

To
the Government of the Republic of Macedonia
Skopje

SUBJECT: Special report on the situation at the Temporary Transit Centre *Vinojug* and the Temporary Transit Centre *Tabanovce*

The Ombudsman – as protector of citizens’ rights and a National Preventive Mechanism, in accordance with the Law on Ombudsman (*Official Gazette of RM* no. 60/03 and 114/2009), in addition to other competences, has the authority to monitor the situation with regard to the respect and protection of constitutional and legal rights of persons in bodies, organisations and institutions where the freedom of movement is limited.

In this respect, the Ombudsman paid several visits, i.e. monitored the conditions for reception and treatment of migrants and refugees in the Transit Centre for Migrants and Refugees *Vinojug*- Gevgelija and the Transit Centre *Tabanovce* at the border with the Republic of Serbia.

The visits were in accordance with the competences of the Ombudsman listed in the Law on Ombudsman and in line with the mandate of the National Preventive Mechanism (NPM), determined the with Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment and other forms of inhuman or degrading treatment.

The goal of the visits is to gain insight into the material situation in the centres for temporary accommodation of migrants and refugees and how this category of persons is treated,

in order to form an opinion on whether their rights guaranteed with the national legislation and international acts, especially the 1951 Geneva Convention on the Status of Refugees, are respected and to identify the risks with the aim of preventing torture and other cruel, inhuman and degrading treatment and punishment.

At the same time, the joint visits with ombudspersons from the countries in the region provided an opportunity for exchanging experiences about how migrants and refugees are taken in and treated in the other countries on the transit route and strengthening the cooperation of the ombudsman institutions on issues pertaining to migrants and refugees.

For this goal, the Ombudsman team inspected the material conditions and the accommodation facilities, talked with the persons in charge of the centres and had direct meetings and talks with the migrants and refugees accommodated there during the visit.

This report comprises information, conclusions about the situation as well as recommendations and suggestions for overcoming and improving the negative aspects.

TEMPORARY TRANSIT CENTRE FOR MIGRANTS *VINOJUG*

The Ombudsman, as protector of citizens' rights and as the National Preventive Mechanism, together with UNHCR representatives on 15 September 2015 visited for the first time the Temporary Transit Centre *Vinojug* near Gevgelija, followed by three other visits:

- on 17 November 2015, when the Transit Centre was visited by a team of the Ombudsman as protector of citizens' rights and National Preventive Mechanism, led by Deputy Ombudsman Vaska Bajramovska Mustafa and Acting Ombudsman of Greece, Vasilis Karidas,

- on 30 November 2015 Ombudsman Mr. Ixhet Memeti, together with the Ombudsman of Austria, Mrs. Gertrude Brinek and the head of the UNHCR Office Mr. Muhamed Arif visited the *Vinojug* transit centre and

- on 10 December 2015 the Transit Centre *Vinojug* was visited by a team of the Ombudsman as protector of citizens' rights and National Preventive Mechanism, led by Deputy Ombudsman Vaska Bajramovska Mustafa together with Holland's Ombudsman for Children,

which chairs the European Network of Ombudspersons for Children (ENOC), and representatives of SOS children's village in Macedonia and SOS children's village in Holland.

Management with Temporary Transit Centre *Vinojug*

During the visits the Ombudsman talked with representatives of the Ministry of Interior – Regional Centre for Border Affairs South, with the Manager of the Temporary Transit Centre and his deputy, the manager of the Crisis Management Centre and representatives of the Ministry of Labour and Social Policy, UNHCR and the Red Cross of Macedonia.

In relation to procedures for receiving migrants and the institutions and organisations in charge of organizing reception, registration and processing of migrants, the situation is as follows: no standard operating procedures have been adopted for the activities in the centre and it is not clearly determined who manages the Transit Centre, in other words whether it is under the competence of the Ministry of Interior and the non-governmental sector or the centre should be managed by the Ministry of Labour and Social Policy or the Crisis Management Centre.

