



Република Македонија  
НАРОДЕН ПРАВОБРАНИТЕЛ

Republika e Maqedonisë  
AVOKATI I POPULLIT

**O M B U D S M A N**  
Republic of Macedonia

## **SPECIAL REPORT ON FOLLOW-UP VISIT TO THE TEMPORARY TRANSIT CENTER “VINOJUG” – GEVGELIJA**

**Skopje, 17.10.2016**

## **Timeframe, Methodology and Purpose of the Visit**

The Ombudsman - National Preventive Mechanism (NPM) performed a ***surprise follow-up visit*** to the Temporary Transit Center “Vinojug”- Gevgelija on **17 October 2016**. This visit was the last one in the series of follow-up visits made by the National Preventive Mechanism Team on: 23 May 2016, 31 May 2016, 10 June 2016, 01 July 2016, 21 July 2016, 04 August 2016, 23 September 2016 and 13 October 2016.

The Ombudsman - National Preventive Mechanism performed these visits under its mandate and competencies arising from the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Law on Ombudsman. These visits followed the regular visit that the NPM paid to the Temporary Transit Center “Vinojug” - Gevgelija on 16 May 2016 and on which it prepared a Special Report dated 01 June 2016, including its respective conclusions and recommendations submitted to the Macedonia’s Government, the Minister of Interior, the Minister of Labor and Social Policy, the Minister of Health and the Crisis Management Center’s Director.

The purpose of these follow-up visits was to monitor the implementation of recommendations contained in the Special Report of the National Preventive Mechanism of 01 June 2016, and to identify risks in order to prevent torture or other cruel, inhuman or degrading treatment or punishment.

Visits were conducted in cooperation with authorities and organizations participating in the Temporary Transit Center’s management and operation, where the National Preventive Mechanism Team had unfettered access to the places where migrants/refugees were accommodated and was free to talk to them without the presence of any officials.

## **FINDINGS - Evaluation of the Level of Implementation of Recommendations Dated 01 June 2016:**

NPM Team’s visits focused on the adverse findings contained in the Special Report of 16 May 2016 and on inspecting the implementation of recommendations given to improve the situation and eliminate the shortcomings and risks potentially leading to torture or other cruel, inhuman or degrading treatment or punishment.

**Recommendation 1** - Crisis Management Center's representatives should stop hampering the National Preventive Mechanism to perform its duties and enable it an insight into the Center's Daily Reports and entire documentation in Center's possession.

**Response to recommendation:**

With regard to this recommendation, the Gevgelija Regional Crises Management Center's Headquarters responded that after obtaining the consent of the CMC Director to supply information regarding the current situation in the Temporary Transit Center "Vinojug", such information would be submitted electronically on a daily basis.

**Situation established:**

During its follow-up visits, the National Preventive Mechanism Team experienced good collaboration and cooperation with the Crisis Management Center's representatives. Reports on the situation on the ground and actions taken by authorities and organizations within the Reception Center are submitted electronically on a daily basis.

***Assessment of this recommendation's implementation: The recommendation has been implemented***

**Recommendation 2** - NGOs should be allowed unimpeded access to the "Habitat" tent, so that they can provide effective and adequate legal assistance and protection to migrants/refugees.

**Response to recommendation:**

With regard to this recommendation, the RCMC responded that activities outside the Temporary Transit center are the responsibility of the security services and it is their task to assess who, when and how will perform activities related to illegal migrants outside the Temporary Transit Center.

**Situation established:**

From the interviews with representatives of both international and non-governmental organizations providing legal assistance and protection to

migrants/refugees, the NPM Team concluded that they have access to the “Habitat” tent and are allowed to talk to migrants/refugees.

***Assessment of this recommendation’s implementation: The recommendation has been implemented***

**Recommendation 3** - Unfettered access should be allowed for migrants/refugees to the asylum-granting procedure; group deportations should be stopped. The Ministry of Interior should keep records of the number of persons admitted to the “Habitat” tent and maintain official documents related to the manner and procedure of their return to the country from which they have entered irregularly.

