoring of police procedures for persons seeking international protection.

The system allows UNHCR to monitor the police procedures for persons of concern wishing to apply for international protection and access to territory and procedure. To perform the monitoring, UNHCR may designate local NGO partner to carry out the activities on behalf of UNHCR.

The border police division facilitates access to information printed by UNHCR for persons of concern, while the monitors have access to premises where police procedures are undertaken and can move freely respecting the house rules. The border police division informs UNHCR and its designated partner promptly concerning persons wishing to apply for protection and shares statistical information concerning asylum application disaggregated by nationality, age, sex, reasons for detention, actions taken by the border police division, etc.

The monitoring process is performed in a way that monitors attend the informative interview phase of the procedure with persons of concern that are willing to apply for asylum. At this phase the monitors may only observe and are not

allowed to engage at any moment with question, comment, etc, but in the end of the interview they can engage in conversation with the police officer. Only after the police procedure is completed, the monitors can engage in discussion with the foreigner in presence of the police officer if the latter agrees to and collect data based on the legal provisions for data protection. The monitoring will be performed on case by case basis in previously agreed locations between UNHCR and the border police division. The annual monitoring report will be prepared jointly by the agree parties.

The monitors will undergo through introductory training from the police officers about the monitors movement and code of conduct in police facilities, while UNHCR will engage in trainings for police officers on identified and agree needs. The monitoring agreement is effective as of October 2008.

Poland

The polish border monitoring model is also based on two-sided agreement signed between the Commander in chief of the Border guard and UNHCR which allows UNHCR and non-governmental organizations on behalf of UNHCR to conduct monitoring on access to territory and procedure of persons of concern in Poland. UNHCR together with the Border Guard will facilitate the trainings of the monitors on the rules of conduct and their presence at the premises of the Border Guard.

The Border Guard will appoint a person to communicate and provide to UNHCR and/or assigned partner the necessary statistical data on the number of asylum applicants and places where these applications have been logged every 6 months. Depending on the needs, UNHCR will also share with Border Guard statistical data on the persons that are supported in asylum procedure in Poland. The border guard is committed to provide information to asylum seekers, on the procedure, their rights and obligations in language which the seekers understand, access and contact with UNHCR representatives and/or their designated partners and guarantee UNHCR and/or partner organization free access to places where asylum seekers may be located. The border guard is also committed to guarantee to monitors access to information on the number of asylum seekers disaggregated by sex, gender, nationality way of launching the application and possibly the reasons for detention of asylum seekers. All of the activities related to access to personal data will be taken in line with the laws governing data protection. The trainings and capacity building for the Border Guard on granting international protection issues are provided and organized from UNHCR and/or their designated partner organization. Finally, the parties convene minimum two times annually to discuss and assess implementation of issues commencing from the agreement. This agreement is effective as of November, 2009.

Relevant domestic legislation and institutions in relation to border monitoring in Macedonia

There are three recommended principles by the OHCHR all of which derived from international human rights law and establish the obligation of States to protect, aspect and fulfil human rights of all migrants at international borders:

- **The primacy of human rights**- Human rights should be at the centre of all border governance measures.
- **Non-discrimination**- Migrants should be protected against any form of discrimination at borders.
- **Assistance and protection from harm**- States should consider the individual circumstances of all migrants at borders, and ensure effective protection and access to justice.

The most relevant national legal framework that refers to establishing and implementing border monitoring mechanisms are, but is not limited to:

- Law on Border Control
- Rules on the manner of determining and resolving border incidents
- Rules on the manner of execution of the state border and control of crossing the state border
- Rules for the setup and the use of technical devices and photographing, recording and video surveillance of border crossing points along the border line
- Law on Foreigners
- Law on Asylum and Temporary Protection

Relevant state institutions:

- Department for Border Affairs and Migration
- Unit for Combating Human Trafficking and Smuggling of Migrants
- Border Police
- Department for Foreigners and Readmission
- National Commission for Border Management
- National Coordination Centre for Border Management
- National Commission for Combating Human Trafficking and Illegal Migration
- Section for Asylum, MOI

Why do we need border monitoring in Macedonia?

The reasons why border monitoring is useful for the current Macedonian context is to ensure access to justice which in case of asylum, meaning access to asylum procedure, ensuring respect of migrants' and potential asylum seekers' basic human rights and ensuring border police procedures are conducted in accordance with the law. Consequently, the aim and the end result of the border monitoring activity is to increase openness of the police (as well as other state bodies) towards the civil society and to increase the level of trust among these two stakeholders. Such activities also increase the trust in the rule of law by those groups that would otherwise be most vulnerable and exposed to mistreatment.

In recent months, MYLA has observed that in Macedonia, border monitoring is very useful way for gathering more information on the situation created by the border closure and its impacts on people in recent days. It also allowed for creating contacts in the border areas with the local communities and the border police, mitigated the potential for illegal actions from the state authorities' side and allowed identifying gaps and potential violations of legal norms. Its ultimate goal from MYLA standpoint, is to prevent human rights violations.

