

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

April-June, 2018

The third 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

In the reporting period, migrants and refugees continued to transit Macedonia irregularly with the help of smugglers and using unofficial routes towards Serbia or Greece. The Ministry of Interior reported a total of 10 cases in which 126 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 second quarter of 2018, the number of migrants and refugees who entered the transit centers in Gevgelija and Tabanovce increased by approximately 38% comparing to the first quarter of the year. However, those who came to the centers, usually stayed only a few days and continued their journey to Greece or Serbia afterwards.

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

Throughout the second quarter of 2018, the number of migrants and refugees who entered the transit centers in Gevgelija and Tabanovce increased from 627 to 853 comparing to the first quarter of the year.

The vast majority of the migrants and refugees in "Vinojug" and "Tabanovce" originated from Iran (343), Afghanistan (194), Pakistan (91) and Iraq (77), with smaller numbers from other countries (see Chart 2 below). The police was deciding who is allowed to enter the center and was registering the newly arrived migrants. 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, but only until June when the practice in "Tabanovce" changed. Since June, the police in "Tabanovce" started fingerprinting and photographing every new person.

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.

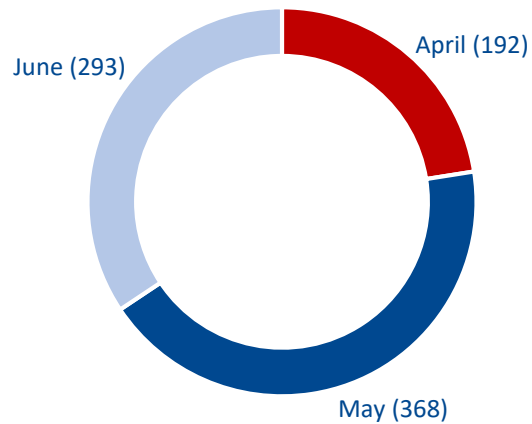


Chart 1: Number of newly arrived migrants and refugees in "Vinojug" and "Tabanovce", April-June 2018

Reception-transit center "Vinojug", Gevgelija

During the reporting period, about 438 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 May (214). In April there were 110, and in June there were 114 newly arrived persons. 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 total of 12 persons sought asylum in May.

Reception-transit center "Tabanovce", Kumanovo

About 415 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 June (179) and May (153), while during April arrival of only 93 persons was registered. Usually, the access to the center was allowed by the police on every occasion, with the exemption of 20 persons who were not allowed to enter the center in May.

Migrants and refugees who were accommodated in the center resided for a short period of time before continuing their journey. 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. However, only 1 person sought asylum in "Tabanovce" in the reporting period.

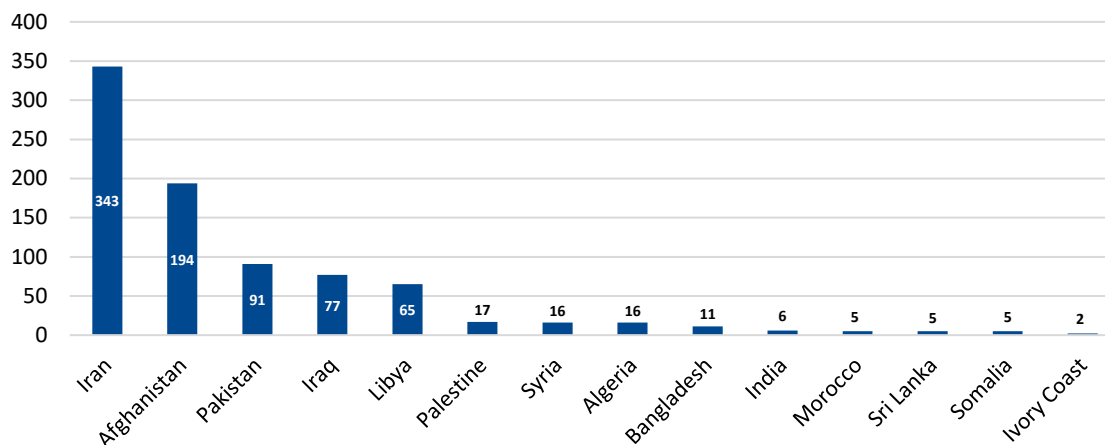


Chart 2: Country of origin of migrants and refugees in "Vinojug" and "Tabanovce" between April and June 2018

Women, children and other vulnerable categories of migrants and refugees

During the past three months, the number of women and children who arrived at the reception-transit centers "Vinojug" and "Tabanovce" increased. Although the majority of the persons were again male adults (59%), also 155 women and 200 children arrived. Only 17 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 pregnant women, eight single parents and four persons with poor health condition were identified in the center "Vinojug".

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 10 cases of migrant smuggling between April and June, in which the police intercepted a total of 126 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.

Irregular Migration in Macedonia in Numbers	
Persons detained at the Reception Center for Foreigners	110
Children detained at the Reception Center for Foreigners	6
Women detained at the Reception Center for Foreigners	7
Persons detained at the Reception Center for	68

Foreigners who sought asylum	
Migrants who were victims of smuggling	306
Persons returned in accordance with the Readmission Agreement with EU	2
Persons who attempted to enter the country irregularly	4523
Official statistics that MYLA obtained from the MOI in accordance with the Law on Free Access to Public Information for the period from January 1 to June 30	

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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 June 2018, MYLA has provided information, advices and legal assistance to 580 migrants and refugees in Macedonia.