

Republic of Macedonia

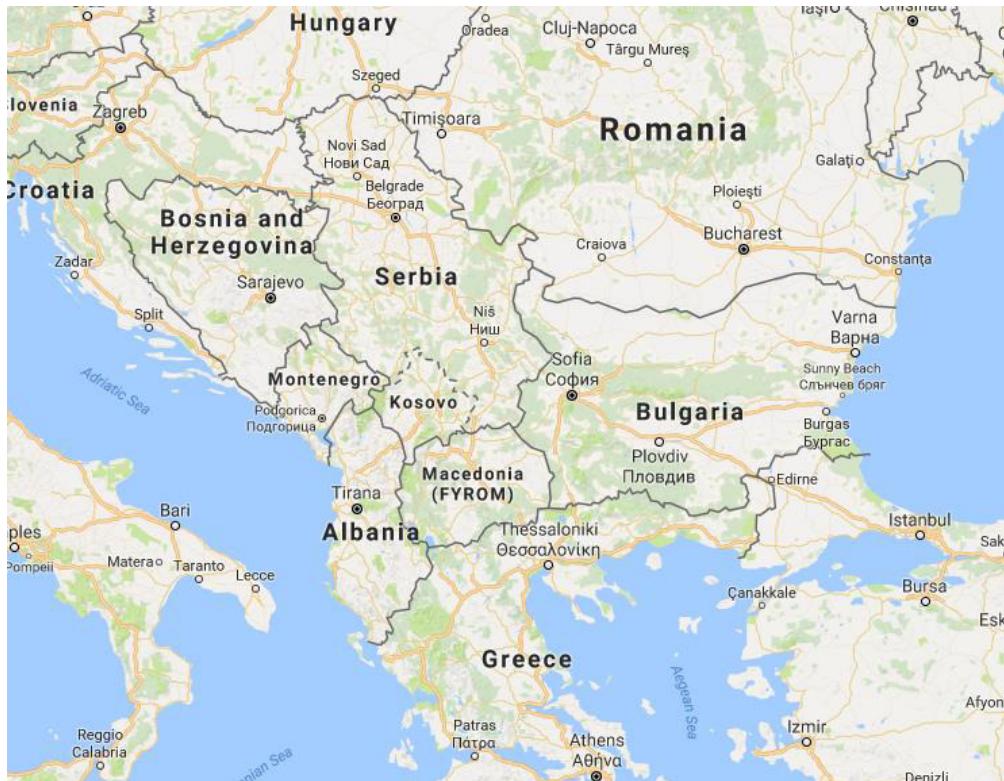
Emilie Pesselier – Migréurop / MYLA - June 2017

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General presentation

The Republic of Macedonia is one of the successor states of the former Yugoslavia, from which it declared independence in 1991. It shares its borders with one EU Schengen state, Greece, one EU non-Schengen state, Bulgaria, and three non-EU Schengen states, Albania, Kosovo and Serbia. Even if the Republic of Macedonia applied for EU membership in 2004 and was granted the status of candidate country in 2005¹, it has still not become a member state of the EU due to some difficulties link with the Macedonian-Greek conflict².



Source: Google Maps

Little known in Western Europe, the Republic of Macedonia was suddenly highly visible in the media in the context of the so-called "refugee crisis"³ in 2015-2016, when larger groups of individuals in migration⁴ arrived in Europe through the "Balkan routes". Nevertheless, the importance of the migration of human beings in the History of this country should also be reminded. Indeed, from Alexander the Great to the dislocation of the former Yugoslavia, passing by the Ottoman Empire, the country, in its current borders, faced several displacements of population. Since its independence in 1991, the Republic of Macedonia has hosted refugees with the arrival of refugees from Bosnia-and-Herzegovina and Croatia. And a further influx, of significant proportions, was experienced in 1999 during the Kosovo conflict. Thus, the country – whose

¹ In the framework of the association and stabilization process for the Western Balkan launched by the EU member states during the Summit of Zagreb in 2000, the Republic of Macedonia was the first state who signed one Stabilization and Association Agreement in 2001. In 2003, during the Thessaloniki Summit, the Republic of Macedonia was defined as a "potential candidate" by the EU member, which explain the acceleration of the process of accession in 2004.

² In 1991, Greece refused to recognize the Republic of Macedonia called « Macedonia » due to historical conflicts around the term of Macedonia. This explains why the Republic of Macedonia could integrate the UN under the name of the Former Yugoslav Republic of Macedonia (FYRM). In the present document, the choice was to use the official denomination of the country: Republic of Macedonia.

³ We will use the expression "so-called" referring to the "refugee crisis" in order to show our disagreement with the idea of a "refugee crisis" which is more a crisis of EU responsibility. Moreover, using "so-called", we also would like to invite the readers to be careful with the instrumentalization of language and data regarding migration phenomena.

⁴ The expression "individuals in migration" will be used in the all document to include at the same time asylum seekers, refugees, economic migrants, climatic migrants, etc. without any hierarchization between the different groups of persons that we can meet on the routes.

population is estimated around 2 million of inhabitants – is characterized by the presence of several minorities: Albanians at around 25 percent, followed by Turks, Romani, Serbs, for the most important minorities⁵.

In the last recent years, the country was also characterized by an important emigration of young Macedonian to other countries⁶. Thus, regarding all of these displacements and movements of population, the Republic of Macedonia can be defined as a country of immigration for some other nationalities in the Balkan⁷ and a country of emigration. But since the early 2000's, it is also more and more defined as a country of transit from EU's point of view. Indeed, since the early 2000's and the "closure" of borders in the south of the EU⁸, the "Balkan routes" are more and more used. In this context and due to its geographical situation, the Republic of Macedonia has been holding a special place in terms of "mixed migration" and EU policies. Sharing its borders with Greece on the one hand and Serbia and Bulgaria on the other hand, but also because of its proximity to the Aegean Sea (see map above), the Republic of Macedonia is a privileged way to reach the EU⁹. Nevertheless, in 2015 the Republic of Macedonia became more and more visible, in the context of the so called "refugee crisis".

The so-called "refugee crisis"

In 2015, more than one million individuals have migrated across the country¹⁰. While the Republic of Macedonia initially allowed people to transit through its territory, European incentives to close borders and increase border controls, notably by German, Austrian and Hungarian authorities, gradually led the Macedonian state, as well as its neighboring countries (Serbia, Bulgaria), to radicalize its policy towards individuals in migration. Thus, the Balkan became the symbol of the return to the fundamental principles of the EU's migration and asylum policies: the refusal of freedom of movement for individuals in migration; their detention; the intention to keep them away from the Schengen area; the implementation of the "hotspot approach"¹¹; and the closure of borders¹².

The closure of the Balkan routes

On the 7th of March 2016, just after the EU-Turkey summit on "migration crises", Slovenia, Croatia, Serbia and the Republic of Macedonia officially closed their borders, leaving thousands of individuals stuck in

⁵ According to the 2002 census: Macedonian 64.2%, Albanian 25.2%, Turkish 3.9%, Romani 2.7% (usually underestimated), Serb 1.8%, other 2.2%. More information: Index Mundi, Macedonia demographics profile 2017, https://www.indexmundi.com/macedonia/demographics_profile.html [accessed on 28/09/2017]. Note: data regarding the population in Republic of Macedonia and the ethnic groups are a huge issue in the country and the last official data on these issues are from 2002.

⁶ Aleksandar Janev, Émigration : la catastrophe démographique qui menace la Macédoine, *Kapital* (Macedonia), translation by Jaklina Naumovski, for *Le courrier des Balkans*, October 2015. Available at: <http://www.courrierdesbalkans.fr/articles/la-macedoine-se-vide-de-ses-habitants-plus-de-20-500-departs-en-un-an.html> [accessed on 29/09/2017]

⁷ This observation might be regarding keeping in mind the context of the dislocation of Yugoslavia and the creation of new states in the Balkan.

⁸ See the implementation of the Spanish security system (SIVE), in 1999, which consequences are increasing border controls in the route from Western Africa to Canaries island, the development of the migration route to the EU from Ceuta and Melilla, where border controls were also intensified, followed by the development of the migration route from to and Italia and of the routes of the East of Europe.

