



## FYROM | Undertaken measures and future challenges of the Macedonian Ombudsman in relation to the refugee crisis

With the ratification of the Optional Protocol to the Convention against Torture and other cruel, inhuman or degrading treatment or punishment, the Ombudsman, among other responsibilities for protection of the rights of citizens under the Law on the Ombudsman, was appointed as the authority to regularly examine the treatment of persons deprived of liberty and to make recommendations to the relevant authorities in order to prevent torture and other forms of inhuman treatment, as well as to submit proposals and observations concerning existing or draft-legislation.

The Ombudsman - National Preventive Mechanism, since its establishment and up to date, continuously monitors the situation of refugees and migrants, particularly during 2015. Several visits were made to the Center for foreigners and the Centre for asylum seekers. Based on the undertaken activities and conducted inspections, the Ombudsman found that the Centers for reception and treatment of foreigners and asylum seekers are in bad conditions, that

they have insufficient accommodation facilities, no proper treatment of asylum seekers and that the international standards are not in place.

In order to overcome the situation, the Ombudsman- National Preventive Mechanism sent recommendations to the competent authorities and institutions, whose findings were presented also in the Annual Report of the National Preventive Mechanism.

In June 2015, the Ombudsman on a press conference informed the public about the identified weaknesses in the Centers for foreigners and asylum seekers, indicating the problems with inadequate accommodation, overcrowding in the two buildings, lack of health and legal protection. Criticisms were made, among other things, on the fact that foreigners were kept for an unreasonably long period as witnesses in criminal proceedings against third parties, even though the Macedonian legislation does not allow involuntary detention.

In this context, the Ombudsman demanded for an urgent amendment to the Law on Asylum within several areas, as well as relocation of the center for foreigners and construction of new facilities for their accommodation. In particular, the amendments proposed by the Ombudsman were aimed on the registration of migrants and legal permission to stay in the country within 72 hours.

After the press conference, in abridged procedure amendments were adapted to the Law on Asylum which led to decrease of the number of foreigners and asylum seekers in the centers.

During the summer, the flow of refugees crossing from Greece into Macedonia rose dramatically, so the focus shifted to the border cross in Gevgelija and Tabanovce , where temporary transit centers (camps) were placed.



The Ombudsman continued to monitor the work of state bodies in the transit centers (camps) at the border cross on the southern and northern part of the country, in terms of ensuring the protection of refugees and migrants, their acceptance, treatment and care.

On several occasions, the Ombudsman visited the transit centers (camps) on the border cross at Gevgelija and Tabanovce.

Namely, the Ombudsman together with representatives from UNHCR on the 15 of September visited the transit center "Vinojug" in Gevgelija, followed by three more visits:

- On the 17 of November, a joint fact finding mission led by Deputy Ombudsman Vaska Bajramovska-Mustafa and Acting Ombudsman of the Republic Greece, Vassilis Karidys, was done on the Transit Centers in both countries.
- On the 30 of November, the Ombudsman Ixhet Memeti, together with the Ombudsman of Austria, Mrs. Gertrude Brinek, and the head of UNHCR Mr. Muhammad Arif visited the Transit Center "Vinojug".
- On the international human rights day, 10 of December, the Deputy Ombudsman Ms. Vaska Bajramovska Mustafa together with the Ombudsman for Children from Netherlands, who is also Chairman of the European Network of Ombudsmen for children- ENOC, together with representatives of SOS Children's Village in Macedonia and SOS Children's Village in Netherlands, visited the Transit Center, "Vinojug".

The first visit to the Transit Center "Tabanovce" was carried out on the 14 of September, together with representatives of UNHCR.

On the 7<sup>th</sup> of December, the Ombudsman together with the Protector of citizens of the Republic Serbia Mr. Sasa Jankovic visited the Transit Center "Tabanovce" and the transit center in Republic Serbia.

Additionally, on the International Human Rights Day - 10 of December a team of the Ombudsman-National Preventive Mechanism, visited the Transit Center "Tabanovce".

After all visits and inspections, the Ombudsman prepared a Special report and fully informed the Government of the Republic of Macedonia on the situation stating relevant recommendations in order to improve the situation.