Accommodation Facilities at the Temporary Transit Centre *Vinojug*

During the visits the Ombudsman concluded that the migrants from the illegal border crossing with Greece (quota 59) arrive on foot to the *Vinojug* temporary transit centre, which is around 1 km away. The path from the border crossing to the centre is unlit, uneven and difficult for transportation of persons in wheelchairs. Hygiene is poor, with the exception of two recently placed dumpsters, there are no dustbins, there are piles of all sorts of waste and the area looks like a big dump heap.

Regarding this problem, we received information that nobody has funds to clean the waste and that the local self-government requested, but did not receive funds from the central authorities for this purpose.

Further, it has been established that the migrants enter the *Vinojug* centre in groups of 50 and in case there is a greater influx of migrants, they have to stay in front of the centre's fence for several hours in inclement weather. Recently a tent has been erected in order to shelter the migrants while they wait to enter the centre, however this is not sufficient. Three tents have been put up outside the fence, yet they are not operational for undetermined reasons.

During the visit on 17 November 2015, the Ombudsman – NPM noticed a larger group of economic migrants who were not allowed in the Transit Centre due to the decision of the Government of the Republic of Macedonia not to let through migrants from countries where there are no military conflicts. These persons were returned to Greek territory without the possibility for starting a procedure for seeking asylum.

At the camp's entrance non-governmental organisations, the UNHCR and the Red Cross distribute food and water, personal hygiene products and blankets when necessary, while hot meals have not been provided due to the lack of necessary equipment.

Also on the ground there are volunteers from several non-governmental organisations, such as Association of Young Lawyers, Legis, La Strada. Migrants and refugees are taken into a tent where their documents are collected and handed over to officials from the MoI for registration.

At the *Vinojug* temporary transit centre there are several prefab buildings that accommodate the border control police station, while four containers are used for computer records for the migrants. Members of the NGO Association of Young Lawyers have been tasked with the technical aspect of registration, which is carried out in three shifts.

The procedure of identification is carried out by an official from the Ministry of Interior, while the registration is done in line with the issued Greek documents, in other words by entering data into a computer system without taking fingerprints and photos.

The luggage that the migrants carry is checked at the camp's entrance, however, the Ombudsman is of the opinion that this is insufficient since there is a scanner for only several hours a day. This type of luggage and security checks cannot guarantee safety.

The migrants are then accommodated into tents to rest. Currently there are four big tents that cannot accommodate a large number of migrants.

UNICEF provided two tents for children and mothers where in addition to having a rest, children have the opportunity to play. UNICEF also provided various items and toys for children of different ages so that they spend their time while waiting for transport in an easier and more organised fashion.

In addition to these facilities, the Transit Centre also has portable toilets and prefabricated showers, so there are conditions for basic personal hygiene.

During the last visit the Ombudsman – NPM concluded that since the first visit four months previously, little has been done to adapt the transit centre for reception of persons in winter conditions. Namely, the issue of electricity in the camp has not been solved yet, i.e. there are no substations, the tents for adults and children and the other prefabricated facilities are not heated and there is no hot water. The gas heaters that were procured in the meantime cannot fully warm up the prefabricated facilities where the refugees and the migrants are accommodated. We did not receive a concrete answer to the question when the substations will be put in.

Legal Aid

According to officials from the Ministry of Interior, the legal aid to the migrants in the Transit Centre is provided by non-governmental and international organisations. The Ombudsman – NPM was informed that there are always representatives of UNHCR and the Association of Young Lawyers MILA who provide pro bono legal aid to the migrants.

In the days when economic migrants were not allowed to continue their journey towards the border with Serbia, the procedure for seeking asylum was explained to these persons, however they were not given the opportunity to start the procedure because the border police took them back to Greek territory.

The number of migrants that are registered in the centre varies, so in the first couple of months there were between 2000 and 3000 registered migrants a day, but later these numbers increased. During the visit on 17 November 2015, the Ombudsman – NPM was informed that 6780 migrants were registered in 24 hours, but in the days before there had been up to 10.000 migrants a day.

The latest data show that since 19 July, when the registration began in accordance with the Law on Amendment to the Law on Asylum and Temporary Protection, until 13 December 2015, 44% of the registered are women and children, 28% of whom are children. There is also data that 17.856 children between the ages of 16 and 18 travel without their parents, which is one of the conditions for abuse in human trafficking.

