

## “Monitoring access to human rights and protection of refugees and migrants in Republic North Macedonia”

**Monthly report: 01.09-31.09.2020 r.**

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The citizen association Legis monitors and documents the “Access to human rights and protection of refugees and migrants” in Republic North Macedonia, a project supported by the Civica Mobilitas Small grants program. During the 6 month project activities, Legis engages 2 field workers and 1 national coordinator, gathering information and statistical data on daily basis about the access to human rights and protection offered by State institutions in two transit-border camp, Tabanovce, Kumanovo on the Northern and, Vinojug-Gevgelija on the Southern border. Since the beginning of September, Legis has engaged in monitoring irregular migration in the Lipkovo region due to increase movement to the Northern border. This monthly report represents a summary of 31 daily questionnaire gathered and analyzed to provide data on the above mention topic and period.

### Summary

The transit border centers have changed their purpose for short reception centers to camps due to the additional humanitarian crisis unfolded in the country by the COVID-19 virus pandemic. In this regard these are the general changes made:

- The transit camp Tabanovce, Kumanovo on the Northern border is used for short reception of refugees and migrants before deportation towards Greece, in need of medical assistance and/or were caught transiting the country with smugglers. The camp is generally empty this month, the longest period of people residing is a week for groups caught in transit with smugglers, or, time to be questioned by a Public prosecutor.
- The transit camp Vinojug, Gevgelija officially was declared as quarantine camp for asylum seekers and/or individuals or groups caught in irregular migration with smugglers on 25<sup>th</sup> of March, 2020. Recently, and without an official decision, police authorities claim the quarantine measure has been lifted. However, according to our field staff, the camp remains to serve as semi-detention center as people are in almost 24 h quarantined in containers for more than 25 days. Looking into quarantine records, the most of residents are kept for one or more than one month in confinement. One female asylum seeker was confined for month and a half before being transported to the asylum seekers reception Center in Vizbegovo, Skopje. It is of concern that detention or quarantine papers are not issued to the residents.

Also, COVID-19 protocol distance and protection mask being worn to access asylum seekers in need of medical or psychological attention/evaluation is strictly forbidden for Legis staff. Legis staff was prevented to work inside the camp on 2 occasions. First being documentation of a police violence towards a minor, to which Legis staff suffered repercussions by police officials and was excluded from the camp for a week. After alerting the Ministry of Interior affairs to the organization were attempted, were solved by Ministry of Interior affairs upon official complaint was made. Second, Legis legal staff cooperating with the Public prosecutors in identification and burial of people, mostly victims to car crash and/or electrocution, traveling unsecured on trains was denied access to a person in quarantine to sign legal approval for burial to be performed on a family member. The number of residents fluctuates, large groups caught in irregular transit in the Southern part of North Macedonia are deported immediately, up to 20 people in average are quarantined in cabins.

- Both transit border camps lack sufficient supply of antibacterial soap and other disinfection and prevention materials as masks and gloves available around the camp and sanitary facilities. There are no written and publish in multiple languages for COVID-19 virus info, guidelines for prevention or protection for newly arrived refugees/migrants. Legis manages to provide antibacterial soap, masks and gloves for residents and/or personnel in both camps. Only 1 doctor per camp not sufficiently equipped for COVID-19 virus detection. According to resident statements, tests are provided after one or two weeks upon quarantine, which extends the purpose of the measure, from prevention to detention of foreigners on the South border.

- For more than 1 year there are no weekly coordinative meetings to organize the work in the camp, share information and, solutions to problems among State institution representatives, local and international staff located in the camps.

**Northern border:** Total of 289 people (192 male, 09 female, minors, 31 children, 57 unaccompanied minors) arrived in the transit-border camp Tabanovce, Kumanovo. During the reporting period, the daily number of registered people varied between 1- 30, migrating from the following countries/nationalities: 134-Afghanistan, 79- Pakistan, 19 – Syria, 18-Bangladesh, 13- India, 8- Iraq, 5-Palestine, 4-Somalia, 2- Iran, 2- Turkey, 1- Egypt, 1- Yemen, 1-Eritrea, 1- Cote d'ivore, 1- Libya.