⁹ The country is located along the routes of individuals coming from North of Africa, but also from Syria, Pakistan, Iraq, Iran. Thus, from Turkey they can join Greece. From there, they can go to the Republic of Macedonia, cross the state using the railway that go from the South to the North of the country, and continue their route to the EU through Bulgaria or through Serbia. There, they can reach Hungary or Croatia.

¹⁰ Oxfam (cord.), *Closed Borders. Programme report on the impact of the borders closures on people on move, with a focus on women and children in Serbia and Macedonia*, September 2016, 18 p. Available at: https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/closed_borders_eng_low.pdf [accessed on 29/09/2017]

¹¹ For more information about hotspots: Migreurop, "Hotspots at the heart of the archipelago of camps", Migreurop Brief, n° 4, October 2016. Available at: http://www.migreurop.org/IMG/pdf/note_en_181016.pdf [accessed on 29/09/2017]

¹² The consequences of all those EU policies in the Republic of Macedonia will be presented and developed in the following paragraph of the country sheet.

Greece, in the Republic of Macedonia and in Serbia, in precarious or unsafe conditions. Moreover, foreigners who were present on the territory of the Republic of Macedonia when borders were closed and who were not willing to seek asylum in the Republic of Macedonia, were stuck in the country without any documentation. The closure of borders was also accompanied by the development of the practice of push-backs at the borders (development of illegal push-backs from Republic of Macedonia to Greece and increment of the practice of illegal push-backs from Serbia to Republic of Macedonia). However, hundreds of individuals in migration continued to move forward on the Balkan routes. According to the Macedonian Young Lawyers Association (MYLA), between 100 and 200 people passed through the Republic of Macedonia every day during the month of July 2016¹³. Because of the closure of borders, they were forced to take bigger risks to continue their route or were detained in the Republic of Macedonia. In February 2017, there were about 7,800 displaced people in Serbia, and 350 people stuck in the Republic of Macedonia¹⁴.

So, in June of 2017, the Macedonian situation remains complex and several issues are at stake regarding the respect of Human Rights and the freedom of movement, even though western European media appear to be less concerned with it. From country of transit in the early 2000s to country of detention and blockage, the Republic of Macedonia is increasingly assigned the role of "gendarme" of the EU borders. Thus, with the status of candidate state to the accession of the EU but keeping at the place of third country, the Republic of Macedonia is a concrete example of the EU policy of externalization of the control of its borders. This situation has concrete consequences in the country, whether in the field of asylum, detention or border controls.

Asylum and temporary protection

National legislation

The Article 29 of the Constitution of the Republic of Macedonia guarantees the respect of the rights of foreigners as well as the right to seek asylum: "*Foreign subjects enjoy freedoms and rights guaranteed by the Constitution in the Republic of Macedonia, under conditions regulated by law and international agreements. The Republic guarantees the right of asylum to foreign subjects and stateless persons expelled because of democratic political convictions and activities.*"¹⁵

Facing several challenges linked with the influx of refugees during the 90's due to the wars in its neighboring countries, the Republic of Macedonia developed its own national legislation regarding asylum and rights of foreigners during the 1990's/2000's. First, the state ratified the Convention on the Status of Refugees from 1951 and the Protocol to the Convention of 1967 in 1994. After that, the Republic of Macedonia has adopted its Law on Asylum and temporary protection in 2003¹⁶ and its Law on foreigners in 2006 (implemented from 2007).

In the context of accession to the EU, these legislations are also linked with several European directives regarding migration and asylum, which explain the amendments and developments national legislation went through. Indeed, as mentioned in the Stabilization and Association Agreement between the EU and the

¹³ Oxfam (cord.), "Closed borders", *op cit.*

¹⁴ MYLA, *Annual report on the efficiency of the legal protection of Human rights in the Republic of Macedonia 2016*, February 2017. Available at: <http://myla.org.mk/wp-content/uploads/2016/09/Annual-report-on-the-Efficiency-of-the-Legal-Protection-of-Human-Rights-2016-1.pdf> [accessed on 29/09/2017]

¹⁵ Article 29, *Constitution of the Republic of Macedonia*, 6 January 1992, available at: <http://www.refworld.org/docid/3ae6b4dcc.html> [accessed 28 June 2017]

¹⁶ Law on asylum and temporary protection, Official Gazette of the Republic of Macedonia n° 49, 25 July 2003. Available at: <http://www.slvesnik.com.mk/Issues/3dff1ee8f23e4547ad198661fe794149.pdf>. An unofficial English translation is available at: <http://www.refworld.org/cgi-bin/texis/vtx/rwmain/opendocpdf.pdf?reldoc=y&docid=53072de34> [accessed on 29/09/2017]

Republic of Macedonia (2001), the country must cooperate in the areas of visa, border control, asylum, migration, statelessness and must develop cooperation at the regional level too¹⁷.

The amendments of the Law on Asylum and temporary protection are an illustration of these impacts of the international and European framework on the national legislation in the Republic of Macedonia. Nevertheless, some recent amendments of this law raised several questions:

2015: the so-called “refugee crisis” and the “72h amendment”

First, in June 2015, the Parliament passed amendments to the Law on Asylum and Temporary Protection which introduced a so called “72-hours paper”¹⁸. With the increasing number of individuals arriving from the southern border to the Republic of Macedonia, the aim of this amendment was to improve access to the asylum procedure for those in need of international protection and to provide legal ways to cross the country for those who didn’t want to stay. Indeed, this amendment introduced the possibility to register an intention to apply for asylum at the border entry points. The asylum-seekers were then provided with a travel permit valid for 72 hours, for the purpose of travelling to a police station to formally register the asylum claim, or to leave the country. After these 72 hours, if the individual didn’t go to a police station in order to apply for asylum and stay in the country, he/she was considered in “irregular” situation by the Macedonian authorities. But during these 72 hours, individuals in migration were able to legally transit through the country, and use public or private housing and transport and were granted free medical aid in any local or state health facility. Thus, this amendment created a *de facto* transit visa and the route to the EU by the Republic of Macedonia became more and more used. Nevertheless, due to the EU policies in other Member states, from the 19th of November 2015, only Afghan, Iraqi and Syrian nationals were allowed to enter into the country¹⁹. This practice continued until the closure of the “Balkan routes” in March 2016. Since then and as a consequence of border closures by EU countries, individuals in migration can no more be registered and do not receive any more this *de facto* transit visa.

2016: safe third countries

The second amendment of the Law on asylum and temporary protection that is interesting to develop is the amendment of the article 10 of the law, in April 2016²⁰. Its aim was to modify the article 10 introducing a new article 10-a, entitled “safe third country”, in the context of the discussions in the EU regarding the adoption of a common list of safe third countries and countries of origin²¹. With this new article, a safe third country is defined as a member state of the EU, a member state of the North Atlantic Treaty Organization (NATO) or a state of the European Free Trade Association (EFTA), where Human Rights are respected. Thus, regarding the geographical situation of the Republic of Macedonia, this new law declared all neighboring states as safe third countries. Nevertheless, the situation in Turkey or Greece can raise several questions about the respect of Human rights and the article doesn’t give any precisions regarding the possibility for asylum seekers to prove that a country is not safe.

Thus, this amendment is representing a permanent obstacle to the right to international protection, which is provided in Article 29 of the Constitution of the Republic of Macedonia as well as the 1951 Convention and the 1967 Protocol.