**Response to recommendation:**

This recommendation has not received any response. The recommendation was not taken in consideration whatsoever in the Notification submitted in response to the National Preventive Mechanism’s Special Report dated 01 June 2016.

**Situation established:**

The NPM Team concluded that the practice of group deportation of irregular migrants found on the territory of Macedonia, after their short-term accommodation of several hours in the “Habitat” tent, to the country from where they entered Macedonia (usually Greece), continues without any formalities and without keeping official records thereof.

***Assessment of this recommendation’s implementation: The recommendation has not been implemented***

**Recommendation 4** - The presence of Asylum Department representatives should be ensured at the Temporary Transit Center “Vinojug” in order to enable easier access to the asylum-granting procedure for migrants/refugees.

**Response to recommendation:**

With regard to this recommendation, the Crisis Management Center responded that in its forty-ninth session, the General Headquarters made a decision to dislocate three containers from the border stone number 59, which is adjacent to the entrance of the Temporary Transit Center “Vinojug”, in order to ensure the continuous presence of Asylum Sector employees, as well as their working conditions.

**Situation established:**

The NPM Team concluded that the Ministry of Interior’s Asylum Department had not ensured the continuous presence of its representatives within the Temporary Transit Center, but that in case of need, such as for registration of persons who have applied for asylum or for conducting interviews with asylum-seekers, the Department representatives repeatedly visited the Temporary Transit Center.

**Assessment of this recommendation’s implementation: The recommendation has been partially implemented**

**Recommendation 5** - Conditions in the “Habitat” tent should be improved, the level of hygiene and cleanliness should be increased and overcrowding in the tent should be reduced by transferring some of the refugees to the Temporary Transit Center, given that it has a lot of free accommodation space.

**Response to recommendation:**

With regard to this recommendation, the Crisis Management Center responded that work was being done to improve the conditions of stay and the hygienic conditions in the “Habitat” tent.

**Situation established:**

The NPM Team concluded that a new practice was established with regard to migrants/refugees accommodated in the “Habitat” tent. Namely, during the visits, there was no overcrowding noticed in the tent, given that only a portion of the irregular migrants found on the territory of Macedonia were taken to the tent and they were no

longer placed there for days, but were kept only for short periods (of a few hours) before being deported to the country from where they entered Macedonia (usually Greece).

***Assessment of this recommendation's implementation: The recommendation has been implemented***

**Recommendation 6** - Cooperation and coordination between competent authorities participating in the Temporary Transit Center's management and organization should be improved, as well as cooperation with both non-governmental and international organizations

**Response to recommendation:**

With regard to this recommendation, the Crisis Management Center responded that each morning, within its current operations, a briefing is convened between the representatives of the Interior Ministry, MLSP and CMC, and also, every Thursday, a coordination meeting is held with all institutions and NGOs working at the Temporary Transit Center.

**Situation established:**

The NPM Team concluded that cooperation and coordination between competent authorities involved in the management and organization of the Temporary Transit Center was improved, while also enhancing the cooperation with both international and non-governmental organizations present on the ground, with which coordinating meetings had been convened on a number of occasions.

***Assessment of this recommendation's implementation: The recommendation has been implemented***

## SITUATION ESTABLISHED (as of 17 October 2016)

### Current Numerical Situation

During its last visit, the NPM concluded that the current number of persons officially accommodated and held at the Temporary Transit Center “Vinojug” was 124. All these persons have entered and been found in the Republic of Macedonia before the official closing of borders and the so-called “Balkan Route”.

