

Quarterly Field Report on the Status of Migrant and Refugee Human Rights

January-March, 2018

The second quarterly field report on the status of migrant and refugee human rights in Macedonia contains Macedonian Young Lawyers Association's (MYLA's) findings regarding the treatment of migrants and refugees in the reception-transit centers "Vinojug" and "Tabanovce", with focus on women, children and other vulnerable categories. MYLA's lawyers were present in both centers and provided information, advice and legal assistance to those in need. The report also refers to the treatment of migrants and refugees outside the centers, especially when it comes to detention and returns as state's response to irregular migration.

The Western-Balkan route remained closed; migrants and refugees transited Macedonia irregularly

On 22nd December 2017 the Assembly of the Republic of Macedonia extended the deadline for existence of a crisis situation until 30th June 2018 with the reasoning that the entry and transit of migrants across the territory of the country is increased.

In the reporting period, migrants and refugees continued to transit Macedonia irregularly with the help of smugglers and using unofficial routes towards Serbia and Greece. The Ministry of Interior reported a total of 14 cases in which 123 migrants were intercepted by the police while traveling with the assistance of smugglers in the same period. The arbitrary expulsions by authorities outside any judicial or other formal process, including a lack of registration of those informally handed over or pushed back also continued.

Throughout the first three months of 2018, the number of migrants and refugees who entered the transit centers in Gevgelija and Tabanovce increased by 128% comparing to the last quarter of 2017. However, those who came to the centers, usually stayed only a few days and continued their journey to Greece or Serbia afterwards. As a result, some of the humanitarian organizations present at the transit centers on a regular basis during the last year have decreased their presence in the centers in 2018.

Increased number of migrants and refugees resided in the transit centers in Gevgelija and Tabanovce

Throughout the first three months of 2018, the number of migrants and refugees who entered the transit centers in Gevgelija and Tabanovce increased from 275 to 627 comparing to the last quarter of 2017. However, those who came to the centers, usually stayed only a few days and continued their journey to Greece or Serbia afterwards. As a result, some of the humanitarian organizations present at the transit centers on a regular basis during the last year have decreased their presence in the centers in 2018.

The vast majority of the migrants and refugees in "Vinojug" and "Tabanovce" originated from Iran (137), Pakistan (110), Iraq (97) and Syria (91), with smaller numbers from other countries (see Chart 2 below). Fingerprinting and photographing as part of the registration process took place only in "Vinojug", while in "Tabanovce" there was only a handover of the newly arrived persons between the social workers and the police.

In a large number of cases, it was noticed that after migrants and refugees are brought to "Vinojug" hours later they were informally handed over or pushed back to Greece. On the other hand, in Tabanovce, the number of individuals who resided in the center for a few days was larger.

Similarly, the treatment in both centers was inconsistent in terms of the freedom of movement. Even though the freedom of movement was limited to migrants and refugees in "Vinojug", this was not the case with those who were accommodated in "Tabanovce".

However, the general impression is that coordination and referral between organizations and institutions are taking place without major problems in both centers.

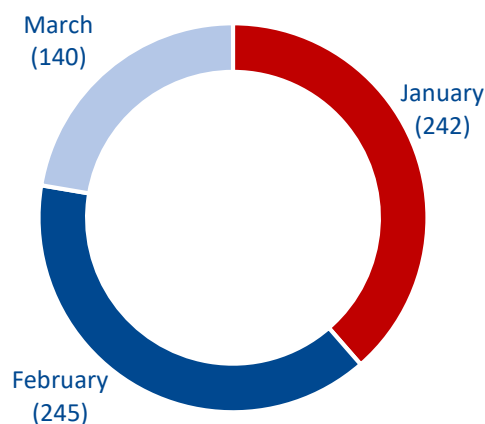


Chart 1: Number of newly arrived migrants and refugees in "Vinojug" and "Tabanovce", January-March 2018

Reception-transit center "Vinojug", Gevgelija

During the reporting period, about 384 migrants and refugees arrived at the center "Vinojug" in Gevgelija. Most of them were intercepted by the police near Gevgelija and the surrounding areas and taken to "Vinojug" where they were photographed and fingerprinted. Only a small number of the accommodated persons stayed in the center for a long period of time. In most cases, they were returned to Greece by the police outside formal proceedings.

The vast majority of persons arrived to "Vinojug" in January (189) and February (162), while during March arrival of only 33 persons was registered.

The legal status of the migrants and refugees accommodated in the center was unknown, with the exception of those who sought asylum. Asylum seekers, however, faced obstacles in accessing the asylum procedure and waited for several days for the the police to act upon their asylum requests. A large number of persons (40) sought asylum in February.