¹⁷ *Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part*, 6726/01, 26 March 2001. Available at: https://eeas.europa.eu/sites/eeas/files/saa03_01_en.pdf [accessed on 29/09/2017]

¹⁸ MYLA, 2015 – A year in review, 2016. Available at: <http://myla.org.mk/wp-content/uploads/2016/09/MYLA-Field-Report-2015-1.pdf> [accessed 28 June 2017]

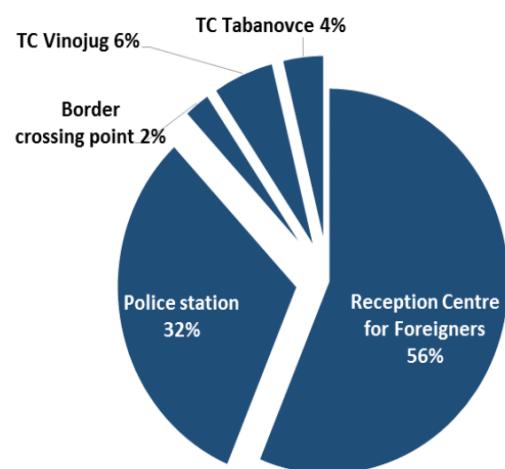
¹⁹ MYLA, 2015 – A year in review, *op. Cit.*

²⁰ For more information about this amendment: ZHARKO HADZI-ZAFIROV, « The Safe Third Country Concept And Amendments To The Law On Asylum And Temporary Protection Of The Year 11/04/2016 », in MYLA, *Legal opinion*, July 2016. Available at: <http://myla.org.mk/wp-content/uploads/2016/09/Legal-opinions-July-2016.pdf> [accessed on 29/09/2017]

²¹ For more information about the concept of safe third country and the EU context in 2016 regarding this concept: AEDH, Euromed Rights, FIDH, “Safe” countries: a denial of the right of asylum, May 2016. Available at: <http://www.aedh.eu/plugins/fckeditor/userfiles/file/Safe%20Countries%20-%20A%20denial%20of%20the%20right%20of%20asylum%20EN.pdf> [accessed on 29/09/2017]

Procedure and access to the asylum procedure

Regarding the procedure, someone who wants to apply for asylum in the Republic of Macedonia can do it in any police station or border crossing or in the transit centers of Tabanovce (north) or Vinojug (south). If the individual resides in the country, he/she can go directly to the Section for Asylum at the Ministry of Interior (see graphic). After that, he/she will be transferred to the Reception center for asylum seekers of Vizbegovo, in Skopje, during the time necessary for the Ministry of Interior to take a decision in relation to the asylum application. Moreover, detainees under administrative detention can also ask for asylum (see below). However, this is limited only to the detainees to whom the reasons for detention ceased to exist. In cases of family reunification, an asylum application can be submitted to the diplomatic/consular mission of the Republic of Macedonia. Nevertheless, currently accessing the asylum procedure is one of the biggest issue: according to MYLA, many people who clearly state their wish to apply for asylum cannot do it at the borders nor in the transit centers of Vinojug and Tabanovce and many individuals were returned to Greece (see below). Finally, MYLA denounced several times the lacks in terms of capacity, skills, tools but also in terms of language skills and/or interpreters in order to explain the procedure²².



Number of asylum applications divided by places of submission.
MYLA, Annual report – Detention in 2016, 2017

Reception conditions for asylum seekers in the Republic of Macedonia²³

Due to the process of accession of the Republic of Macedonia to the EU, most of the European legislation has already been integrated into the Macedonian legislation. It is the case for the Directive on the reception conditions for asylum seekers.

Indeed, according to the Law on Asylum and Temporary protection, all asylum seekers have access to accommodation and basic support provided by the Ministry of Labour and Social Policy (MLSP) to cover their basic needs during their stay at the Reception Center for asylum seekers in Vizbegovo (Skopje) while they wait the final decision on their case²⁴. The center of Vizbegovo is also a place of living for many refugees from Kosovo²⁵.

This center has been opened in 2008 and financed by the EU and several renovations were financed by the UNHCR in 2015. The total capacity of the center is 150 places but, in 2015, some beds were added and the maximal capacity grew to 200/250 places. In principle, in this center, asylum seekers should have access to medical care, food, social activities, NGOs, free legal aid. Thus, several NGOs are present in the center as well as: MYLA to provide legal aid assistance, the Red cross to provide medical assistance, La Strada to provide psycho-logical support, JRS to provide social assistance. But in practice, individuals who are living there are suffering some insufficiency in the access of basic needs. Thus, access to medical care and interpretation is insufficient, food and hygiene are also lacking, there is no wi-fi and only one computer room and the separation between men and women is not guaranteed, neither is the respect of family life and privacy. Moreover, asylum seekers can leave the center during the day but the center is far from the city-center of

²² Martina Smilevska, *Emerging Challenges in Response to the Refugee Crisis The state of the Macedonian asylum system*, MYLA, February 2015. Available at: <http://myla.org.mk/wp-content/uploads/2016/09/2015-Emerging-Challenges-in-Response-to-the-Refugee-Crisis-2015-1.pdf> [accessed on 29/09/2017]

²³ All the information below are issued from our field mission in the Republic of Macedonia between January and June 2017.

²⁴ Article 49, Law on Asylum and Temporary protection, *op cit*.

²⁵ Indeed, it is important to notice the difference made in the country, by the public opinion but also by the authorities and the organizations working with asylum seekers, between the “new” asylum seekers from the so-called “refugee crisis” and the refugees from the wars in the former Yugoslavia in the 90’s and the Kosovo war.

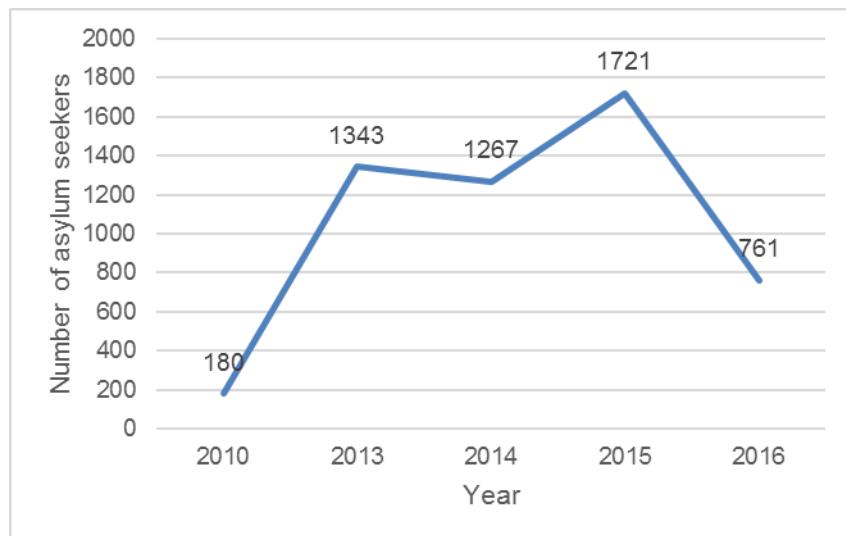
Skopje and asylum seekers might use the public transportation²⁶. Regarding the right to work, guarantee by the law, asylum seekers have only the right to work within the reception center and, after a one-year period from the submission of their asylum application, they can access to the labour market²⁷.

Regarding reception conditions, asylum seekers have the right to live in private accommodations. In this case, they must cover their costs by their own. Families and unaccompanied minors can also ask to live in a “safe house” upon a decision by the Ministry of Labor and Social Policy. It's semi-open, which means that they have possibilities to leave the house only by special conditions. This explain that most of the asylum seekers do not ask to be hosted in “safe houses” or that they leave these accommodations soon after their arrival.

Some data and figures

According to MYLA²⁸, during the last recent years, the number of asylum seekers in Macedonia knew several evolutions (see table).

Nevertheless, there is a difference between people who apply for asylum and people who express the intention to seek asylum. For example, in 2015, MYLA registered 435,907 individuals in migration who expressed the intention to seek asylum in the country²⁹. This is linked with the amendment on the Law on Asylum and most of the individuals who applied for asylum left the country before the end of the procedure in order to continue their routes. For those who stayed in the Republic of Macedonia, the



procedure is long and complex, with few positive results. For example, excluding refugees from Kosovo, in 2016, only 5 positive answers have been registered, 2 refugee statuses and 3 temporary protections.

Confinement of foreigners: from detention at the borders to detention in the territory

National legislation

The Republic of Macedonia adopted a Law on foreigners in 2006, implemented from 1st April 2007 and amended several times³⁰. Due to the process of accession to the EU, the Law reflects most of the general EU legislative acquis in terms of entrance in the territory, residence permits, travel documents, identification, detention, etc. Concerning detention, the legislation of reference is the Law on foreigners but also the Law

²⁶ Indeed, asylum seekers must go to the nearest village from where they can take a bus to go to the center of Skopje, which takes around 20 minutes.