The structure of these people in terms of gender, age and country of origin is as follows:

<b>COUNTRY OF ORIGIN</b>	<b>MEN</b>	<b>WOMEN</b>	<b>CHILDREN</b>	<b>TOTAL</b>
SYRIA	28	16	8	72
IRAQ	10	8	24	42
IRAN	1	1	4	6
AFGHANISTAN	1	1	2	4
<b>TOTAL</b>	<b>40</b>	<b>26</b>	<b>58</b>	<b>124</b>

### Treatment of Asylum-seekers

During its visits, the the National Preventive Mechanism Team identified a newly established practice, where the asylum-seekers from the Temporary Transit Center “Vinojug” were no longer taken to the Reception Center for Asylum Seekers in Vizbegovo - Skopje, but placed in prefabricated houses (containers) mounted adjacently to the enclosure of the Temporary Transit Center “Vinojug”.

Namely, of the total number of persons, 21 have applied for asylum, of whom 11 persons are located outside the enclosure adjacently to the Temporary Transit Center, while the remaining 10 people are still housed within the Temporary Transit Center.

From its interviews with the Ministry of Labor and Social Policy’s representatives, the National Preventive Mechanism Team established that the accommodation of asylum-seekers within the Temporary Transit Center “Vinojug” was based on decisions made by Gevgelija’s Center for Social Work.

The National Preventive Mechanism Team found that asylum-seekers had been issued identification documents, which according to the Law on Asylum, confirm their

right of residence in the Republic of Macedonia<sup>1</sup>, but they are still not allowed to freely leave or be away from the Temporary Transit Center.

Asylum-seekers accommodated in the prefabricated cabins (containers) placed next to the enclosure of the Temporary Transit Center stressed that they did not feel safe and feared their security. In fact, they repeatedly noticed that near the containers, where children play, cars were cruising, and there were people in them trying to lure the children by offering sweets to go with them.

According to the National Preventive Mechanism, the placement of asylum-seekers in cabins (containers) adjacent to the enclosure of the Temporary Transit Center is unacceptable and unjustified in circumstances where there is free accommodation space at the Reception Center for Asylum Seekers in Vizbegovo - Skopje.

In this sense, the NPM Team concluded that such practice established indicates unequal, selective and discriminatory treatment of asylum-seekers from the Temporary Transit Center “Vinojug” - Gevgelija compared to other asylum-seekers who are accommodated at the Reception Center for Asylum Seekers in Vizbegovo - Skopje.

That such treatment of asylum-seekers is inadequate is corroborated by the fact that these people, in addition to their feeling of insecurity and fear for their safety, are limited in their freedom of movement, i.e. they are denied their right to leave, or be away from the Temporary Transit Center freely and without being escorted, which right, under the internal regulations of the institution<sup>2</sup>, is enjoyed by the asylum-seekers placed in the Reception Center for Asylum Seekers in Vizbegovo - Skopje.

Based on this, the Ombudsman as a National Preventive Mechanism recommends that asy-



*Figure 1 - Containers for asylum-seekers*

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<sup>1</sup> Art. 40 of the Law on Asylum

<sup>2</sup> House Rules and Information for Persons Accommodated at the Reception Center for Asylum Seekers of 09 November 2011

lum-seekers at the Temporary Transit Center should immediately be transferred to the Reception Center for Asylum Seekers in Vizbegovo - Skopje and should be allowed unfettered and equal exercise of all rights they are entitled to as asylum-seekers under the Law on Asylum and Temporary Protection.

The NPM welcomes the recent decision of the Ministry of Interior's officials to allow asylum-seekers to go downtown Gevgelija three times a week for one hour, accompanied by the Red Cross members in order to meet their specific needs. This is a temporary solution, until the final decision of the Ministry of Labor and Social Policy or the competent Center for Social Work, which will enable the right of free and unhindered movement to these persons. This temporary solution is a result of the NPM Team's request addressed to and accepted by the Ministry of Interior's officials.