**Southern border:** Total of 818 people transited out of which approx. 40 to 50 people were in quarantine at the ( 687 male, 50 female, 73 minors and 08 unaccompanied minors) where registered by Legis staff in transit border camp Vinojug-Gevgelija.

During the reporting period, the daily number of registered people varied between 1- 450, migrating from the following countries/nationalities: 157- Pakistan, 365-Afghanistan, 116 – Syria, 115-Bangladesh, 14- India, 13- Turkey, 7-Palestine, 6-Somalia, 5- Libya, 4-Iran, 4- Iraq, 3- Kashmir, 3- Egypt, 2-Albania, 1- Tunis, 1-Eritrea, 1-Congo

According to taken statements from individuals in transit border camps, migration from the Southern to the Northern border of RNM goes mainly through smuggling channels and organized crime groups and less by foot. Asylum claims are not granted in general since 2019. There is only 5 request for asylum made in the reporting period.



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## I. Transit border camp - Tabanovce, Northern border

### Infrastructure and conditions:

The transit border camp has residential containers/cabins for short term boarding, with heating and cooling systems in place. All residence has access to sanitary facilities, while kitchen, recreational and other services are not in function due to not being replaced for 5 years. All cabins and tents are in withered state, trash and maintenance of the facilities, equipment and, cabins in the camp is sporadic. Canned food is distributed 3 times, lacking nutritional values as cooked food is not allowed by the camp administration. Legis distributes fresh fruit upon demand by field staff, having in mind the small number and time people reside in this camp. The sanitary facilities are clean; however, the camp electrical and water infrastructure is problematic since the establishment of the camp. This month the camp was out of electricity and hot water for almost a week, leaving residents without access to showers. This problem hasn't been addressed since 2015. Internet corner and access to internet for the camp is secured by IOM.

### Special measure for prevention and/or protection of virus COVID-19:

There is lack of antibacterial and other hygiene and disinfection products in sanitary facilities and around outside water faucets. Protective equipment as masks and gloves is not regularly worn or accessible for the staff. Legis and the Red Cross partly supplies the camp with the above stated hygiene products and protective equipment. There is no information poster on multiple languages with information on the virus COVID-19 and, translator in Arabic language is called upon demand. People with no education, different sight or hearing abilities are not able to receive any information within the camp premises. According to Legis statistical data, predominant nationalities in migration are from Pakistan, Bangladesh and Afghanistan, meaning there is serious need of translators in Pashto and Urdu languages.

### Institutional treatment towards refugees/migrants:

Claims by people for denial to access services in the camp by police officers were made although cannot be confirmed as local organization staff has no access to the premises at night when these activities are said to happen. Regular weekly meetings between Representatives of institutions and local and international organization on field stopped in 2019. These meetings had good effect on the organization and functioning of the camp, opened possibilities of cooperation in improving services and conditions in the camp, decreasing the possibilities for human rights violations to occur. Due to the short time groups caught in irregular migration reside in the camp before deportation to Greece, only small number of people reside, 1 with medical needs and, 2 groups caught in irregular migration, deported in 1 week upon arrival.

**Access to right to asylum or temporary protection:**

All residents have the right to asylum, however, as there is no publically available information and most of local and international legal advisory staff was working online, the access to the right of asylum and temporary protection is limited or none, having in mind that police officers cannot inform on this right as translators are not available. Only the representative from the Ministry of labor and social affairs provides some information, assisted by a translator in Arabic language only. There are no asylum claims made for the reporting period to the Macedonian Youth Lawyers Association or Ministry of Interior affairs representatives in the camp.