The data received from the Ministry of Labour and Social Policy show that on 9 December 2015 the centre registered 1835 persons, 641 of whom underage, 382 women and 813

men. The same day there were 39 unaccompanied children, while there is information that on average there are 200 children a day who are suspected of travelling without parents.

In such cases, officials talk with the persons who present themselves as close family members, the information supplied by the Greek authorities are checked and usually the children are allowed to continue their journey. In cases when children are completely alone, a social worker from the Ministry of Labour and Policy is contacted, and if it is determined that the child travels unaccompanied, s/he is sent to the Asylum Seekers Centre in Vizbegovo or to the safe house in Kozle.

The NGO sector and UNHCR have provided translators, but in the Ombudsman's estimation, their number is insufficient.

Healthcare

Healthcare in the centre is organised through the public healthcare system and is under the competence of the Ministry of Health.

The Ombudsman concluded that there is organised healthcare with an infirmary that is open 24 hours and healthcare workers that are constantly on shift (a general practitioner and a nurse).

The infirmary where patients who need medical attention are admitted is comprised of two prefabricated rooms. One is used for medical interventions, while the other has three beds for relaxation and recuperation of patients.

The conversations with medical staff showed that patients most often complain of respiratory infections, diarrhea, high temperature, allergies and insect bites, fatigue and exhaustion due to the lengthy journey and the influence of the weather. If patients need medicine, they can be provided from the infirmary and the Red Cross, however for cases that require more serious interventions, the public healthcare system has provided an ambulance that transfers patients to the nearest healthcare facilities.

During the last visit on 10 December 2015, the Ombudsman was informed that in the past 24 hours the medical team has examined 10 patients, 7 of whom children, three were more serious cases and were transported to the nearest clinic.

During the inspection of the documentation, it was concluded that it is properly handled by the medical staff.

Transportation of migrants and refugees

Migrants are transported in an organised manner, via trains, buses and taxis. The number of migrants who arrive daily cannot be anticipated since their numbers change on a daily basis. The train tickets are issued immediately before boarding the trains, tickets are valid for 24 hours and they are free of charge for children under 10.

During the visit on 10 December 2015, the Ombudsman came across a rather chaotic situation at the centre. It was noticed that the railway ticket office opens before the trains' arrival, which causes chaos and scuffles when purchasing tickets. The area near the trains' entrances is not covered, so during bad weather the migrants are exposed to rain and snow. At the same time, there is no selection and children, women and persons with disabilities are not given priority, so the Ombudsman's team witnessed such persons asking UNHCR personnel for help to be transported to the train.

Having in mind that the price of 25 euros is much higher than the price local citizens pay, on 9 October 2015 the Ombudsman launched a procedure where it was determined that foreign and Macedonian citizens are not treated equally, ticket prices are different and fiscal regulations are not respected.

Guided by the principle of nondiscrimination, the Ombudsman submitted a Recommendation to the Government of the Republic of Macedonia and to the transportation company the price of tickets for foreign citizens to be equal as that for the Macedonian citizens and requested special categories of prices for children over the age of 10 and for disabled persons. Instead of undertaking concrete measures, the Government briefly replied that it would act in accordance with its competences, so no concrete response has been received yet.

The Ombudsman – NPM also concluded that the migrants cannot choose the mode of transport towards Tabanovce, so often they have to wait for hours for the train to arrive (without having the option to use a different mode of transport) and to be taken to the next destination.

The situation was the same during the last visit, when the migrants complained that they have been waiting for the train for several hours. When the Ombudsman asked who decides about the mode of transport for the migrants and the refugees, no concrete answer was provided.

During the visit on 10 December 2015, the Ombudsman – NPM team noticed that a large group of migrants and refugees were directed to continue their journey by bus and taxis, and were left to reach these vehicles on their own. The team was informed that one group was lost at night and could not find the place where buses and taxis are positioned for a long time.

