

Statement on the UPR Pre-session on North Macedonia
14 February, Geneva

I shall deliver a statement on behalf of the Macedonian Young Lawyers Association, which is a professional organization from North Macedonia that provides legal aid and strategic litigation for the protection of human rights.

The Macedonian Young Lawyers Association made two submissions, one individually for addressing the challenges of refugees, asylum seekers, migrants and people in prison, and the other submission is addressed together with the European Network on Statelessness, the European Roma Rights Centre and the Institute on Statelessness and Inclusion on the statelessness issues.

Issue 1

Challenges for refugees and asylum seekers

In North Macedonia, the Law on International and Temporary Protection is primarily aligned with the EU acquis, even though there is a need for further improvements. In a general context, forcibly displaced people continue to arrive in North Macedonia, but the country still perceives itself as a transit country. The recognition rate is 0, and the last refugee status was granted in 2016, regardless of having 2000 asylum requests since then. The asylum applications are inadequately assessed, lacking proper consideration of the merits of the claim and adherence to the credibility criteria outlined in the Refugee Convention. The competent authority frequently grants status based on the applicant's current humanitarian situation rather than considering the genuine fear of persecution or serious harm.

On that note, we recommend to North Macedonia to strengthen the decision-making authority's capabilities to ensure the high quality processing of asylum claims.

Asylum seekers are hindered from accessing the labor market freely due to their inability to obtain a personal identification number, leaving them without any income. Moreover, they can only exercise this right if the asylum authority has not made a decision on the asylum request within 9 months, thereby excluding access during appeal procedures. Acquiring this number would not only enable access to employment but also facilitate access to other rights.

Therefore, we recommend that North Macedonia should revise legislation to enable asylum seekers to acquire personal identification number and access labor market during the whole duration of the asylum procedure, including appeal procedures.

In the third cycle for North Macedonia, Indonesia recommended intensifying efforts to implement the Strategy on the Integration of Refugees and Foreign Nationals effectively to enhance local integration programs. However, since 2015, the country has not adopted such strategy. North Macedonia doesn't have specific law on integration and the integration system requires improvements. With the lack of a comprehensive strategy, the decisions or processes are mainly delivered ad hoc without foreseeing developing actions and plans. This presents a major obstacle in strengthening the integration system.

We recommend to North Macedonia to adopt and implement a Strategy for the Integration of Foreigners and Refugees.

Issue 2

Detention and movement of migrants

Mexico and Belarus recommended to North Macedonia to put an end to the policy of detention and expulsion of migrants and consider alternatives to detention of asylum seekers, particularly unaccompanied minors.

Migrants are being de facto unlawfully detained to serve as witnesses in criminal procedures against smugglers preventing them to submit asylum request prior to giving a statements before the prosecutor. Children of various ages are frequently detained as well. From the last UPR, more than 350 children have been detained for migratory reasons, primarily as witnesses in criminal proceedings. There aren't any alternatives to detention available and used in practice for unaccompanied children/families or other vulnerable people, so everyone is detained in a prison-like center.

That is why we recommend that children should not be detained on any grounds. North Macedonia should implement alternatives to detention for migration-related reasons, with particular emphasis on utilizing these alternatives, especially for children.

The government regularly carries out informal deportations to neighboring countries, mostly to Greece. These informal actions don't follow proper legal procedures or readmission agreements for the returns of third-country nationals, risking human rights violations for the people involved.

We recommend to the authorities to respect the legal procedures for readmission and expulsion of third-country nationals.

Issue 3:

Prison conditions

Belarus and Switzerland, among other countries, recommended North Macedonia to reduce prison overcrowding and improve detention conditions, including access to quality medical services. Unfortunately, the prison conditions remain poor, especially the access to medical healthcare and adequate medical personnel. In the country's biggest prison, one doctor provides medical checks to 1200 prisoners. According to European Committee for Prevention of Torture the conditions in this prison are inhuman and degrading.

Recommendation: The state should implement structural reforms to improve the situation and conditions in penitentiary institutions and to ensure effective access to medical healthcare and treatments for convicted persons.

Issue 4:

Statelessness

There is no Statelessness Determination Procedure nor statelessness protection status in North Macedonia. Options are limited to applying for asylum or a temporary residence permit at the discretion of the Government, which provides minimal rights. While most identified cases of statelessness in North Macedonia are in situ (in their own country), the absence of a dedicated statelessness determination procedure prevents stateless refugees and migrants from being identified and accessing protection.

For this reason, we recommend that North Macedonia establish a national statelessness determination procedure and protection status in law and in line with good practice to give full effect to the rights enshrined in the 1954 Convention to stateless people in North Macedonia, including residence rights.