



Република Македонија
НАРОДЕН ПРАВОБРАНИТЕЛ

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

Ombudsman as a National Preventive Mechanism according to its mandate established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, on 16th of May 2016 carried out regular unannounced visit to the Transit Center “Vinojug” - Gevgelija, aimed at getting insight into the exercise of the rights of the residents in the Center, guaranteed by the national laws and international treaties, in particular the 1951 Geneva Convention on the status of refugees.

During the visit the NPM team had meetings with officials from the Ministry of Interior, Ministry of Labor and Social policy and the Crisis Management Center, as well as representatives of international and non-governmental organizations present on-site (IOM-International organisation for migration, Macedonian young lawyers Association (MYLA), Open Gate - Association for action against violence and trafficking (La Strada) and Legis), who informed about their organizational structure and functional competence. The team also had interviews with some of the persons accommodated in the tent “Habitat”(adjacent to the Transit Center) and found about their treatment and (in) ability to access the procedure for grant of asylum.

In this regard, the NPM concluded that the in Transit Center there are continually present several bodies and organizations with divided responsibilities and functions that participate in the governance and management of the Centre through mutual communication and coordination.

However from the situation on-site, the NPM concluded that there is no high level coordination between the abovementioned bodies and organizations is, given that none of the present authorities and organizations couldn't give them specific information on the exact day of reception of each of the persons accommodated in the Transit Center.

Meanwhile, NPM considers it necessary to emphasize the fact that they've encountered resistance and non-cooperation from the representatives of the Crisis Management Center despite the indications of the mandate and powers of the Ombudsman, and despite their efforts, they didn't submit us the daily reports that representatives of the Crisis Management Center send to the headquarters of the Center in Skopje. Consequently, the Director of the Crisis Management Center was

contacted, promising that the data will be submitted as soon as possible, which hasn't happened up to date.

On the day of the visit, according to data provided by the representatives of the Ministry of Interior, confirmed by additional documentary evidence kept by the IOM (International organization for migration), there was a total of 101 persons accommodated in the Transit Center, from which 59 people were from Syria, 41 from Iraq and 4 people from Afghanistan.

All these people have arrived in the country before the closing of the gates of the so-called "Balkan route" and since most of them were intercepted with this decision at the border line with Serbia, they were placed in the Transit Center "Tabanovce" for some time.

From the interviews, the NPM concluded that the residents within the Transit Center are instructed and aware of the possibility to apply for asylum in the country and they have legal advice and legal assistance available at any time from the representatives of the Macedonian Young Lawyers Association, who are constantly present in the Center.

Unlike the Transit Center, while examining the tent "Habitat" which is located right next to the Center, the NPM found completely opposite situation, since the tent does not meet the minimum standards for temporary accommodation, which refers to the chaotic management.

The tent "Habitat" in the previous on-site visits served as a shelter (lounge) for the migrants before the entrance to the Transit Center, but from recently it is used for another purpose, i.e. temporary, short-term accommodation of persons caught illegally on the territory of the Republic of Macedonia.

On the day of the visit, there were 84 persons placed in the tent, but according to information obtained this number varies, given that their accommodation is temporary (usually 12-15 hours) and lasts until they are returned back to the country from where they entered irregularly the territory of the Republic of Macedonia.

The fact that these persons are neither aware of the possibility to apply for asylum in the country, nor they can turn up to the representatives of the Macedonian Young Lawyers Association to learn about their rights, is deeply concerning.

NPM spoke with some of the persons placed in the tent and obtained quite worrisome data, given the fact that part of them who stated a clear intention to apply for asylum in front of the authorized officials of the Ministry of Interior, have been rejected on the grounds that they are not entitled to such a right in the country and the right may

be exercised after the deportation from Macedonia, in the country they were formerly staying.

NPM also found that shortly before they are placed in the tent they are photographed and only their basic personal data is recorded by representatives of the Ministry of Interior, after which without an official procedures initiated and keeping any official records, this persons are immediately being returned back to the country where they were formerly staying.

Given these points, the NPM concluded that restraining the persons staying in the tent "Habitat" from access to the procedure for recognition of the right to asylum is a flagrant violation of their rights guaranteed under the national laws and international treaties.