



IVF CIVPOL PROJECT

ZIP INSTITUTE

ANALYTICAL PAPER

FINAL DRAFT

BUDAPEST

NOVEMBER 2017



SUMMARY

The purpose of this paper is to provide an insight into the situation vis a vis the refugee and migrant crisis since 2015 in the Republic of Macedonia, with particular focus on (i) security issues, (ii) legal issues and (iii) humanitarian, ethical and religious issue. It will be providing a brief commentary on each of the topics as well as recommendations with potential solutions of the most pressing problems.

This paper is produced by ZIP Institute from Skopje, the Republic of Macedonia, as part of the IVF CIVPOL Project, with funding provided by the International Visegrad Fund.



Contents

SUMMARY	2
INTRODUCTION	4
SECURITY & BORDER MANAGEMENT	7
LEGAL FRAMEWORK	8
HUMANITARIAN, SOCIAL, ETHICAL & RELIGIOUS AFFAIRS	10
CONCLUSIONS & RECOMMENDATIONS	12

INTRODUCTION

One of the largest humanitarian crises, if not the largest one in the past couple of decades has been the refugee and migrant crisis provoked by the ongoing armed conflicts in Syria and Iraq. With internally, locally and internationally displaced persons and refugees on one hand, and a stream of (economic) migrants from other parts of the world on another hand, there has been an unprecedented need for carefully tailored humanitarian and human rights based actions.

The Republic of Macedonia, as a state which geographically located in the center of the so-called Balkan Route, has been severely affected by the refugee crisis. Macedonia, a state candidate for EU Membership, has been the ground of passage between Greece and the rest of the continent, and with that, with the rest of the European Union.

The different aspects of management of the flow of migrants and refugees have been managed by different organizations and institutions since the gist of the crisis in 2015, with different degrees of success and efforts of implementation of joint actions. For the purposes of a clearer understanding of the issues that Macedonia has been facing, as well as the different efforts, the following timeline of efforts is provided.

The first phase of the crisis in Macedonia began in early 2015, and was characterized by flows of refugees and migrants which were targeted as illegal transfers first and only then as asylum seekers. There was a severe lack of capacities, including human resources, appropriate accommodation centers and overall, a general lack of a coordinated effort towards the incoming refugees and migrants. The asylum seeker center in Skopje, the only facility of its kind in the country, was utilized as somewhat of a detention center, and it provoked strong negative reactions from both the refugees and migrants as well as the international community.

It was only in mid-2015, when the stream of migrants and refugees intensified, with large groups of people transiting via organized means of transport, firstly to Serbia, and then further to the EU. The laxer approach in this time period was predominantly due to the realization that the people were looking to **transit**, rather than to seek refuge and asylum in Macedonia, having the western EU states as their desired and final location. This led to the lack of a proper registration system in Macedonia. Later, with considerable assistance from FRONTEX, a registration system was implemented by the Macedonian authorities and two transit centers, as they are officially called, i.e. camps were opened, one on the border with Greece and one on the border with Serbia. In 2015, in August, the Government had adopted a declaration on a **crisis situation** on the south and the north border of the country, which was in force until June 2017.

The transit centers are set up 500 meters from the border, and are close to transport capacities, such as railway stations and main roads. Per November 2017, they are still functioning and offer

accommodation capacities, kitchens, sanitary zones, educational facilities, religious facilities as well as health and psychology counseling and support. Minors traveling alone are not accommodated in the transit centers; rather, they are accommodated in the capital, Skopje, in an asylum center that deals exclusively with their cases and offers further support and facilities.

The autumn of 2015 was probably the most turbulent time period for Macedonia, and made international news since the building of the metal fence on the Macedonian – Greek border, and the clashes between the Macedonian authorities and the refugees, i.e. migrants. During this time, there was a strong push towards the domestic discussion on the refugee/migrant issue, and is characterized by the opening of the domestic debate on the matter. Throughout the winter of 2015, and transitioning into 2016, there has been a prominent involvement of local non-governmental organizations as well as international organizations, who further pushed for the change in the situation and were on the frontline of the day to day events in the midst of the crisis.

2015 was also characterized by the amendments to the Law on Asylum and Temporary Protection, which allowed for the submission of asylum requests with the police within 72 hours of the arrival in Macedonia.