²⁷ Article 48, Law on Asylum and Temporary protection, op cit.

²⁸ Data provided by MYLA.

²⁹ MYLA, 2015 – A year in review, *op. Cit.*

³⁰ Law on foreigners, Official Gazette of the Republic of Macedonia n°35, 23th March 2006. The law entered into force on 31 March 2006 and should be implemented starting from 1 April 2007. Available at: <http://www.slvesnik.com.mk/Issues/F019E5B23924EC42AA5E26D2BFBE7A10.pdf>. An unofficial translation in English is available at: <http://www.refworld.org/docid/44b2668a4.html> [accessed on 29/09/2017].

on border control³¹ and its article 12 which justifies detention in case of “illegal entrance in the Republic of Macedonia” and under the purpose of establishing the identity of a foreign citizen.

In the Republic of Macedonia, there is only one official detention center for foreigners, in the district of Gazi Baba, in Skopje. There are also two transit centers at the southern and northern borders of the country, where the situation evolved since the closure of Balkan routes.

Detention at the borders

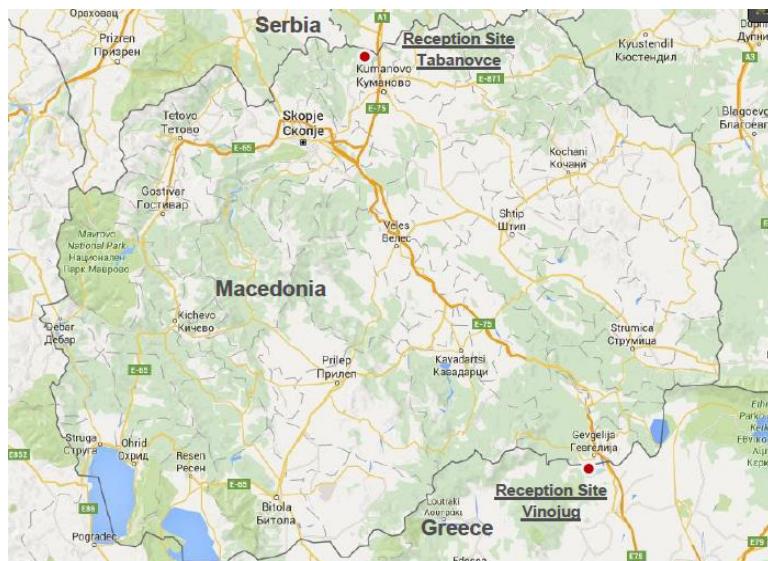
The situation at the Macedonian borders evolved in the recent years. With the so called “refugee crisis”, informal camps at the southern border with Greece and the northern border with Serbia developed, without interventions of Macedonian authorities. After the closure of the “Balkan routes” in March 2016, approximately 478 refugees were stuck between Serbia and the Republic of Macedonia without any water, food, shelter or other basic goods/services.

Three weeks later, an agreement was reached to place them in the Transit center of Tabanovce, in the north of the country. On the southern border, in March the 14th, between 2,000 and 3,000 refugees attempted to enter into the Macedonian territory, but were intercepted by the Macedonian police and returned to Greece. Thus, between December 2015 and the summer of 2016, camps at the Macedonian borders had shifted from open transit camps to official “transit centers”, that are in practice closed detention centers with a capacity of 547 places in the transit center of Tabanovce and 134 places in the transit center of Vinojug (see map)³².

Under article 13 of the Law on Border

Control, a person can be detained for up to 24 hours to enable border control procedures and, according to article 108 of the Law on Foreigners, the Ministry of Interior may detain a person for up to 24 hours to ensure his deportation. Nevertheless, the transit centers of Tabanovce and Vinojug are not provided by law. Thus, there is not legal maximum length of detention in these camps and the individuals detained there do not have any legal status, staying in a sort of legal limbo. Indeed, the individuals who were in the Republic of Macedonia and had not applied for asylum (mostly because they were willing to apply in another EU country) when the borders were closed, are stuck in the country without any legal status, nor any perspective for the future, waiting for the re-opening of the borders. Due to this situation, some of them decided to apply for asylum in the country. In this case, they are transferred to the reception center for asylum seekers in Vizbegovo (see above).

The situation evolved at the beginning of 2017. Indeed, during the first semester of 2017, Macedonian authorities used the readmission agreement with the EU³³ in order to send back to Greece most of the people detained in these camps from March 2016³⁴. Moreover, with the development of the relocation procedure inside the EU, the other individuals detained in these camps decided to go back to Greece “by



Source : MYLA, Annual report 2015, 2016

³¹ Law on border control, Official Gazette of the Republic of Macedonia, n°171/2010.

³² For data and figures about the individuals present in these camps, please refer to the monthly field reports from MYLA, available at: <http://myla.org.mk/publications/reports/> [accessed on 28/06/2017]

³³ Agreement between the European community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorization, Official Journal of the European Union n° L334/7, 19/12/2007. Available at: <http://ec.europa.eu/world/agreements/downloadFile.do?fullText=yes&treatyTransId=11641> [accessed on 29/09/2017].

³⁴ Macedonia returns Syrian, Iraqi migrants to Greece, *Xinhua*, 10/02/2017. Available at: http://news.xinhuanet.com/english/2017-02/10/c_136045004.htm [accessed on 29/09/2017]

their own”, in order to ask for relocation once back to Greece³⁵. Thus, in June 2017, between 10 and 20 individuals were present in each transit center.

The “Reception center for foreigners”: deprival of liberty for foreigners who entered to the Republic of Macedonia by “illegal” ways

For people arrested at the borders or in the Macedonian territory without any documentation, there is one official detention center in the Republic of Macedonia, in Skopje, in the district of Gazi Baba. While its official name is “reception center for foreigners”, it is known as the “Gazi Baba detention center”. This camp is under the jurisdiction of the Section of Border Affairs and Migration at the Ministry of Interior. The center is closed and the access to humanitarian NGOs is limited. According to the article 109 of the Law on foreigners, a foreigner can be detained in the center “until the reasons preventing his/her deportation from the territory of the Republic of Macedonia cease to exist but not longer than 12 months”³⁶. In fact, victims of human trafficking and potential asylum seekers are detained in this center. Indeed, according to the Law on Criminal Procedure³⁷, “smuggled” people have to remain in detention until they give their testimony against their alleged “smugglers” in front of the court.

This center was opened as a closed establishment for the detention of irregular immigrants in 2007. After the denunciations of the conditions in the camp by several NGOs³⁸ and the Committee against Torture from the United Nations³⁹, renovations were made. Nevertheless, the conditions are still difficult and many organizations keep denouncing unworthy living conditions, lack of hygiene, presence of children and families.

According to MYLA⁴⁰, in 2016, at least 438 individuals were detained. This observation demonstrates a change of practice. Indeed, before this year, the detention center was most of the time overpopulated. Nevertheless, with the closure of borders but also because of a social movement of protestation regarding the conditions of life in the camp, all detainees were released during 2015 and a new practice of detaining only a few of whole group started. Most of the detainees were men (89,7%), with only 45 (10,2%) women. The vast majority were aged 18-59 (94,2%). During the reporting period 25 children were detained, of which one was separated from his family and another one was unaccompanied⁴¹. Almost all of the detainees interviewed by MYLA reported they were apprehended by the police trying to cross the country and they were held in detention in the frame of the criminal procedure against the supposed smugglers. In the first half of 2016, the detainees have not been provided with any official document related to their detention, they were thus deprived of the possibility to introduce an appeal against these decisions. Thanks to the intervention of MYLA and of the Ombudsman of the Republic of Macedonia, since August 2016, the detainees receive now a copy of their detention decisions⁴². However, detainees are often unable to understand the content of the document (because of lack of translation), they are not properly informed of

³⁵ Relocation inside the EU refers to the transfer of someone who asked for an international protection in one of the EU member to another EU member state. So, in the present situation, it refers to individuals who were in the Republic of Macedonia and asked to go back to Greece where they ask for asylum to can be relocated in other EU member states.