**Material Conditions and Treatment of Other Persons Accommodated at the Temporary Transit Center "Vinojug" - Gevgelija**

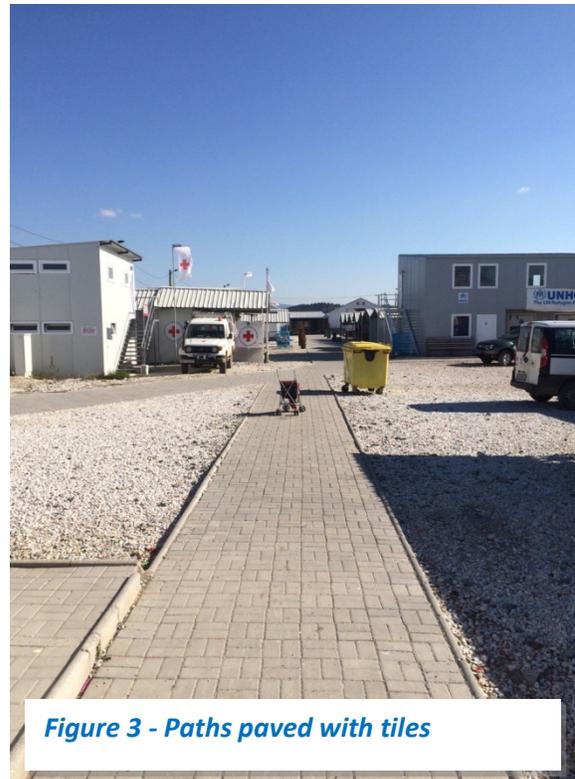
The NPM concluded that a number of activities of infrastructural nature had been undertaken towards improving the material conditions within the Temporary Transit Center "Vinojug". In this sense, it was established that a children's playground designed



*Figure 2 – Children's playground*

for the youngest had been built, and also paths paved with tiles. All cabins (containers) where people stay overnight are equipped with heaters, while TVs are placed in the large tents (Rubb halls), where people spend some of the day.

At the same time, daily activities are undertaken for regular operation and maintenance such as hygiene maintenance in the yard, toilets and kitchen, minor repairs to electrical and water-supply infrastructure, while in certain intervals, disinfection and fumigation are performed within the entire Temporary Transit Center.



*Figure 3 - Paths paved with tiles*

In addition to the Ministry of Health, health care at the Temporary Transit Center is also provided by the Red Cross, which has secured the presence of a pediatrician for children every Tuesday and Thursday. Through its interviews conducted with officials present on the ground, the National Preventive Mechanism Team was informed that efforts were being made to provide an additional special container designed for medical activities.

From its interviews with the residents at the Temporary Transit Center, the National Preventive Mechanism Team concluded that they were generally satisfied and had no complaints regarding the material conditions and treatment by officials and representatives of international and non-governmental organizations present in the field.

However, the revolt that these individuals feel and show is evident and it is due to their multi-month stay at the Temporary Transit Center “Vinojug” without being informed on the reasons for their limited freedom of movement and the status they have in this country.

In this regard, the Ombudsman as a National Preventive Mechanism again invites the most responsible people at the Interior Ministry to promptly respond the questions already referred to them:

**1. What is the current status of Temporary Transit Centers’ residents and how is their stay regulated in the Republic of Macedonia under the national legislation?**

**2. Which provisions of the current legislative and legal framework are applied regarding the restriction of freedom of movement of the people accommodated at the Temporary Transit Center “Vinojug” in Gevgelija, in terms of their specific prohibition to leave the center or freely go outside its enclosure?**

From the direct contact with the persons held and interviews conducted with representatives of non-governmental organizations providing psycho-social support, the National Preventive Mechanism Team found out that the multi-month detention of refugees at the Temporary Transit Center with no possibility to go out of its enclosure or leave it was reflected in their mental health changes.

Such findings imposed a necessity to conduct a comprehensive research of the psychological condition of refugees, prompting the National Preventive Mechanism to hire external associates, i.e. members of the Psychiatrists’ Association and the Chamber of Psychologists of the Republic of Macedonia, whose goal was after their research related to detainees’ mental health, to prepare a report with specific findings and recommendations on how to overcome any adverse conditions identified.