## **FINDINGS**

1. On the entrance in the transit center in Gevgelija, only one tent is provided where a small group of migrants / refugees are accommodated while checking for entry. The rest are out on the open and exposed to bad weather conditions.



2. There is a weak system of records and registration of refugees/migrants, performed solely on the basis of documents issued by the Greece authority. There is no direct contact between the police officers and refugees / migrants at their registration.
3. On the entrance, a selection is done among the refugees and migrants by country of origin. Although, economic migrants entered the territory of the Republic of Macedonia, they are returned back without any procedures.
4. Weak and insecure control system on refugees / migrants and their luggage at the entrance of transit center in Gevgelija , with occasional use of the scanner by the Ministry of Interior.
5. Insufficient cooperation and coordination of activities in the transit centers in "Vinojug" and "Tabanovce" as well as impermanent and incomprehensive coordination of the competent authorities in Greece, Macedonia and Serbia in relation to accept treatment and transit refugees / migrants.
6. Not fully equipped facilities for reception of refugees and migrants in winter conditions, no infrastructure for electricity and heating in all facilities and lack of hot water.
7. Lack of humane, comprehensive and appropriate reception and care for vulnerable groups during their stay in the transit centers. Children, women, mothers, elderly and persons with disabilities are placed in facilities that are unheated and not provided with appropriate assistance during entry and exit from the country.
8. Poorly organized transport of refugees / migrants as well as unnecessary long periods for retention and a high price for a train ticket, even though categorization on the price tickets for children over 10 years old and people with disabilities is not done.. Refugees and migrants are allowed to choose which form of transport they want to use to "Tabanovce".
9. In the temporary transit center "Vinojug", the way of keeping and storing food is inadequate, or is kept in plastic bags opposite to the international standards, the distribution of food to the refugees and migrants is carried out in an inhumane way. Also, in the center no warm meal is provided.
10. The services for legal aid in the transit center "Vinojug" is incomplete, particularly there is no holistic approach in order to detect and prevent unaccompanied children as victims of trafficking. At the same time, the Ministry of labor and social policy and other authorities are poorly presented in the field.
11. Domestic and international NGOs are present and they provide assistance and support to the refugees / migrants. Lack of coordination with the competent authorities for effective protection.



## RECOMMENDATIONS

1. To provide humane conditions for admission for refugees and migrants that are awaiting to entry the transit center in Gevgelija and to provide more facilities for this purpose.
  2. To take measures to introduce new, more efficient and more comprehensive manner of recording and registration throughout biometric system of recording and photographing.
  3. To allow a non-selective and humane approach to all persons that are seeking international protection and assistance, and to allow them to initiate an asylum procedure or to ask for temporary residence in the country, and if people refuse it, a written proof of the refusal to be provided.
  4. Improving security checks through regular control with constant use of scanners for inspection of luggage and persons from the Ministry of Interior.
  5. To establish a better and more intensive coordination of managers of transit centers at national and international level as well as cooperation between the border police in Greece-Macedonia-Serbia for timely, complete and humane reception and transit of refugees and migrants.
  6. To take urgent measures to ensure all conditions for reception of refugees / migrants in winter conditions are in place, as supply on electricity, as well as satisfactory level of heat in the tents and hot water.
  7. To take urgent measures on human acceptance, care and treatment on vulnerable groups in the transit centers as women, children, elderly and persons with disabilities and to arrange appropriate and legal border transport.
  8. To organize proper transport for refugees / migrants without undue delay, with due respect of the right to choose the type of transport and to take measures to equalize the cost of the ticket, according to the principle of equality.
  9. To undertake measures for proper storage of food, according to the international standards as well as measures for mandatory provision of hot meals. The food should be distributed in human manner, with decent conditions for its consumption.
  10. Better organized legal assistance in the transit centers, visible presence of the competent authorities and institutions, and professional assistance (social workers, psychologists, educators) to children and vulnerable groups, as well as to all persons who need it.
  11. To establish and strengthen the cooperation and coordination with the domestic and international civil organization that work on the issue of refugees and migrants.
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