³⁶ Law on foreigners, 2006, *op. cit.* Regarding the legal maximum length of detention in the territory of the Republic of Macedonia, is linked with the EU legislation and the reception condition directive.

³⁷ Indeed, the Law on Criminal Code of the Republic of Macedonia entered into force in 1997 but it was amended in the early 2010's, amendments that entered into force in 2013.

³⁸ Human Rights Watch, “As Though We Are Not Human Beings”. *Police Brutality against Migrants and Asylum Seekers in Macedonia*, 2015. Available at: <https://www.hrw.org/report/2015/09/21/though-we-are-not-human-beings/police-brutality-against-migrants-and-asylum> [accessed on 29/09/2017]

³⁹ Committee against Torture, Report on the visit of the former Yugoslav Republic of Macedonia in October 2014, 2016. Available at [http://hudoc.cpt.coe.int/eng/#%22sort%22:\[%22CPTDocumentDate%20Descending,CPTDocumentID%20Ascending,CPTSectionNumber%20Ascending%22\],%22CPTState%22:\[%22MKD%22\]}](http://hudoc.cpt.coe.int/eng/#%22sort%22:[%22CPTDocumentDate%20Descending,CPTDocumentID%20Ascending,CPTSectionNumber%20Ascending%22],%22CPTState%22:[%22MKD%22]}) [accessed on 29/09/2017]

⁴⁰ MYLA, *Annual report on immigration detention in Macedonia 2016*, 2017. Available at: <http://myla.org.mk/wp-content/uploads/2016/09/MYLA-2016-Report-on-Immigration-Detention-in-Macedonia.pdf> [accessed on 29/09/2017]

⁴¹ Regarding children, it is important to precise that there are no provisions in the Republic of Macedonia prohibiting the detention of minors, either accompanied or not.

⁴² MYLA, *Annual report on immigration detention in Macedonia 2016*, *op. cit.*

the right to legal representation and the right to appeal and they don't have access to the service of interpreters.

Regarding the conditions in the center, in 2016, according to MYLA⁴³:

- Many of the detainees complained about: insufficient food (only 2 meals per day); inadequate sanitation; poor access to hygiene products; lack of cleaning of the rooms, toilets and showers.

- Detainees are not allowed to get fresh air outside.

- A doctor from the Red Cross is sometimes present at the center and provides health care free of charge but detainees with more serious health issues cannot have access to appropriate health care and there is no information about how often the doctor come to the center.

- Regarding telephone calls, detainees are able to make a phone call free of charge once in 7-10 days.

- Regarding accommodation, the average number of detainees accommodated in one room is 10-20.

- During 2016, the average length of detention was 38 days. The longest detention was 301 days.

Detainees are allowed to apply for asylum in the camp and, in this case, they are transferred to the Reception center for asylum seekers in Vizbegovo (see above).

As for the transit centers of Tabanovce and Vinojug, in the first semester of 2017, the situation faced some changes. Thus, according to MYLA, from January to June 2017, 40 individuals in migration were detained in the detention center⁴⁴.

Particular situations

A focus: the municipality of Lipkovo

Due to the EU policy of securitization and externalization of the control of its borders, individuals in migration are forced to take more dangerous ways to can continue their routes until the EU. Nevertheless, as said above, this is not a new phenomenon in the Balkan and in the Republic of Macedonia where displacements and movements of individuals in migration started in the early 2000's. As consequence, villages near the borders in some countries in the Balkan appeared like unofficial camp for people waiting to cross the borders. It is the case of Subotica in Serbia, near the border with Hungary, but also of the villages of Lojane and Vaksince in the municipality of Lipkovo in the north of the Republic of Macedonia⁴⁵. The closure of borders on March 2016 gave higher visibility to these villages. Thus, the community of Lipkovo was more and more knew as the "central point for smugglers and trafficking" and Lojane and Vaksince have been pointed as a hub for organized groups that facilitate the crossing of the border with Serbia for individuals in migration who don't have more options to continue their routes. In these villages, individuals in migration wait the time to cross the borders, sometimes in very precarious conditions. According LEGIS, a Macedonian NGO, a significant proportion of individuals in migration waiting in these villages are children or unaccompanied minors. But individuals present in these villages are facing several risks due to the lack of access to basic needs but also due to the risk of expulsion or push-backs when they try to cross the border⁴⁶.

⁴³ MYLA, Annual report on immigration detention in Macedonia 2016, *op. cit.*

⁴⁴ MYLA, Mid-year report on immigration detention in Macedonia – January / June 2017, August 2017. Available on: <http://myla.org.mk/wp-content/uploads/2016/09/MYLA-Mid-year-Report-on-Immigration-Detention-in-Macedonia-January%20%94June-2017.pdf> [accessed on 28/09/2017].

⁴⁵ Clément Corbineau, « Migration et asile en Serbie : une européisation des politiques publiques et associatives ? », *Géocarrefour* [online], vol. 89/3 | 2014. Available at: <http://geocarrefour.revues.org/9522> [accessed on 29/9/2017]

⁴⁶ For more information regarding the situation in the community: Legis, *Irregular migration in Macedonia 6 months outreach report in Lipkovo Municipality (villages Vaksince and Lojane)*, March 2017. Available at: <http://legis.mk/uploads/6%20MONTHS%20REPORT%20on%20IRREGULAR%20MIGRATION%20OUTREACH%20in%20MACEDONIA%20Legis.pdf> [accessed on 29/09/2017]

Stateless in Republic of Macedonia⁴⁷

The analysis and the understanding of the situation in Republic of Macedonia regarding migrations and rights of foreigners can not be disconnected from the recent history of the country and the impact of the wars in the former Yugoslavia. Indeed, as presented earlier, the national legislation of the country is linked with this context. As a result of the dissolution of Yugoslavia and of the several wars in the 90's in the Balkan, many people fled to the Republic of Macedonia where lots of people came. Most of those people in Republic of Macedonia were not registered in the country and, after the end of the wars and the dissolution of Yugoslavia, they stayed in the Republic of Macedonia without any citizenship and nationality during several years, with consequences for the next generations. Thus, the issue of statelessness is a crucial issue in the Republic of Macedonia, as well as most of the countries in the Balkan⁴⁸.

There are no precise official statistics about the number of stateless persons in the Republic of Macedonia as well as the number of people at risk of statelessness. Nevertheless, according to MYLA, on the 31st of December 2015, 664 persons could be identified as "individuals at risk of statelessness". Most of those persons are Roma (69,6 %) but there is also a significant portion of Albanians, Ashkalis, Egyptians and other nationalities living in the Republic of Macedonia.

In the Republic of Macedonia, the majority of the persons at risk of statelessness have been affected by the dissolution of the former Yugoslavia. In most of the cases, these persons were born in one of the countries that were part of the former Yugoslavia and were residing in the Republic of Macedonia during the dissolution of Yugoslavia. When the Republic of Macedonia declared its independence in 1991, these persons applied neither for the Macedonian citizenship nor for the citizenship of their country of origin. Furthermore, there are many persons at risk of statelessness who were born in the Republic of Macedonia, lived their whole life there and consider themselves as Macedonians. They are at risk of statelessness because their parents originate from other countries of former Yugoslavia and, at the time of their birth, due to lack of legal knowledge and awareness, did not apply for citizenship in their stead in either their country of origin or the Republic of Macedonia.

The national legal framework which includes provisions on statelessness in the Republic of Macedonia are the Law on Citizenship of the Republic of Macedonia (1992)⁴⁹, amended in 2004, 2008 and 2011, and the Law on Foreigners⁵⁰. However, none of these laws provides a specific definition of statelessness or a stateless person. According to article 80 of the Law on Foreigners, a stateless person can obtain a temporary alien residence permit on humanitarian grounds. Article 123 provides that the Ministry of Interior shall issue travel documents for stateless persons. According to article 6 of the Law on citizenship of the Republic of Macedonia, a child who is found or born in the territory of the Republic of Macedonia and whose parents are unknown or have unknown citizenship or are stateless, shall be granted Macedonian citizenship. With the 2008 amendments, the Law on citizenship provides a facilitated naturalization procedure for stateless persons. Foreigners can acquire Macedonian citizenship after 4 years of legal and continuous residence on the territory of the Republic of Macedonia while the residence requirement for stateless person is 6 years.

