



PERMANENT MISSION OF THE REPUBLIC OF NORTH MACEDONIA
TO THE UN, WTO AND OTHER INTERNATIONAL ORGANIZATIONS IN GENEVA

N° 16-01-24/1

The Permanent Mission of the Republic of North Macedonia to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honor to enclose the responses to the Questionnaire of the Special Rapporteur on the human rights of migrants: Ending immigration detention of children and seeking adequate reception and care for them, pursuant to Resolution 34/21 of the Human Rights Council.

The Permanent Mission of the Republic of North Macedonia to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest considerations.

18 May, 2020



OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS
GENEVA

1. With regard to providing information or legislation or policies prohibiting or restricting the use of immigration holding of minors and their families

Holding is used only when necessary - in exceptional situations and in the shortest possible time, while the need to hold persons with illegal residence (illegal migrants) is decided on a case-by-case basis.

In the Law on Foreigners, the provisions of several EU Directives have been implemented, including Directive no. 2008/115/EC of the European Parliament and of the Council on the application of common standards and procedures in Member States for the return of third-country nationals with illegal residence, which also regulates the maximum period of temporary holding. Pursuant to Article 161 paragraph 1 of this Law, a foreigner is temporarily held at the Reception Center until the cessation of the reasons that prevented his removal from the territory of the Republic of Macedonia, but no longer than six months. Pursuant to Article 161 paragraph 2 of the same Law, the holding may be extended for a maximum of another 12 months under conditions determined by law, which is in accordance with the provisions of Directive 2008/115/EC.

Access to effective legal remedies is guaranteed by Article 160, paragraph 2 and paragraph 4.

Regarding the holding of asylum seekers, the Law on International and Temporary Protection adopted on 4 April 2018 (Official Gazette no. 64 of 11 April 2018) provides for the possibility of restricting the freedom of movement of this category of persons only in exceptional cases, strictly defined in Article 63 paragraph 2. One of the measures for restricting the freedom of movement is accommodation in a Reception Center for Foreigners for a maximum of three months, and as an exception, it may be extended for a maximum of three months (Article 64). The duration of the measure, the exceptional cases in which it may be imposed as well as the legal remedies are fully in accordance with Directive no. 2013/33/EC of the European Parliament and of the Council.

2. Regarding the provision of existing alternatives for immigration holding of children in our country as well as strengthening the protection of the rights of migrant children and their families.

Recommendations for holding of foreigners, especially of foreign children only as the last resort, are consistently implemented, as evidenced by the statistics on juveniles held at the Reception Center for Foreigners for 2019; i.e., out of a total of 319 persons, only 34 were minors.

Most of the detected persons with illegal residence are accommodated at open type facilities (Temporary Transit Centers in Gevgelija or in Tabanovce) or in other facilities depending on the status and needs of the persons (safe houses, Reception Center for Asylum Seekers).

The treatment of minors is in accordance with the established Standard Operating Procedures that precisely prescribe what, when, how and by whom is done, while following the best interests of the child, as well as maintaining family unity.

3. Providing information on existing practices or measures taken to protect the human rights of migrant children and their families while resolving their migration status (right to liberty, family life, health care, and education)

Topics in the field of human rights protection are part of the basic and additional training of police officers.

Many of them referred to fundamental rights, the implementation of Standard Operating Procedures (SOPs) for dealing with children - foreigners, SOPs for dealing with persons of vulnerable category - foreigners. In applying these procedures, the principles contained in the Convention on the Rights of the Child are especially respected, namely the principle of non-discrimination, the best interests of the child, the views of the child, confidentiality and the principle of non-refoulement.

At the Reception Center for Foreigners (RCF), the separate room for juveniles is also used to accommodate unaccompanied minors who for objective reasons cannot immediately be handed over to the authorities of the state whose citizens they are.

Holding is conducted in coordination with the Center for Social Work, which formally appoints a guardian, while respecting the principle of the best interest of the child.

Unaccompanied minors are held as a last resort and for as short a time as possible. The families held at the RCF are also accommodated in a separate section.

4. Indicating a challenge or in implementation of non-custodial alternatives to migration holding of children and their families

As previously stated, action is taken according to national legislation, in line with established SOPs as well as international conventions, while paying attention to family unity and following the best interests of the child, also taking into account the minimum time required for alternative migration holding of children and their families.

5. What support can be provided by other stakeholders to develop or implement alternatives to detention, holding of children and their families, in order to strengthen the protection of their rights.

In terms of dealing with this category of children and their families, the Republic of North Macedonia continuously conducts trainings in this area. The trainings were conducted in cooperation with several partner organizations of the Ministry of Interior and the Border Police, such as: Frontex, US Embassy - EXBS and ICITAP program, Embassy of the Federal Republic of Germany, IOM, UNHCR, DCAF, ICRC and others, while many of them concerned fundamental rights.

Material and technical support is also provided by partner organizations, in the interest of migrant children and their families.

Thank you.