Talks with Migrants

During the visits the Ombudsman – NPM had several talks with some migrants and refugees. The migrants generally do not have complaints about the treatment from police officers and expressed their gratitude for the help they receive in the form of food, juice, personal hygiene supplies, distributed by NGOs.

The migrants complained about the long waits for the train to the Tabanovce border crossing and about the fact that they are not allowed to leave the Transit Centre. When it comes to whether legal procedures have been explained and legal aid supplied, they underscored that they get aid from NGOs and international organisations only upon their request.

The talks with them showed that their only goal is to transit through the Republic of Macedonia to western European countries. The migrants stay at the Transit Centre for several hours, depending on how transportation is organised. They also complained that they cannot choose the mode of transport towards the border with Serbia.

However, during the visit on 10 December 2015, the Ombudsman – NPM witnessed complaints by some migrants about how police officers treated them when entering the Temporary Transit Centre, saying that police officers shoved them and used force to make them form a group.

Most complaints were in regard to heating because the problem with electricity has not been solved yet, i.e. there are no substations.

TEMPORARY TRANSIT CENTRE TABANOVCE

The Ombudsman, as protector of citizens' rights and as the National Preventive Mechanism, together with UNHCR representatives on 14 September 2015 visited for the first time the Temporary Transit Centre Tabanovce.

On 7 December 2015, the Ombudsman together with the Protector of Citizens of the Republic of Serbia Mr. Sasa Jankovic visited the Tabanovce Transit Centre and the camps in the Republic of Serbia.

The Ombudsman – NPM team visited the Tabanovce Transit Centre on 10 December 2015 as well.

Management and Organisation of Tabanovce Transit Centre

The Tabanovce Transit Centre is managed by the Crisis Management Centre. The Ombudsman visited this centre on several occasions and concluded that the camp is well organised and the conditions improved with each visit.

At the Tabanovce border crossing there is a prefabricated building that houses the Border Control Police Station, while the police officers are provided by the police station in Tabanovce. The migrants and refugees arrive at the centre by trains, buses and taxis. There are rare cases of registering migrants who have not been documented at the Vinojug temporary transit centre near Gevgelija.

Teams of UNHCR and the Red Cross are present at the border crossing at all times, with occasional visits by UNICEF as well. There are also several NGOs on the ground, including Legis, Vlazrimi from Kumanovo, La Strada, the Association of Young Lawyers and others.

Accommodation Facilities at Tabanovce Transit Centre

At the Tabanovce transit centre the conditions for reception of children and refugees are better than those at the Vinojug transit centre. The migrants' stay at the Tabanovce border crossing is very brief since the border with Serbia is a few hundred metres away. Upon their

arrival, everyone involved in the humanitarian action distributes food, water, juices and personal hygiene supplies.

UNHCR has provided 32 prefabricated rooms for storage of food, water and hygiene supplies, blankets provided by the NGO sector and international organisations that are distributed to the migrants and refugees. Some of the facilities are used to accommodate persons who need rest, while UNHCR provided another big tent for this purpose. There are portable toilets with water supply, so there are basic conditions for hygiene, however it was determined that this centre also lacks hot water.

The Ombudsman's team inspected the facilities of the SOS Children's Village, which has a prefabricated two-floor building for accommodation of children and mothers. This is where children are briefly accommodated in quite good conditions, since the building is heated and equipped with all necessary hygiene supplies and food for children of all ages. The Ombudsman – NPM noticed the lack of hot water, necessary for personal hygiene, and the absence of a pediatrician. The Children's Village provides free internet for the migrants and refugees.

During the visit the Ombudsman – NPM concluded that there are hot meals, warm soup, clothes and shoes for the migrants, the NGO La Strada has put up a tent for children and mothers, that was sufficiently heated. This organisation also provides legal, psychological and social aid and protection for children and mothers.

During the visit on 7 December 2015, the Ombudsman and the Protector of Citizens of R. Serbia walked the road to the border crossing with Serbia.

