

The Honorable Gordana Jankuloska  
Minister of the Interior of Republic of Macedonia

Budapest, 23 September 2014

Dear Madam Minister:

The European Roma Rights Centre (ERRC)<sup>1</sup> is deeply concerned about the continuing restrictions of the freedom of movement imposed on citizens who have been deported from other countries or who are suspected of planning to claim asylum in the EU member states. These practices by the Macedonian authorities continue despite the recent [Constitutional Court ruling](#) which declared restrictions on the right to leave one's own country to be unconstitutional.

On 25 June 2014, the Macedonian Constitutional Court declared provisions of the Law on Travel Documents unconstitutional. The illegal provisions granted the authorities excessive powers to confiscate passports of citizens who have been forcibly returned or expelled from another country for having violated that country's rules on entry and stay. While all Macedonian citizens were affected by this law, the ERRC noted its use in particular against Macedonian Roma.

The ruling came into effect on 14 July 2014, from which date the provisions are no longer effective. Since then, the ERRC has documented several cases where the Ministry of the Interior (MoI) issued decisions to confiscate passports of Macedonian Roma based on the illegal provisions of the Law on Travel Documents.

In addition to continuing illegal passport confiscations, we have documented two cases of the Ministry of the Interior prohibiting citizens who have previously been deported from leaving the country using their biometric identity card as a travel document. This new measure appears to be based on the provision of the Law on Identity Cards which allows for such restrictions, but only upon the request of a relevant court. In the cases we documented, no court has issued such a request. Citizens affected by these unlawful measures are prevented not only from travelling to the country from which they were previously expelled, but also to any other country, including those countries in the region that have agreed to allow Macedonian nationals to enter using their biometric ID cards.

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<sup>1</sup> The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education.

The ERRC is concerned over this blatant disregard for the rule of law. If the Macedonian authorities are worried that Macedonian citizens (particularly Roma) will travel to other countries to seek asylum or live and work without permission, they should seek to address the root causes that motivate people to leave: poverty, social exclusion, and violations of their fundamental rights. Seeking asylum is a right (regardless of whether the claim is ultimately accepted), and a significant number of asylum seekers from Macedonia is a symptom of a problem that cannot be solved by preventing people from exercising that right.

Given the gravity of the unlawful practice outlined above, the ERRC is calling on the relevant authorities, in particular your Ministry, to:

- Fully adhere to the decision of the Constitutional Court;
- Ensure that the sector for border issues and migration and all its organisational units, especially those at border check points and units responsible for travel and identity documents, are informed of and comply with the changes in legislation on travel documents;
- Revoke decisions and cease enforcement of existing decisions on passport confiscation and/or the ban on using a national ID card as a travel document for people who have been deported from a foreign country;
- Return all previously confiscated passports to their owners.

We hope that the Ministry of Interior and other relevant stakeholders will recognise the significance of the problem, publicly speak out against it and do all in its power to protect the rights of affected Macedonian citizens.

Sincerely,

Rob Kushen

Chair of the ERRC Board of Directors

CC:

EU Delegation in Skopje, Head of Section for Political and Justice and Home Affairs Issues, Information and Communication, Mr Robert Liddell  
OSCE Mission to Skopje, Ms Mirvete Islam  
Ombudsman of the Republic of Macedonia, Mr Idzet Memeti  
Inter-Community Relations Committee, President Mr Dzevat Ademi and Vice President Mr Kenan Hasipi  
National European Integration Council, President Mrs Radmila Shekerinska and Vice President Mrs Silvana Boneva  
The Constitutional Court of Republic of Macedonia  
Embassy of United States in Skopje, Macedonia  
Embassy of Germany in Skopje, Macedonia  
Embassy of Sweden in Skopje, Macedonia  
Netherlands Embassy in Skopje, Macedonia