The Republic of Macedonia is also party to a number of international treaties in relation to statelessness including the 1954 Convention relating to the status of stateless persons, the European convention on nationality (ratified in 2002), the European convention on Human rights (ratified in 2003), Convention on the Rights of Child (ratified in 1993), the International convention on the elimination of all forms of racial discrimination (ratified in 1994), the Convention on the elimination of discrimination against women (ratified in 1994) and the International covenant on civil and political rights (ratified in 1991). The Republic of Macedonia has not acceded to the 1961 Convention.

⁴⁷ To have more information about stateless in Macedonia: MYLA, *Regional research on Statelessness. Macedonia, Serbia, Kosovo, Montenegro, Bosnia, Croatia*, November 2015.

⁴⁸ Indeed, due to the wars in the former Yugoslavia during the 90's, the question of statelessness is a common issue in the different countries in the Balkan which are facing common challenges.

⁴⁹ Law on citizenship of the Republic of Macedonia, Official Gazette of 03/11/1992. Unofficial translation available at: <http://www.refworld.org/docid/3f54916b4.html> [accessed on 29/09/2017].

⁵⁰ Law on foreigners, *op cit.*

Many challenges remain in the Republic of Macedonia in relation to statelessness. The key issues according to MYLA are Macedonia's accession to the 1961 Convention and the adoption of a statelessness determination procedure in the national laws.

Readmission agreements

The EU readmission agreement with the Republic of Macedonia

Due to the geographical situation of the country, the Republic of Macedonia is a crucial country for the EU in terms of control of migration. Indeed, between Greece and Serbia, the Republic of Macedonia is a door both to enter the EU and to leave its territory. Specified in the Stabilization and Association Agreement concluded between the EU and the Republic of Macedonia in 2001⁵¹, an Agreement on the readmission of persons residing illegally in the EU was ratified by the Republic of Macedonia in 2007⁵². According to this Readmission agreement, the Republic of Macedonia is obliged to readmit both its own nationals and third country nationals or stateless persons. The Agreement regulates the reciprocal obligations of the EU for readmission of its own nationals, third country nationals and stateless persons, as well as the readmission procedures, transit operations, costs, data protection, as well as implementation and application provisions. It has been applied in February 2017 in order to readmit from the Republic of Macedonia to Greece 49 persons detained in the transit center of Tabanovce since the closure of the borders in March 2016 (see above). Therefore, the interest of this issue is the fact that, contrary to most of the cases and to the original idea of the readmission agreements in the frame of EU migration policies (i.e. an instrument to foster returns of foreign nationals to third countries), we are confronted to an agreement leading to readmission from a "third country" to an EU one (from the Republic of Macedonia to Greece).

Bilateral readmission agreements

In addition to the readmission agreement with the EU, the Republic of Macedonia has also signed readmission agreements with other countries, both EU member states and non-member states. Thus, to date, the Republic of Macedonia has bilateral readmission agreements with Albania, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Denmark, France, Germany, Hungary, Iceland, Italy, Kosovo, Moldova, Montenegro, Norway, Poland, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden and Switzerland.

Externalization and border controls

Border controls

As previously mentioned, with Serbia in the North, Bulgaria in the East and Greece in the South, the Republic of Macedonia is a crossroad or a non-EU enclave between EU member states. If during the 90's and the early 2000's the borders with the northern countries of the former Yugoslavia were the main issues for the Republic of Macedonia, the increase of the use of the Balkan routes to go to the EU displaced the focus on the Southern border with Greece and the Eastern border with Bulgaria. In 2015, with the highest visibility of the so-called "refugee crisis", the Republic of Macedonia received more and more "support" from the EU in order to control its borders. Since then, Macedonian police is "supported" by foreign police from EU Eastern member states, part of the so-called Visegrad group, such as Czech Republic, Hungary, Poland, Slovak Republic, to develop and strengthen controls at the Southern border with Greece. For example, in June

⁵¹ Article 76, Council of the European Union, Stabilization and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, 26 March 2001. Available at: https://eeas.europa.eu/sites/eeas/files/saa03_01_en.pdf [accessed on 29/09/2017]

⁵² Agreement between the European community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorization, Official Journal of the European Union n° L334/7, 19/12/2007. Available at: <http://ec.europa.eu/world/agreements/downloadFile.do?fullText=yes&treatyTransId=11641> [accessed on 29/09/2017].

2017, 15 Slovak policemen arrived in the Republic of Macedonia to conduct joint patrols at the Greek border, equipped with field vehicles, infrared cameras and night watch devices. Their mandate was for 30 days, with possibility of renewal. From March 2016, 190 Slovak police officers have been sent to the Republic of Macedonia⁵³.

Moreover, the Macedonian army was deployed on the Southern border in 2015 in the context of state of emergency at the borders decided by the Macedonian government. Indeed, on the 19th of August, the government declared a crisis at the borders, a state of emergency and deployed paramilitary police and the army, which used grenades, baton rounds to push-back exiles or prevent them from crossing the border and enter into the country⁵⁴. Several cases of police violence were also denounced⁵⁵. In the same line of security and militarization at the borders, in November 2015, the Macedonian army also began the construction of a fence at the Greek border⁵⁶, a second fence was built in February 2016⁵⁷. All of these measures at the borders must be analyzed in relation with the European policies, given that February 2016 is also the month during which Austria started to limit asylum applications on its territory⁵⁸. More recently, in February of 2017, due to the incertitude regarding the evolutions of the EU-Turkey “statement”⁵⁹, eastern EU member states and Balkan ones met during a conference in Vienna. This conference ended with a common Declaration “Managing migration challenges together”⁶⁰, whose aim is to establish common responsibility and cooperation at the borders in the Balkan in case of re-opening of the Balkan routes.

Frontex

The Republic of Macedonia also receives support from the EU Frontex agency⁶¹. If the European agency is already present in Greece, the idea is to develop its presence in the territory of several countries in the Balkan, included the Republic of Macedonia. Indeed, a new regulation is governing the intervention and the

⁵³ Осмаротација на словачки полицајци на македонско-грчката граница, 06/06/2017. Available at: <http://a1on.mk/archives/748208> [accessed on 29/09/2017]

⁵⁴ The state of emergency at the borders of the Republic of Macedonia was decided on August 2015 for 30 days initially. After one month, the government decided to extend the state of emergency at the borders until June 2016 and, in March 2016, it decided to extend it until the end of the year 2016. In October 2016, the parliament decided to extend this state of emergency at the borders until the end of June 2017. We didn't find any more information about the end or the extension of this state of emergency at the borders. Nevertheless, it's important not to confuse this state of emergency at the borders and the state of emergency established in August 2016 in Skopje and some neighborhoods districts as response to a storm.

⁵⁵ HRW, *Macedonia: Stop Police Violence Against Migrants*, 22/08/2015. Available at: <https://www.hrw.org/news/2015/08/22/macedonia-stop-police-violence-against-migrants> [accessed on 29/09/2017]. See also: Camila Domonoske, At Macedonian Border, Tensions Between Migrants And Police Erupt Into Violence, *The two-ways*, 11/04/2016. Available at: <http://www.npr.org/sections/thetwo-way/2016/04/11/473808217/at-macedonian-border-migrant-police-tensions-erupt-into-violence> [accessed on 29/09/2017]

⁵⁶ John Hall, “European refugee crisis: Macedonia builds 10ft-high razor-topped fence along Greek border”, January 13, 2016. Available at: <http://www.ibtimes.co.uk/european-refugee-crisis-macedonia-builds-10-foot-high-razor-topped-fence-along-greek-border-1537078> [accessed on 29/09/2017]

⁵⁷ John Stevens, “Macedonia reveals plans to build 200 mile long fence on its border with Greece protected by guards armed with Tasers ahead of EU summit on how to deal with the migrant crisis”, *DailyMail*, 7 March 2016. Available at: <http://www.dailymail.co.uk/news/article-3479372/Macedonia-reveals-plans-build-200-mile-long-fence-border-Greece-protected-guards-armed-Tasers-ahead-EU-summit-deal-migrant-crisis.html#ixzz4llvbeSTS> [accessed on 29/09/2017]

⁵⁸ BBC, “Migrant crisis: Austria asylum cap begins despite EU anger”, 19 February 2016. Available at: <http://www.bbc.com/news/world-europe-35609823> [accessed on 29/09/2017]

⁵⁹ In March 2016, EU and Turkish agreed on a statement according which anyone arriving to the Greek islands by “irregular” ways after 20 March 2016 is to be returned to Turkey, defined as a “safe” country by the EU. It's in relation with this statement that the borders were closed in the Balkans, demonstrated the logic of externalization of the control of its borders of the EU.