The Ombudsman concluded that the road taken by the migrants is uneven and muddy, without lighting and protection of the railway tracks, so that children, women and disabled persons find it difficult to travel on it. However, there is a vehicle provided for transportation of frail persons to the border crossing itself. Since the same day they visited the camp for refugees in the village of Miratovci in Serbia, the conclusion was that the migrants have to travel two and a half kilometres on uneven ground from one to the other camp, which in the opinion of the Ombudsman is inhuman, especially for small children, pregnant women and disabled persons.

Several days later, on 10 December 2015, the team of the Ombudsman and the National Preventive Mechanism witnessed hectic activities at the Tabanovce transit centre. Namely, the path to the border crossing was covered with gravel, a fence was erected on one side, while the centre’s manager said that in the next couple of days the path would be lit and adapted for easier movement. Also there were activities for adapting three big tents for accommodation of migrants and refugees with special floorings and heating; other construction activities were underway as well. The ground was prepared for putting up tents for persons with special needs, portable toilets and administrative facilities. The Ombudsman could personally see that the centre is making daily efforts to improve the conditions.

Healthcare

Healthcare at the Tabanovce centre is organised by the Red Cross of the Republic of Macedonia. Medical teams work in shifts to provide primary healthcare for migrants and refugees. More serious cases are referred to the Medical Centre in Kumanovo, and when necessary to the hospitals in Skopje.

Patients usually suffer from respiratory infections, diarrhea, high temperature, allergies, fatigue and exhaustion after the long journey and the influence of the weather. The medical staff provides patients with analgesics, paracetamol, anti-rheumatic drugs and other basic medicines.

The medical staff of the Red Cross keeps full records of the medically treated persons. According to their records, these are the data for the period between 1 and 9 December 2015.

Date of visit	01.12.2015	02.12.2015	03.12.2015	04.12.2015
First shift	A total of 26 persons examined	156 persons examined, 27 of whom children under 10	43 persons examined, including 1 pregnant woman	107 persons examined, including 1 child and 1 pregnant woman
Second shift	A total of 57 persons examined, including 16 children under 10	336 persons examined, including 41 children and 7 pregnant women	29 persons examined, including 1 child	420 persons examined, including 52 children and 5 pregnant women

Date of visit	05.12.2015	06.12.2015	07.12.2015	08.12.2015	09.12.2015
First shift	224 persons examined, including 35 children and 3 pregnant women	120 persons examined, including 17 children and 1 pregnant woman	106 persons examined, including 8 children and 2 pregnant women	176 persons examined, including 39 children and 3 pregnant women	During the Ombudsman's visit a total of 400 persons were examined, including 39 children
Second shift	100 persons examined, including 10 children and 2 pregnant women	248 persons examined, including 55 children and 7 pregnant women	79 persons examined, including 1 child and 2 pregnant women	60 persons examined, including 5 children	

The Ombudsman noted that unlike the Vinojug transit centre, numerous persons requested primary healthcare at the infirmary in Tabanovce as a result of their stay in inadequate conditions at the centre in Gevgelija...

Talks with migrants

During the visits, the Ombudsman – NPM had numerous talks with migrants and refugees, who were especially grateful for the activities of the NGOs and the international organisations. They complained about the time lost at reception at the Vinojug centre in Gevgelija and the long waiting time for transport towards the Tabanovce border crossing.

On 10 December 2015 the team of the Ombudsman and the National Preventive Mechanism found a group of 35 economic migrants who asked for help since they have been staying at the Tabanovce border crossing for several days without getting permission to enter Serbia.

The Ombudsman talked with the border police and the centre manager about this case and was informed that the migrants have no documents and during check-ups it was established that they were not registered at the border crossing in Gevgelija, which is a signal that they entered the territory of the Republic Macedonia in an illegal manner and that they are economic migrants. In accordance with the joint decision of the Western Balkan countries to allow only refugees from Syria, Afghanistan and Iraq, they were not allowed to cross into Serbia. The migrants were offered to submit application that they intend to seek asylum, but they refused, so the only option is to return them to Greek territory. When the Ombudsman asked whether their refusal to seek asylum has been registered, he was told that no such records are kept.

CONCLUSIONS

1. In front of the entrance to the Temporary Transit Centre Vinojug there is only one tent where a small group of migrants/refugees are accommodated during check-ups, while the others are outside in the open, exposed to inclement weather.