2016 marked the closing of the Balkan Route, when in March the borders were closed for the migrants and refugees. The closure of the Balkan Route had and is still having an impact in Macedonia, due to different reasons: there are still refugees and migrants in the transit centers, albeit in small numbers, but there is still transition and movement and illegal crossing from Greece through Macedonia, towards Serbia and beyond. Due to the shift in governing parties following the 2016 parliamentary elections, which will be observed below, there were shifts in the strategies and rhetoric with regards to the refugees and migrants. The previous governing party, VMRO DPMNE, and its coalition, in light of the efforts undertaken by predominantly conservative governments in Europe, have pushed for closed borders and have emphasized the importance of the entry countries as the main actors who would have to deal with the stems of migrants and refugees.

A notable example of this shift is the drafting of the Proposal Strategy for Integration of Refugees and Foreigners in the Republic of Macedonia 2017-2027, a document outlining the efforts that the new government is willing to undertake with regards to the entire migrant and refugee related situation.

The current situation, as of November 2017, if to be described with one word, is **limbo**. The priorities of the institutions are not set on the solving of the issues with regards to the transit centers, refugees and migrants. However, due to the illegal transits, and the regional situation with human traffickers, there might be a change in strategies, potentially early in 2018.

The figures of people who have transited through the Republic of Macedonia to date range between 1 and 3 million people, including both registered and unregistered migrants and refugees. In 2015,

according to EU statistics, over 815 000 people have transited through Macedonia. The figures for 2016 are lower, particularly due to the closing of the Balkan Route, but the estimates amount around 90 000 people in only the first quarter of the year. For the entirety of 2016, the approximate figures are between 100 000 and 150 000 people.

When it comes to the current situation in Macedonia, i.e. in the transit centers, as of the statistics of the Helsinki Committee, who conduct on sight work, the figures of refugees and migrants in the transit centers range between 4 to 18 people in the center Vinojug, on the southern border with Greece, and between 13 – 17 people in the center Tabanovce, on the northern border with Serbia. For comparison, at the peak of the crisis in the late autumn of 2015, the number of people transiting through Vinojug center ranged between 10 000 and 20 000 people *monthly*. The majority of the people currently in Macedonia come from the following countries: Iraq, Pakistan, Afghanistan and Syria.

When it comes to the number of asylum applications in Macedonia, the number ranges between 150 – 500 applications, depending on the sources. There is no comprehensive information sheet provided by the Ministry of Interior on the total number of applications, including the decisions on the accepted and rejected applications.

SECURITY & BORDER MANAGEMENT

When it comes to border management, the state institution in charge of border management is the Ministry of Interior of the Republic of Macedonia, namely the Border Police. The duties, rights and responsibilities of the Border Police in Macedonia are codified in the Law on the Police Forces. A specialized unit from within the Department of Organized Crime dealt specifically with issues in relation to human trafficking. Additionally, a Crisis Management Center has been established in 2015 for coordinated efforts and management of the transit centers.

The Border Police has been securing the borders, however, other police units, as well as the Macedonian Army, have been in charge with different aspects of border management at different times of the crisis, especially during the gist of the crisis in 2015, where stronger presence of the Army has been noted. Members of the Macedonian police have been securing the entries of the transit centers, having an entry/exit checkpoint at the centers. Additionally, the police is in charge of managing and combatting illegal migration.

Throughout the past years, there has been a strong emphasis on cross-border cooperation between Macedonia, Greece and Serbia, especially through the utilization of different systems for sharing information, and joint coordination efforts. Additionally, expertise and support has been provided by FRONTEX, EUROPOL and other EU related organizations. A notable example of this is the on-ground support of approximately 400 people in personnel by joint efforts between OSCE and the FRONTEX. No joint rapid response teams have been established between the states in the region though. The cross border cooperation between the states has had its benefits in matters not only directly related to the refugee crisis, but it has also paved the way for cross-border cooperation on other matters, including drug and arms trafficking.

Additionally, in 2015, there were representatives from the police forces from Austria, Croatia, the Czech Republic, Hungary, Slovakia, Slovenia and Poland, who had staff on site for the purposes of support and know-how transfer to the Macedonian police forces.

Since the closure of the Balkan Route, the biggest issue with regards to border management is the combatting of illicit and illegal transit through Macedonia. When encountering people in illegal transit, the Police usually takes them to one of the transit centers, registers them, questions them, establishes that they are not part of a trafficked group, and returns them to Greece, from where they most usually come from.