Reception-transit center "Tabanovce", Kumanovo

About 243 migrants and refugees arrived at the center in Tabanovce between January and March 2018. Most of them came from Serbia and stayed for a short period of time at the center before moving on to Greece. At the same time, fewer number of people came from Greece intending to reach Serbia.

The vast majority of persons arrived to "Tabanovce" in March (107) and February (83), while during January arrival of only 53 persons was registered. The largest number of persons accommodated in the center simultaneously (54) was noticed in the beginning of March. Usually, the access to the center was allowed by the police on every occasion, with the exemption of one case when two persons from Afghanistan were not allowed to enter the center due to the small number of police officers present at the center.

Migrants and refugees who were accommodated in the center resided for a short period of time before continuing their journey. In most cases they left to unknown direction on their own and in two cases Red Cross and the police arranged transport for two families to "Vinojug" since they were willing to return to Greece. According to unofficial data, the largest number of migrants and refugees were noticed in the surrounding area i.e. in the villages of Vaksince and Lojane, but they did not arrive at the center in Tabanovce.

The migrants and refugees who were accommodated at the center had no legal status, with the exception of those who sought asylum. Similar to "Vinojug", asylum seekers faced difficult access to the asylum procedure and waited for several days for the police to act upon their asylum application.

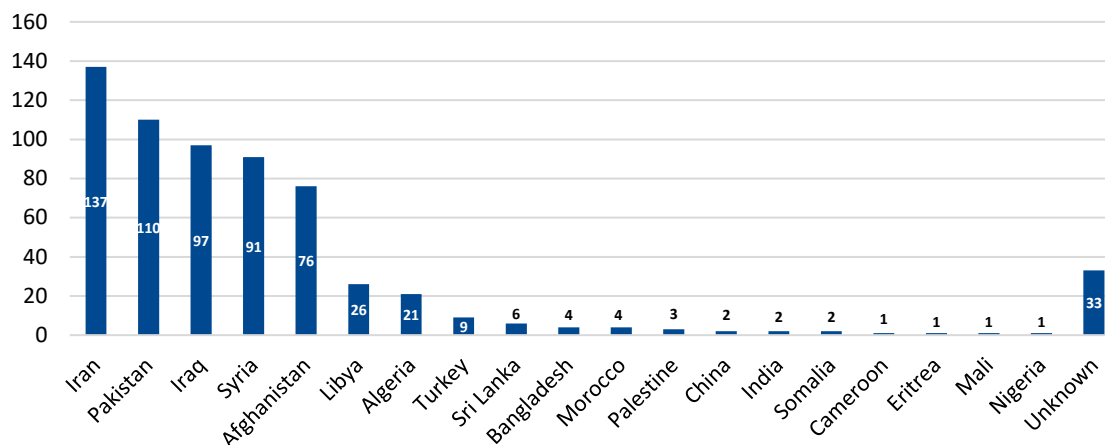


Chart 2: Country of origin of migrants and refugees in "Vinojug" and "Tabanovce" between January and March 2018

Women, children and other vulnerable categories of migrants and refugees

During the past three months, most of the people who arrived at the reception-transit centers "Vinojug" and "Tabanovce" were male adults (75%), with the exception of 78 women and 76 children. Only 3 of the children were unaccompanied and in all of the cases they were treated in accordance with the Standard Operating Procedures for Dealing with Unaccompanied and Separated Children. They were assigned a guardian from among the social workers from the Ministry of Labor and Social Policy. Of the other vulnerable categories of migrants and refugees, five persons with poor health condition were identified in the center "Tabanovce".

Detention in the Reception Center for Foreigners and returns outside a formal procedure (push-backs)

The Ministry of Interior reported in its daily bulletin a total of 14 cases of migrant smuggling between January and March, in which the police intercepted a total of 123 migrants. According to the reports, some of them were held in the Reception Center for Foreigners in Skopje, which is a closed-type facility intended for detaining foreigners for immigration purposes, such as establishing identity and forced removal. The others were taken to the reception-transit center "Vinojug" in Gevgelija, where either they were accommodated or returned to Greece outside a formal procedure.

In this manner, the respect of some basic human rights of the migrants and refugees were questionable, including the right to liberty and security, right to an effective remedy, and prohibition of torture, which are guaranteed by the European Convention on Human Rights and other international documents.

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*In September 2016, USAID provided funding to MYLA to implement the Migrant and Refugee Human Rights Protection Project. The overall goal of the project is to ensure that civil society organizations (CSOs) and Government of Macedonia institutions protect the human rights of migrants and refugees and meet the distinct needs of the most vulnerable groups among them. Since the beginning of the project through **December 2017**, MYLA has provided information, advices and legal assistance to 452 migrants and refugees in Macedonia.*