2. The system for identification and registration of refugees/migrants is poor and is done only on the basis of documents issued by R. Greece. There is no direct contact between police officers and refugees/migrants during registration.

3. At the entrance the refugees and economic migrants are selected based on their country of origin, after which economic migrants, although already on Macedonian territory, are taken back without any procedure.

4. Poor and inconsistent security checks for refugees/migrants and their luggage at the entrance to the Temporary Transit Centre Vinojug, with an occasional use of a scanner by the Ministry of Interior.

5. There is insufficient cooperation and coordination of activities between the managers of the centres Vinojug and Tabanovce and there is no constant and comprehensive coordination between competent bodies of Greece, Macedonia and Serbia when it comes to the reception, treatment and transportation of refugees/migrants.

6. The facilities are not fully adapted for reception of refugees and migrants in winter conditions, the problem with electricity has not been solved, not all facilities are heated and there is no hot water.

7. There is a lack of humane, comprehensive and adequate reception and care for vulnerable groups during their stay at the centre. Children, women, pregnant women, the elderly and disabled persons are accommodated in facilities that are not heated and are not provided with adequate help when entering and leaving the Republic of Macedonia.

8. The transportation of refugees/migrants is badly organised and they stay at the centre for an unnecessarily long time, pay high prices for tickets and there is no categorization of tickets for children over 10 and disabled persons. Refugees and migrants do not have the opportunity to choose the mode of transport they would like to use to Tabanovce.

9. At the Vinojug temporary transit centre food is inadequately kept and stored in nylon bags, contrary to international standards, and the food is distributed to refugees and migrants in an inhuman manner. Also, there are no hot meals at the centre.

10. Legal aid at the Vinojug centre is incomplete, there is no comprehensive approach in identifying unaccompanied children and prevention of their abuse in human trafficking. At the same time, the Ministry of Labour and Social Policy and other competent bodies are not very present in the field.

11. Local and international NGOs are active in the field and provide assistance and support to the refugees/migrants. There is lack of better coordination with competent bodies for more efficient protection.

RECOMMENDATIONS

1. Conditions should be provided for humane reception of all persons waiting to enter the Vinojug temporary transit centre and more facilities should be provided for this purpose.

2. Measures should be undertaken for introducing a new, more efficient and more comprehensive system for identification and registration, with a biometric system of registering and photographing these persons.

3. There should be a nonselective and humane approach to all persons who request international help and protection, they should be allowed to start the adequate procedure for seeking asylum or temporary residence in the Republic of Macedonia, and in case they refuse to do this, there should be written evidence.

4. Security checks should be improved with regular checks and regular use of scanners for luggage and persons by the Ministry of Interior.

5. There should be better and more intensive cooperation between the managers of transit centres on national and international level, as well as cooperation between the border police services of Greece, Macedonia and Serbia for timely, more humane and comprehensive reception and transit of refugees and migrants.

6. Measures should be urgently undertaken to provide all the necessary conditions for reception of refugees/migrants in winter conditions, electricity should be provided at the right voltage in order to sufficiently heat the facilities and to provide hot water for refugees and migrants.

7. Measures should be undertaken for humane reception, care and treatment of vulnerable groups at the centre. Transportation through legal border crossing should be organised for women, children, pregnant women, the elderly and special needs persons.

8. The transportation of refugees/migrants should be organised without hold-ups and unnecessary long waits, the right to choose mode of transport should be respected and measures should be undertaken to level the ticket prices in accordance with the principle of equality in services

9. Measures should be undertaken for keeping and storing food according to international standards and for providing hot meals, while the food should be distributed in a humane manner and conditions should be decent for its consumption.

10. Legal aid at the centres should be better organised, there should be greater presence of competent bodies and institutions and professionals should be present at all times (social workers, psychologists, pedagogues) to provide adequate expert and professional help and protection to children, vulnerable groups and all those who are in need.

11. There should be better cooperation and coordination between local and international NGOs working with refugees/migrants.

OMBUDSMAN
Ixhet Memeti