LEGAL FRAMEWORK

The Republic of Macedonia is a state signatory and has ratified the majority of international treaties relating to human rights, asylum and refugees. It is a state member of the Council of Europe, and has ratified the European Convention of Human Rights and the majority of its protocols. Moreover, it is a state party to all of the UN conventions on human rights, the IOM Convention, the 1951 Refugee Convention and its additional protocols, and as a monistic state, has implemented the provisions of the international legal order within its legislation.

The national legal framework in relation to refugees, migrants, asylum, social protection and other related topics has significantly evolved since the beginning of the refugee crisis. There have been several amendments to the Law on Asylum, which as previously mentioned, was amended to allow the submission of asylum requests with the police within 72 hours of the arrival in Macedonia. Additionally, the Resolution on Migration Policy Strategy and Action Plan 2015-2020 were adopted, on the basis of the Action Plan of 2009 – 2014, however, its implementation was halted by the declaration of emergency which remained into force until the middle of 2017.

The refugee and migrant crisis has definitely resulted in moderate improvements of the asylum and migration related legal framework of Macedonia, however the questions as to whether they are completely in line with the international and regional (i.e. EU) standards pertain.

Going back to the core legal framework, the Law on Asylum and Temporary Protection is the foundation which lays the measures towards refugees and asylum seekers in Macedonia. Its first serious editing and amendments begun in 2012, when it was amended to be on par with the terminology of the Refugee Convention, and to reflect the plethora of basic rights that, with the exception of the right to vote, are enjoyed by the citizens of Macedonia. The amendments and changes of 2015 reflected the dire need of change in the sphere of asylum procedures, international protection, family reunification and detention.

Despite these changes, criticism still pertains as to capabilities of the Macedonian authorities to cope with the influx of asylum applications, as well as the bases on which the asylum applications are rejected. The rejections are deemed non-transparent, and the notion of national security is the go-to explanation as the basis for rejection.

Hence why a number of international subjects, including the United Nations Refugee Agency, have stated that Macedonia has yet to fulfill the international protection standards for refugees and cannot be considered a safe third country.

Another important law to be considered is the Law on Foreigners, which governs the procedure for residence permits, work permits and visas in Macedonia. In 2016, there were amendments to the Law which simplified the procedure for residence permits, for the purposes of aligning the national

legislation with the right to family reunification, the status of third country nationals, readmission procedures and procedures with regards to return of illegal residents. In relation to this law, although there have been some improvements on the matter, Macedonia yet has to conclude readmission agreements with a number of states of origin of irregular migrants and does not have a perfect score card when it comes to the upholding of the non-refoulement principle.

One of the most notable steps since 2015 and the closure of the Balkan Route, with the change of governments, has been the drafting of the Proposal Strategy for Integration of Refugees and Foreigners in the Republic of Macedonia 2017-2027, a document outlining the efforts that the new government is willing to undertake with regards to the entire migrant and refugee related situation. The Proposed Strategy contains an action plan, which maps out the different steps to be undertaken for the purposes of integrating refugees and migrants in Macedonian society, including but not limited to language learning, formal and informal education, housing, family reunification and citizenship, among other points.

However, considering the low number of applications for asylum on one hand, and the lack of interest in Macedonia, as a non-EU state from the refugees and migrants, the proposed strategy is more of a kind effort than a tangible document which will be implemented and would benefit the refugees and migrants, as well as Macedonian society.

HUMANITARIAN, SOCIAL, ETHICAL & RELIGIOUS AFFAIRS

When it comes to the different aspects of humanitarian, social, ethical and religious affairs, there are 3 groups of actors which were tasked with these types of efforts. Firstly, there are the national/state institutions, including the Center for Crisis Management, the Ministry of Labor and Social Affairs, the National Coordinator for the Migrant Crisis, the Ministry of Health, as well as the National Ombudsman have had their functions and inputs since Macedonia has been a transit country. Secondly, there have been the international organizations and international nongovernmental organizations, including the European Union, International Organization for Migration, the different United Nations organs and Agencies, OSCE, the Danish Refugee Crisis, the World Health Organization, Habitat for Humanity, to name a few, all of which have had and are still having their representatives on Macedonian territory and provide assistance, expertise and know how to either the local actors and institutions or to the refugees and migrants directly. Lastly, there are the local nongovernmental organizations, including La Strada, the Macedonian Red Cross, the Macedonian Young Lawyers Association, Legis, the Macedonian Helsinki Committee, among others, which have been monitoring the situation and providing assistance on the route.