⁶⁰ Declaration, Managing Migration Challenges Together, 8 February 2017, Vienna. Available at: file:///C:/Users/POWERM~1/AppData/Local/Temp/Declaration_final.PDF [accessed on 29/09/2017]

⁶¹ Frontex was created in 2004 with the aim to coordinate border control management at the EU borders. Since 2004, the agency received more and more power, competencies and resources becoming the new “guardian” of the EU borders in a total impunity. In September 2016, the agency received a new mandate and became the “European border and coast guard”. For more information: Frontexit, “The new mandate of Frontex agency. The EU obsessed with waging a war against migrants and refugees”, July 2016. Available at: <http://www.migreeurop.org/IMG/pdf/prfrontexitmandate-07072016-en-2-2.pdf> [accessed on 29/09/2017]

action of the Frontex agency since September 2016, which clearly express the possibility for the agency to develop actions at the external borders of the EU, in cooperation with third country and neighborhood countries⁶². Even if the borders are officially closed in the Balkans, the agency decided to keep developing its actions in this region, also due to the incertitude regarding the EU-Turkey statement (see above). In this context, in 2017, an agreement between the EU and the Republic of Macedonia was drafted in order to develop actions of the European border and coast guard agency in the Macedonian territory⁶³. According to this draft agreement⁶⁴, the EU agency will have the possibility to carry out joint operations and rapid border interventions as well as return operations in the whole territory of the Republic of Macedonia. More worrisome are the powers given to the EU agency in the draft text, link with the immunity given to Frontex teams: “*members of the teams should be entitled to perform all the tasks and exercise all the executive powers required for border control (border checks and border surveillance) and return operations; they should be entitled to carry service weapons, ammunition and equipment and use them in accordance with the law of the former Yugoslav Republic of Macedonia. (...) The agreement should foresee strong protection for the members of the teams and Frontex staff who are not team members but who are sent in the context of a specific operation (e.g. a coordinating officer). In particular, they should enjoy a full immunity from the criminal jurisdiction of the former Yugoslav Republic of Macedonia under all circumstances. They should also enjoy immunity from civil jurisdiction of the former Yugoslav Republic of Macedonia for the acts performed by them in the exercise of their official functions. The other provisions on the privileges and immunities of the members of the team as enshrined in the model status agreement should be replicated in the status agreement as far as possible*”⁶⁵. In June 2017, we do not have more information about the status of the discussions between the EU and the Republic of Macedonia on this issue⁶⁶. Discussions are ongoing with the same model of agreement in Serbia⁶⁷.

Push-Backs

Once again, the consequence of border controls and closure is the increase of violence and violations of Human rights. The most “emblematic” example are push-backs along the Balkan routes.

Push-backs is a term used to describe the practice by authorities of forcibly returns of individuals who just enter in their country to another country. Thus, push-backs encompass the legal concept of collective expulsion, which is prohibited in Article 4 of Protocol n°4 to the European Convention on Human Rights (ECHR). Push-backs are also against international and EU law because they deny people’s the right to seek asylum and violate the principle of “non-refoulement”⁶⁷.

⁶² Regulation (EU) 2016/1624 of the European parliament and of the Council of 14 September 2016 on the European border and Coast Guard, Official Journal of the European Union, L 251/1, 16/09/2016. Available at: <http://www.statewatch.org/news/2016/oct/eu-council-border-agency-regulation.pdf> [accessed on 29/09/2017].

⁶³ Statewatch, “Deploying armed Frontex teams on the ‘Balkan Route’: agreements with Serbia and Macedonia on the way”, 1st May 2017. Available at: <http://www.statewatch.org/news/2017/may/eu-frontex-serbia-macedonia1.htm> [accessed on 29/09/2017]

⁶⁴ General Secretariat of the Council of European Union, Directives for the negotiation of an agreement between the European Union and the former Yugoslav Republic of Macedonia on actions carried out by the European Border and Coast Guard Agency in the territory of the former Yugoslav Republic of Macedonia, 23 February 2017. Available at: <http://www.statewatch.org/news/2017/apr/eu-council-frontex-actions-in-macedonia-negotiating-directives-6329-17-rev2.pdf> [accessed on 29/09/2017]

⁶⁵ Commission, Third report from the Commission to the European parliament, the European Council and the Council on the operationalization of the European border and Coast Guard, Brussels, 2nd May 2017. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/securing-eu-borders/20170502_third_report_on_the_operationalisation_of_the_european_border_and_coast_guard_en.pdf [accessed on 29/09/2017].

⁶⁶ Statewatch, “Deploying armed Frontex teams on the ‘Balkan Route’: agreements with Serbia and Macedonia on the way”, *op. cit.*

⁶⁷ Oxfam, MYLA, BCHR, A DANGEROUS ‘GAME’ *The pushback of migrants, including refugees, at Europe’s borders*, April 2017. Available at: https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bp-dangerous-game-pushback-migrants-refugees-060417-en_0.pdf [accessed on 29/09/2017]

In the Republic of Macedonia, most of the people who were crossing the Southern border with Greece after the official closure of the Balkan routes were pushed back to Greece. As a reminder, in March 2016, a group of 1,500 persons attempted to cross into Republic of Macedonia from Greece was forcibly pushed back to Greece, without any chance to ask for protection. In 2016, MYLA recorded a number of 8,524 push-backs at the Southern border of the Republic of Macedonia and according to the statistics provided by the Ministry of Interior, 11,803 persons have been deported since the closure of the Balkan routes⁶⁸. These returns are organized in one tent outside of the transit center of Vinojug, which is used for temporary accommodation of individuals who entered the territory of the Republic of Macedonia by “irregular” ways. There, the individuals are photographed and only basic personal data are taken by officials of the Ministry of the Interior. After that, without any official procedures or records, they are immediately deported to the country from which they entered the Republic of Macedonia (Greece in most of the cases)⁶⁹. If, at the southern border of the Republic of Macedonia this practice of push-backs was developed as a consequence of the closure borders, at the northern border it was yet a practice to deport individuals in migration from Serbia to the Republic of Macedonia since the early 2000's. Indeed, as said above, the displacements of individuals in migration are not a new phenomenon in the Balkan and the EU politics of externalization and securitization as well⁷⁰. Thus, yet in the early 2010's, Serbia was used to deport individuals in migration arrested at its Hungarian border or in its territory to the Republic of Macedonia. There, unofficial camps appeared near the border, like in the village of Lojane (see above). Nevertheless, these deportations were realized under the readmission agreement between Serbia and the Republic of Macedonia⁷¹. During the so-called “refugee crisis” and even after the closure of borders, this practice was more and more used and without passed by legal ways. In some case including persons who didn't enter in Serbia from the Republic of Macedonia were push-backed to the Republic of Macedonia. Indeed, according to MYLA, some people assisted in the transit center of Tabanovce explained that they entered in Serbia by Bulgaria but they were pushed back to the Republic of Macedonia by Serbian police. In 2017, these practices still exist⁷² and should be monitored and denounced. In most of these cases, people are then stuck in Republic of Macedonia or sent to Greece, forcibly or “by they own decision”. These push-backs in the Republic of Macedonia must also be analyzed regarding the situation in Balkan countries as a whole and as a consequence of the politics of externalization and closure borders of the EU. Indeed, push-backs at the borders between Hungary and Serbia, at the Croatian, Bulgarian and Rumanian ones are also denounced⁷³, in violation of the rights of individuals in migration who are in the middle of a politic game of ping-pong.