**Access to services:**

All people residing in the camp have access to basic health care and canned food. Fruits and clothing is provided by Legis upon demand on our staff. There is only 1 doctor available upon demand and Red Cross volunteers providing basic medical needs. The local doctor appointed by the Ministry of health is equipped with digital thermometer, and makes decision when and if a person needs COVID-19 test. Sport activities (football, volleyball and ping-pong) and social/board games provided by Legis are not available due to the pandemic and camp restrictive measures. A multi-fitness machine is installed for outside workouts, allowing individual use and, safe option for exercise during the pandemic.

**Freedom of movement:**

People are held only for few hours in tents, depending on the numbers before transportation is secured to the Southern border. No access to our or other then police staff is allowed to access these groups. They are not screened for potential COVID-19 virus symptoms unless it's an obvious health issues or physical injuries that need medical attention and have to stay for more than 1 day in the camp. Movement outside of the camp to local store was registered on 1 occasion.

**II. Transit border camp Vinojug, Gevgelija – Southern border****Infrastructure and conditions:**

The transit border camp has residential containers/cabins for short term boarding, with heating and cooling systems in place. All residence has access to sanitary facilities, while kitchen, recreational and other services are not in function due to not being replaced for 5 years. All cabins and tents are in withered state, trash and maintenance of the facilities, equipment and, cabins in the camp is not good. The camp is also a parking lot for vehicles claimed from smuggling groups and kept as evidence for the Public Prosecutors. Canned food is distributed 3 times, lacking nutritional values as cooked food is not allowed by the camp administration. Legis distributes fresh fruit upon demand by field staff, having in mind the number of people held in quarantine in average is 20 to 30 people in total.

Access to people in quarantine is not permitted with protective mask gloves and respected distance measures; even though, Legis staff was informed that the camp will no longer serve for this purpose. This decision is not official as the Government and Crisis committee haven't issued any changes since 25<sup>th</sup> of March 2020. It remains unclear how quarantine decisions are at all issued and, why they last minimum of 25 days in contrast to local population 14 days and finally, if the camp is no longer used for quarantine of asylum seekers, where will they reside in future. The sanitary facilities are clean; electrical and water infrastructure is stable. Internet corner and access to internet for the camp is secured by IOM.

### **Special measure for prevention and/or protection of virus COVID-19:**

There is lack of antibacterial and other hygiene and disinfection products in sanitary facilities and around outside water faucets. Protective equipment as masks and gloves is not regularly worn or accessible for the staff. Legis and the Red Cross supplies the camp with the above stated hygiene products and protective equipment. There is no information poster on multiple languages with information on the virus COVID-19 and, 1 translator in Arabic language is available for 8 h. a day. People with no education, different sight or hearing abilities are not able to receive any information within the camp premises. According to Legis statistical data, predominant nationalities in migration are from Pakistan, Bangladesh and Afghanistan, meaning there is serious need of translators in Pashto and Urdu languages. Finally, it remains unclear how the assessment for 25 days quarantine was made by the Ministry for Labor and social affairs as recommendation which the Government accepted on 25<sup>th</sup> of March, 2020. COVID-19 tests are not available in the camp and arrive after minimum of 1 to 2 weeks waiting period upon medical staff request. Without any proper legal decision issued by a relevant institution, the quarantine measures are used for deprivation of freedom i.e. can be considered as unlawful detention measures and, therefore, challenged by residents in national and international HR courts.

### **Institutional treatment towards refugees/migrants:**

Measures in full restriction to access people in quarantine with protective mask, gloves and safe distance prevent Legis staff to take statements for possible HR violations or need for protection. Due to the strict measures, police officers are not cooperative and, coordinator appointed by the Department of public safety doesn't provide written Decisions and/or changes of measures, affecting Legis staff work. On 05.09.2020, Legis staff was denied access to people receiving legal and psychological aid from the organization although, the prior week visit had no restrictions were imposed. Upon talking with the Commandeer, Legis legal staff was informed that it was a Decision made by the Department for public safety. Although the legal team demanded a copy of the Decision, that was denied and, still not provided to Legis.