For this purpose, during the month of August 2016, the external associates Prof. Dimitar Bonevski PhD, a psychiatrist, and Mrs. Andromahi Naumovska PhD, a psychologist, conducted several subsequent visits, during which they observed the activities, behavior and non-verbal communication of children, adolescents and adults. Furthermore, they had interviews with volunteers and medical personnel present on the ground, while the specifically structured questionnaires designed for children and adults held at Temporary Transit Centers were also processed. As a result of this survey, a Special Report on the Situation of Refugees at Temporary Transit Centers was drafted.

Namely, the Report specifies that the conditions at the Temporary Transit Center restrict the daily lives of migrants/refugees in terms of their habits, daily routines and activities, which creates serious resentment, anxiety, feelings of having no freedom and control over their lives, and all of this has a negative impact on their mental health.

Part of the findings in the Report highlight high levels of depression and anxiety presented in migrants/refugees accommodated and held at the Temporary Transit Center, and one of the reasons for this psychological condition mentioned is the explicit restriction of the possibility to leave the Center.

In children at the Temporary Transit Center, pronounced generalized anxiety and depression were also observed, which are reflecting in the more pronounced deterioration of their attention and behavior. The transmission of high anxiety and depression from their parents is stated as the main reason for this, specifying the psychological phenomenon of induction, given that children are prone to directly take over the negative emotional experiences of their next of kin.

Threats to refugees' psychological health resulting from their previous traumatic experiences and current conditions in which they find themselves were summarized by the experts in the following order:

- High incidence of depression, anxiety, PTSD;
- Uncertainty about the future;
- Forced dependence on the system, lack of autonomy;
- Regression caused by the camp life structure;
- Constant worry and uncertainty about further legal immigration procedures, especially by those who are not involved in asylum procedures;
- Need for their own dwelling away from others;
- All the problems arising because of language and cultural barriers;
- Still fresh trauma;
- Fears whether they will be granted asylum, for those that seek it;
- Fears about family reunification, for those who are separated from their loved ones;
- Conflicts at the Center due to ethnic and national differences among refugees;
- Lack of psychological assistance and support whatsoever in the Centers, lack of any kind of individual or group counseling, i.e. psycho-therapy;
- Fears owing to the emergence of other health problems.

Some of the recommendations in relation to this psychological condition identified in migrants/refugees accommodated and held at the Temporary Transit Center, predict that refugees exhibiting pronounced symptoms of post-traumatic stress disorder (PTSD), anxiety and depression will need combined psychiatric and psychological, mediation and psycho-therapeutic treatment. Simultaneously, it is recommended to organize various psychological workshops for children to deal with their psychological difficulties and understanding.

For refugees, however, who do not present pronounced symptoms of these disorders, psychological support in terms of psycho-therapy, i.e. psychological counseling is also required because of their undoubted psychological exhaustion resulting from the stresses they survived and uncertainty they feel about their future and situation they are in at the moment.

The National Preventive Mechanism Team, during its visits found that children at the Temporary Transit Center attended some educational activities implemented by representatives of both international and non-governmental organizations whose

activities are aimed at providing assistance and support to child refugees, based on a program approved by the Ministry of Labor and Social Policy.

The NPM believes that this is a positive step towards the educational development of children accommodated at the Temporary Transit Center “Vinojug” but also deems that the Ministry of Education’s participation is necessary.

In this sense, representatives of the Ministry of Education should give their opinion and assess the adequacy of this educational program and the way it is implemented; take specific measures to verify the respective level of education completed, thus enabling the continuation of children’s education.

Regarding children with a status of asylum-seekers, the National Preventive Mechanism recommends taking concrete measures and activities to involve them in the formal education process in accordance with the regulations for primary and secondary education, given that this right shall be enjoyed by asylum-seekers pursuant to the Law on Asylum and Temporary Protection.

**Unimplemented recommendations from the previous National Preventive Mechanism Report that are still current:**

1. Immediately stop the practice of group deportation of irregular migrants identified in the Republic of Macedonia, who after a few hours of short-term accommodation in the “Habitat” tent, are sent to the country from where they entered Macedonia (usually Greece) without any formalities and without taking any official record thereof.