Mobilizations

Macedonian political situation⁷⁴

Mobilizations for the defense of the rights of individuals in migration in the Republic of Macedonia are linked with the political situation in the country.

Indeed, since 2015, the Republic of Macedonia is facing a political crisis with the disclosure of a massive wiretapping operation with the publication of phone conversations of politicians leading to corruption scandals. In July 2016, an agreement was signed in order to organize early parliamentary elections. The

⁶⁸ MYLA, *MYLA Field report 2016*, 2017. Available at: <http://myla.org.mk/wp-content/uploads/2016/09/MYLA-Field-Report-2016.pdf> [accessed on 29/09/2017]

⁶⁹ MYLA, Annual report on the efficiency of the legal protection of Human rights in the Republic of Macedonia 2016, *op. cit.*

⁷⁰ Clément Corbineau, « Migration et asile en Serbie : une européanisation des politiques publiques et associatives ? », *op. cit.*

⁷¹ Ela Meh, « La Serbie, antichambre de l'Union européenne », *Plein droit* 2013/1 (n96), p. 27-30. Available at: <https://www.cairn.info/revue-plein-droit-2013-1-page-27.htm> [accessed on 29/09/2017]

⁷² Express.mk, *Refugees from Preshevo camp pushed back to Macedonia*, 28/06/2017. Available (in Macedonian) at: <http://express.mk/?p=9006> [accessed on 29/09/2017]

⁷³ Oxfam, MYLA, BCHR, A DANGEROUS ‘GAME’ The pushback of migrants, including refugees, at Europe’s borders, *op. cit.*

⁷⁴ Most of this information are provided through an interview realized by Emilie Pesselier with the political party Solidarnost on 16 February 2017, 1h.

elections took place in December 2016 but did not lead to any majority to one party. Until May 2017, the country underwent a period of instability, without any government, with an increase of nationalist demonstrations and protests and interferences in the national situation from the EU and Russia⁷⁵.

This quick summary of the political background is interesting to underline in order to present social mobilizations in the country. Indeed, in 2015, a social mobilization and protests against the government rose in response to the corruption and political scandals, but also linked to the so-called “refugee crisis” to express solidarity with individuals in migration. Thus, after May 2015, protests against the government were organized every day and linked with international solidarity issues. In June 2015, for example, a huge “march for refugees” was organized, from the center of Skopje to the detention center of Gazi Baba. In September, November, December 2015, other protests took place, but the mobilization became less and less important for the civil society and Macedonian citizens.

Even if a movement of solidarity emerged in the country, xenophobia and racism were also existing as testified by the demonstrations held in the cities of Kumanovo or Bitola, in the North and the South of the Republic of Macedonia, where one of the political parties of the opposition, Solidarnost, organized in response some trainings on migration and solidarity.

In general, because of the results of the elections in December 2016, the absence of government and the instability of the situation civil society and Macedonian citizens seem to be more and more disappointed about politics and lacking trust in the possible impact of mobilizations.

Actors of the Macedonian civil society

The Republic of Macedonia hosts several actors, either national, regional or international, engaged on migration issues.

First, due to the recent history of the dissolution of the former Yugoslavia and to the wars in the Balkan, international organizations are still present in the country. Thus, we can underline the presence of the United Nations through the UNHCR, Unicef, UN Women, IOM, etc. These international organizations, at the beginning present in the country in the context of wars in the Balkan and for peace building missions, invested in 2015 the field of the so-called “refugee crisis” launching several projects in the transit centers of Tabanovce and Guevguelja. The same observation can be made for international NGOs such as the Red Cross, Doctors without borders, Save the Children, Oxfam, La strada, JRS, Danish Refugee Council, etc. Near to these international NGOs, regional and national NGOs are present in the transit centers and in the reception center for asylum seekers. Some of these NGOs also have access to the detention center for foreigners. As well, since 2015, number of volunteers, most of them international ones, are active in the country. At the same time, and linked to the process of adhesion of the country to the EU, institutional actors, as European agencies and diplomatic representations of the EU and its members states, are present in the Republic of Macedonia.

Initiatives of the civil society: the example of the group “Help refugees in Macedonia”

As said before, in the first half of 2015, a significant increase in the number of individuals in migration transiting though the Republic of Macedonia the country to reach Western Europe was observed. With the lack of legal means of travelling through the Republic of Macedonia, the individuals in migration resorted to the use the services of “smugglers” and unsafe routes. They walked along the highway and railway tracks leading to Serbia and many refugees lost their lives on the train tracks⁷⁶. Indeed, there is one main railway in

⁷⁵ To learn more about the political situation in the Republic of Macedonia: Zoran Kuka, Danse au-dessus du volcan: les Balkans et la “poudrière macédonienne”, [Radio Slobodna Evropa](http://www.courrierdesbalkans.fr/La-poudriere-macedonienne-peut-elle-a-nouveau-enflammer-les-Balkans), translate by Chloé Billon for Le courrier des Balkans, 09/03/2017. Available at: <https://www.courrierdesbalkans.fr/La-poudriere-macedonienne-peut-elle-a-nouveau-enflammer-les-Balkans> [accessed on 29/09/2017]. Read also: Sinisa Jakov Marusic, Macedonia Parliament approves new govt after prolonged stalemate, Balkan Insight, 31/05/2017. Available at: <http://www.balkaninsight.com/en/article/macedonia-parliament-approves-zaev-s-new-govt-05-31-2017> [accessed on 29/09/2017].

⁷⁶ Meri Jordanovska and Sinisa Jakov Marusic, *Refugees Dice with Death Crossing Macedonia*, Balkan Insight, 17 November 2014. Available at: <http://www.balkaninsight.com/en/article/refugees-dice-with-death-crossing-macedonia> [accessed on 29/09/2017]

the Republic of Macedonia, crossing the country from the South, in Gevgelija, to the North, in Tabanovce (see map above). In the middle, the railway crosses the city of Veles, where Lence, a Macedonian woman, lives. Living near the railway, she saw more and more individuals in migration trying to go to Serbia walking around the railways and decided to distribute food and clothes in her garage in a warehouse⁷⁷. Moreover, Milica⁷⁸, a piano professor in Stip, saw more and more individuals in migration when she was travelling to Skopje. These two women decided, with a group of friends, to create a Facebook page in April 2015, “Help the refugees in Macedonia”⁷⁹, in order to share and diffuse information about the localization of the individuals in migration and develop food, clothes and shoes distribution. Some transportation services were also set in place and information on the routes to use and the geography of the country provided. Around one hundred of Macedonian citizens were active on this page. The group also pressured the Macedonian authorities to find a solution and to better protect the individuals in migration. This group was at the origin of the amendment on the Law on Asylum in 2015 regarding the “72h delay” to cross the country for each person who expressed the wish to ask for asylum (see above). Until March 2016, the group continued to organize distribution along the railway and in the camps at the Southern and the Northern border. With the closure of borders in March 2016, the situation changed. The group is no more authorized to enter in the transit center of Tabanovce and Vinojug, but still distributes food and clothes and organizes activities for individuals in migration in the centers. With also the increasing presence of NGOs, the group ended up losing its activity. Now, the group still exists, but more as a space to share information and raise awareness on the situation of individuals in migration stuck in the Republic of Macedonia and its evolution.

⁷⁷ *Lenče Zdravkin, a Macedonian Woman Whom Refugees Call Their ‘Second Mother’*, Global Voices, 3 January 2017. Available at: <https://globalvoices.org/2017/01/03/lence-zdravkin-a-macedonian-woman-whom-refugees-call-their-second-mother/> [accessed on 29/09/2017]

⁷⁸ Interview conducted by Emilie Pesselier on the 10th of February 2017, 1h.

⁷⁹ <https://www.facebook.com/groups/help.mk.refugees/> [accessed on 29/09/2017]