The assistance of the state organizations has predominantly related to the provision of core services with relation to asylum and health care in severe cases. The international and local organizations on another hand, have been tasked with the majority of the logistical operations, including but not limited to collection of data, dealing with pushbacks, humanitarian assistance, free legal aid, healthcare and other services. These organizations have been actively working on aiding in cases of, and preventing violations of human rights, and have reported on the issues on the route and in the transit centers.

ZIP Institute has conducted two visits to both the Vinojug and Tabanovce transit centers, and has first handedly glimpsed into the situation in 2017. We have cooperated and conducted interviews with representatives from different organizations, including the Local Centers for Crisis Management, the Ministry of Interior, Macedonian Red Cross, Helsinki Committee, UNICEF and La Strada, with regards to the situation in the transit centers from their establishment until 2017.

The living conditions in both of the transit centers are good, if the living conditions in a transit center can be genuinely called as such. There are enough accommodation facilities, educational and children's corners, appropriate sanitation and hygiene facilities, kitchens and dining halls, as well as capacities for religious practices (such as praying rooms). However, at the peak of the crisis in 2015, the conditions have been less impeccable then they are now. The centers have always been well equipped with staff, either volunteers or contracted staff from the different organizations.

We have talked with the policemen and representatives from the Ministry of Interior, on the topic of incidents within the transit centers. Since 2015 to date, there have not been any large incidents,

although there have been smaller incidents and quarrels between refugees and migrants, especially between those from Syria, Iraq and Afghanistan, and negativity towards the people from Morocco and Algeria. More often than not, the conflicts have ethnic, religious and national basis, because “The refugees from different states do not like each other. Usually, those from Syria and Iraq think that they are the most affected ones, and those from Afghanistan, Morocco or Libya take their places in Europe” was the quote of one of the officers.

We were told that, since the number of the people who are in the Center has been lowered, more often than not, the food is prepared in agreement with the wishes and requests of the people. However, there are complaints as to the quality of the food, and the dependence on predominantly canned goods.

When it comes to healthcare, the Red Cross, as well as the local units of the Ministry of Health, in cooperation with the nearest hospitals, take care of any health related emergencies. Pregnant women and children are regularly monitored, and there are appropriate counseling and psychological care facilities.

CONCLUSIONS & RECOMMENDATIONS

On the basis of the analysis provided above, we can conclude that the Macedonian example of dealing with the refugee crisis has had its ups and downs.

The overall progress on the topic made by the Republic of Macedonia and its institutional actors can be characterized as moderate. It is worth mentioning that in the midst of the refugee/migrant crisis, Macedonia was dealing with the biggest political crises since its independence. Particular steps in the positive direction were the amending and reform of the legal framework in relation to asylum and the Law on Foreigners, the reform of the Crisis Management Centers and the cross border and regional cooperation. Another step in the right direction has been the Proposal Strategy for Integration of Refugees and Foreigners in the Republic of Macedonia 2017-2027, however, the effects of it have yet to be seen, because it is still in its draft, proposal form. On the flipside, the lack of a coordinated humanitarian effort, as well as the overall dependence on foreign donors and international organizations can be characterized as some of the negative aspects of the Macedonian response.

As to the current situation, as previously mentioned, there are a very small number (under 100 people) that are stuck in transit in Macedonia, at the transit centers, i.e. refugee camps, due to the closure of the Balkan Route. However, the issues that pertain are predominantly related to the illicit transit of groups of refugees and migrants, which pose severe security risks, not only for the national security of Macedonia, but risks for the rights and life of those who transit as well.

Hence, we would like to propose the following recommendations:

1. Implementation of the Integration Strategy 2017-2027 and provision of integration mechanism of the people currently being registered as refugees and asylum seekers in Macedonia
2. Macedonia shall undertake greater coordination efforts, especially with neighboring countries such as Serbia, Bulgaria and Greece for the purposes of combatting illicit transits.
3. The efforts of the Ministry of Interior with regards to human trafficking shall be a higher priority, especially due to the number of illicit transits.
4. Upholding of the principle of non-refoulement to the highest extents and provision of the basic rights and necessities to the migrants and refugees caught on the territory of Macedonia.
5. Revision and planning of the immigration policy of the country in light of the immigration policies of both the first point of entry countries, the nation states of the European Union and the EU's organizational policies and strategies.
6. Employment of mapping and prediction strategies with the aim of mitigating similar situations, and conducting case studies on national level to prevent problematic practices.
7. Active cooperation on regional level, sharing of best practices and know-how for the purposes of mitigating other similar crises, should they come.