On 09.09.2020, an incident occurred with a woman from Afghanistan with 2 children, one being 16 years old. The woman had high blood pressure and was taken out of the cabin for quarantine to receive medical attention. Her 16 years old son tried to reach his mother which led 1 police officer to use excess physical force, hitting the minor on the side of his head, allegedly preventing a potential virus spreading.

The boy received injuries to the head, which Legis staff documented and was called in and receive threats by police officials for reporting the case to the Ombudsperson office and one international organization. Although there were many witnesses to the event, only Legis staff was called in in private, threaten with criminal charges and removed from camp without any right by a representative of the Department for public safety. After reporting to the Ministry of Interior Affairs for the incident, Legis staff was allowed to return to the camp, and the police officer removed from the post in the camp. The case is monitored by the Ombudsperson office, and, further information to the development of the case will be available in the next report.

Regular weekly meetings between Representatives of institutions and local and international organization on field stopped in 2019. These meetings had good effect on the organization and functioning of the camp, opened possibilities of cooperation in improving services and conditions in the camp, decreasing the possibilities for human rights violations to occur. Due to the short time groups caught in irregular migration reside in the camp and no access is allowed to large groups being prepared for deportation, one cannot confirm or deny respect and access to Human rights for potential asylum seekers, victims of gender based violence, unaccompanied minors, elderly and other vulnerable groups as only police officials have access.

No. human rights violation cases sent to the office of the Ombudsperson office for investigation: 1 on excess use of force of police officer over a minor. Follow up on the case will be available in October, 2020.

#### **Access to right to asylum or temporary protection:**

All residents have the right to asylum, however, as there is no publically available information and most of local and international legal advisory staff was working online, the access to the right of asylum and temporary protection is limited or none, having in mind that police officers cannot inform on this right as translators are not available. Only the representative from the Ministry of labor and social affairs provides some information, assisted by a translator in Arabic language only. After almost a month and a half in quarantine, 05 asylum seekers, a family from Syria and 1 young single woman from Afghanistan finalized on 18.09.2020 with transportation to the Center for reception asylum seekers, Vizbegovo in Skopje after month and a half in the camp in quarantine.

#### **Access to services:**

All people residing in the camp have access to basic health care and canned food. Fruits and clothing is provided by Legis upon demand on our staff. There is only 1 doctor available and Red Cross volunteers providing basic medical needs. The local doctor appointed by the Ministry of health is equipped with digital thermometer, and makes decision when and if a person needs COVID-19 test. Sport activities (football, volleyball and ping-pong) and social/board games provided by Legis are not available due to the pandemic and camp restrictive measures.

**Freedom of movement:**

Freedom of movement fully restricted and under supervision of police officers appointed to guard the access to the cabins. All needs, including access to sanitary facilities is made upon demand and, with 2 police officers escorting individuals.

**Specific Human right violation cases: Description of events:****Afghan boy died in Macedonia and buried after 208 days**

Qayum Nasiri from Afghanistan, born in 2003, died in Macedonia on 17<sup>th</sup> of March 2020, after he was heavily wounded from an electric shock while trying to get on a freight train, on 14<sup>th</sup> of March.

Qayum was only 16 year old when he died. His only wish and right was humane treatment and freedom to move. But, since the year 2016, and the closing of the Balkan Route, refugees and migrants are denied from that right in Macedonia.

But his torment does not end here. Qayum's body was stacked in a legal maze for 208 days. His body was in the refrigerator until a family member came to identify him, and the Legis team finished the other legal procedure, and today on 08-of October he was finally buried in Macedonia soil.

Burial company has reduced the costs for the burial to 650 euro only, which were collected by the people in Macedonia for only one hour, since Legis published the appeal for donation.

We appeal to state institutions to not allow this kind of situation in the future.