During MYLA's field work in the period October 2015- May 2016, the following human rights concerns have been observed:

- Police abuse / use of excessive force, police ill treatment, police brutality towards refugees and migrants who cross border irregularly,
- Police push backs and forcible transportation of people cross borders (deportations),
- Police arbitrary detention of irregular migrants,
- Detention of migrants in absence of legal ground (criminalization of migration),
- Lack of respect of procedures regarding to informing migrants on their rights to apply for asylum and/or their rights to temporary protection (including contacts with legal representatives),
- Family separations,
- Slow or no detailed procedures in place for family reunifications,
- Unaccompanied minors (from lack to protective measures in place to abduction disappearance and sexual/work exploitations,
- Widespread use smugglers and traffickers as the most common method of transport used by migrants to cross borders,
- Failure to prevent trafficking and smuggling of human beings,
- Possible involvement of police forces in trafficking and smuggling activities,
- Increase in organized crime,
- Sexual abuse, physical and psychological treats, extortion,

- Discrimination: different treatment on specific and intersected grounds (i.e.: multiple discrimination): religion ethnic origin, citizenship, sex (including gender identity and pregnancy), sexual orientation, marital status, family status, disability,
- Failure to protect vulnerable migrants.

According to information gathered through various MYLA activities, the following categories of migrants and refugees are the most numerous and most at risk:

- Women girls and boys who suffered sexual abuses, threats, psychological violence by traffickers/smugglers, police forces abusive husbands or other members of the family or unknown man;
- Women and girls without financial means, forced into prostitution and sexual exploitation in order to pay their journey to the EU to human beings traffickers
- Unaccompanied boys and girls (minors) kidnaped, disappeared or abducted,
- Men and boys victims of police abuse of force, push back and ill treatment
- Men and boys traveling alone who are not allowed through borders if they are not accompanied by a woman (different treatment based on sex/gender identity)
- Men, women, girls and boys coming from specific countries (different treatment on the ground on nationality)

Main objectives of MYLA's border monitoring activities

1. To monitor (and possibly prevent) push back/ returns of both refugees and migrants outside the legal procedures
2. To ensure access to territory and access to asylum procedure to people in need of international protection

MYLA 4 phases plan for establishing border monitoring in Macedonia 2013 – 2017

Preparatory phase 2011 – 2012 (understanding the importance of border monitoring)

- During the initial phase MYLA staff participated on several events organized by the UNHCR Central Europe office where different models of border monitoring were introduced (Zagreb 2011, Belgrade 2012).
- Following by internal decision that in the upcoming period MYLA will focus on the border monitoring as an important tool for the development of a human rights based system for asylum and migration, MYLA in

partnership with the Croatian Law Center, received granting from Republic of Croatia for capacity building and sharing of know-how on development of border monitoring system.

Initial phase 2013 – 2015 (*MYLA capacity building*)

- In 2013 MYLA staff conducted 6 study visits to Croatia. MYLA staff was introduced to the Croatian border monitoring system (*Croatian Law Center together with the Border police is working on border monitoring since 2008*). MYLA staff worked together with the CLC staff and participated on trainings for border police, monitoring on the southern border with Montenegro, daily assistance to migrants and refugees in the transit centers etc.
- MYLA worked on collecting good practices and comparative analyses on different border monitoring models (*Bulgarian model, Croatian, Slovenian, Hungarian...*) and tailoring a monitoring methodology.
- MYLA held separate meetings with Bulgarian Helsinki Committee, PIC Slovenia, HHC Hungary
- In 2014 MYLA, supported by UNHCR, hosted a delegation from the Border police in Croatia, led by Mr. Zlatko Sokolar (Head of the Croatian border police). The event was an opportunity for the high level officials from the Macedonian and Croatian border police to share experiences with a focus on the cooperation with civil society on border monitoring.
- In 2014 and 2015 MYLA intensified the cooperation with the Macedonian border police.

Second phase 2016- Setting up “infrastructure” (MYLA staff and local focal points), understanding the regions and realities, and ensuring presence in the border regions- Ongoing -

MYLA develops field monitoring program covering the Southern border with Greece and Northern border with Serbia

The objective of the field monitoring is to gather data on:

- Transit routes (entry and exit points) frequency of movements, important locations, modus operandi (for people on the move, smugglers and police)
- Police/Army presence and practices both in contacts with refugees and migrants and with local population, frequency of patrols etc.
- To establish network of contacts with local population for further cooperation, including early warning mechanisms;

In June and July 2016, MYLA conducted visits to 34 villages along the border with Greece (MK border police was notified about the visits). We have divided the Southern border on 8 separate regions (map in attachment) and during each monitoring visits the team is covering several villages that are in one region.