**CONCLUSIONS (as of 17 October 2016)**

**Positive aspects**

1. The practice of the Ministry of Interior’s officials to allow asylum-seekers to take a walk outside the Center three times a week for one hour and accompanied by the Red Cross members, as a temporary solution until the final resolution of the issue regarding their restricted freedom of movement;
2. Implementation of educational activities for children accommodated at the Temporary Transit Center “Vinojug”, based on a program approved by the Ministry of Labor and Social Policy.

### **Negative aspects**

1. The newly established practice of not taking asylum-seekers from the Temporary Transit Center “Vinojug” to the Reception Center for Asylum Seekers in Vizbegovo - Skopje, but placing them in cabins (containers) adjacent to the fenced area of the Temporary Transit Center “Vinojug” instead;
2. Asylum-seekers have been issued identification documents, which according to the Law on Asylum and Temporary Protection, confirm their right of residence in the territory of Macedonia, but they are still not allowed to freely leave or be away from the Temporary Transit Center;
3. High levels of depression and anxiety among migrants/refugees accommodated and held at the Temporary Transit Center;
4. Generalized anxiety and depression in children held at the Temporary Transit Center, which is reflected in obvious deterioration of their attention and behavior;
5. Migrants/refugees publicly express the revolt they feel because of being held for several months at the Temporary Transit Center without getting any information on the reasons for their limited freedom of movement and the status they have in this country;
6. The Ministry of Education is not sufficiently involved in the implementation of educational activities and has not taken any measures to verify the respective level of education completed.

### **RECOMMENDATIONS:**

#### ***To the Ministry of Labor and Social Policy:***

1. Asylum-seekers from the Temporary Transit Center should be immediately transferred to the Reception Center for Asylum Seekers in Vizbegovo - Skopje and they should be allowed unfettered and equal exercise of all rights they are entitled to as asylum-seekers, according to the Law on Asylum and Temporary Protection.
2. Asylum-seekers from the Temporary Transit Center should be allowed the right of free movement and possibility to leave the Center equitably and under the same conditions as asylum-seekers accommodated at the Reception Center for Asylum Seekers in Vizbegovo - Skopje.

***To the Ministry of Labor and Social Policy and the Ministry of Health:***

1. Refugees showing pronounced symptoms of post-traumatic stress disorder (PTSD), anxiety and depression should be provided with combined psychiatric and psychological, medication and psycho-therapeutic treatment.
2. For those who do not have pronounced symptoms of these disorders, psychological support in terms of psycho-therapy, i.e. psychological counseling is required because of their undoubted psychological exhaustion resulting from the stress they have survived and the uncertainty they are feeling about their future.
3. Different psychological workshops should be organized for children to deal with their psychological difficulties and understanding, and adequate psychiatric and medication treatment should be provided as necessary.

***To the Ministry of Interior:***

1. Concrete measures should be taken to regulate the legal status of persons accommodated at the Temporary Transit Center "Vinojug" - Gevgelija and already raised issues should be addressed without any delay:
  - a) What is the current status of persons accommodated at Temporary Transit Centers and how is their stay in the Republic of Macedonia legally regulated?
  - b) What provisions of the current legislation and regulations are applied regarding the restriction of freedom of movement to people accommodated at the Temporary Transit Center "Vinojug" in Gevgelija, i.e. their actual prohibition to leave the center or freely go outside its enclosure?

***To the Ministry of Labor and Social Policy and the Ministry of Education:***

1. The Ministry of Education should give its opinion and evaluate the adequacy of the educational program and the way it is implemented, and take concrete measures to verify the respective level of education completed, thus enabling the continuation of children's education.
2. Concrete measures and activities should be taken to involve children in the formal education process in accordance with primary and secondary education regulations, given that this right shall be enjoyed by asylum-seekers under the Law on Asylum and Temporary Protection.

**OMBUDSMAN**

**Ixhet Memeti**