1. South West region (Prespa area)
2. South West region (Bitola area)
3. South West region (Bitola area towards Mariovo region)
4. South Central region (Kavadarci area towards Kozuf)
5. South Central region (Gevgelija area towards Kozuf)
6. South Central region (Gevgelija and Bogdanci area towards East)
7. South East region (Dojran area)
8. South East region (Novo Selo area towards East)



MYLA prepares final report on the findings of the field visits which will be later shared with the border police (we want the police to know what we know)

Third phase 2017 (Joint border monitoring)

- MYLA has operational capacity, trained staff and field experience for performing joint border monitoring
- Mol understands the need for establishing external system for oversight of the border police work in dealing with cases of third country nationals (referral to the Chapter 23 conclusions of the 2013 EC progress report for Macedonia).

- MYLA presents methodology for joint border monitoring to the Border police authorities which includes presence of MYLA monitors (different staff from the MYLA field lawyers) when third country nationals are arrested in the territory of Republic of Macedonia. MYLA monitors will have only monitoring presence without possibility for interference while police is performing their activities. Monitoring reports will be classified and used for internal purposes for improvement of the work of the Border police in line with the international human rights standards.

Final phase 2017 – 2018 (Joint border monitoring with referral)

MYLA in coordination with the police authorities establishes a system of referral where MYLA monitors additionally to the monitoring activity will have possibility for referral (*Example: in cases of asylum seekers MYLA monitors will inform MYLA field lawyers who will later assist the asylum seekers for submission of asylum application; cases of victims of trafficking, migrants who are in need of voluntary return, people in need of medical and other assistance etc.*)

Fact finding missions to Northern Greece and Southern Serbia

In addition to the monitoring and protection activities in Macedonia, MYLA is performing fact finding missions in Northern Greece and Southern Serbia in order to collect testimonials of both push backs and push forwards by the Macedonian authorities. MYLA presence in these regions in Greece and Serbia is contributing to the wider MYLA advocacy objective of stopping push-backs along the Balkan route, facilitating access to territory and access to asylum procedure to people in need of international protection, and full implementation of readmission agreements in cases of irregular migrants.

- In June and July 2016 MYLA had presence in Northern Greece which resulted with collection of significant number of testimonials which reflect the human rights violations conducted by the Macedonian authorities. Final report of the visits will be prepared by end August 2016.
- MYLA has ongoing internal discussions if some of the identified cases of pushbacks can be used in a legal procedures for strategic litigation.
- MYLA has developed strong cooperation with both organizations from Greece and Serbia and is currently exploring possibilities for more regional approach towards these concerning issues.

About the organization

Macedonian Young Lawyers Association (MYLA) was founded in 2004. Through initiatives and determination, MYLA took the role of being a transformative agent in the young legal professionals segment, in a time of already initiated reforms in the judicial system in Republic of Macedonia. MYLA's members then considered that there would be no alternative nor can there be any reforms without the participation of youth through coordinated joint activities toward an effective and efficient implementation of judicial reforms and the rule of law in the country.

To accomplish this vision, MYLA actively supports young lawyers in their professional development through different projects and activities always aiming to achieve a higher level of expertise. MYLA also provides citizens and other persons with qualitative and easy access to pro bono legal aid related to the protection of human rights and liberties, and supports marginalized groups in the society.

MYLA provides expertise and support in strategic advocacy of human rights in certain areas and issues. The extent of our advocacy is in front of national and international human rights 29 bodies where MYLA generally represent persons in need of legal aid. MYLA's primary focus is promoting the principles and rights of the European Convention on Human Rights with tendency of advocacy of selected cases before the European Court of Human Rights in order to comply with the generally accepted international standards for promotion and protection of basic human rights and liberties. The association also implements projects related to the protection of the human rights, such as non-discrimination, free access to information, free legal aid, asylum, stateless, migration etc.

All MYLA activities are integrated into the basic maxim of MYLA *iuventus cupida legume* (youth eager for rights).

Relevant sources

[Tripartite Memorandum of understanding on modalities of mutual cooperation and coordination to support the access of persons seeking protection to the territory of, and the procedure for granting protection in the Republic of Bulgaria](#)

[Tripartite Memorandum of understanding on modalities of mutual cooperation and coordination to support the access of asylum seekers to the territory of, and the asylum procedures of the Republic of Hungary](#)

[Agreement concluded between the United Nations High Commissioner for Refugees Regional Representative for Central Europe and the Commander in Chief of the Border Guard on modalities of mutual cooperation and coordination activities with respect to access of persons to the procedure for granting international protection on the territory of the republic of Poland](#)

[Tripartite Memorandum of understanding on modalities of mutual cooperation and coordination to support the access of asylum seekers to the territory of, and the asylum procedures in Romania](#)

[Tripartite Memorandum of understanding on modalities of mutual cooperation and coordination to support the access of asylum seekers to the territory of, and the asylum procedures in the Slovak Republic](#)

[Agreement concluded between the Regional Representative of the United Nations High Commissioner for Refugees for Central Europe and the Ministry of Interior of the Republic of Slovenia, the Police on ensuring access of applicants for international protection to the territory of the Republic of Slovenia and the enforcement of their right to international protection](#)

[BORDER MONITORING METHODOLOGIES- Stakeholders' Manual for Establishing a Border Monitoring Mechanism](#)

[Protection-sensitive entry systems](#)