



# Weekly data collection on the situation of persons in need of international protection

## Update # 3

12 October–18 October 2015

(with updates to 19 October, as appropriate)

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## Highlights: 12 October–18 October 2015

### New arrivals

- Around 48,500 people arrive by sea in Greece; 11,500 more than in the previous week.
- In Greece, three incidents at sea cause the death of nearly 10 people, including children.
- An asylum seeker is shot dead by Bulgarian police during an incident at the border with Turkey.
- Hungary officially closes its border with Croatia on 16 October and reintroduces internal border control at the Slovenian border on 17 October. Migration flows shift through Slovenia where arrival numbers increase drastically to 8000 daily. Armed forces are called in to support the border police.
- About 10,000 people in need of international protection are registered daily in Germany, amounting to a total of 409,000 new arrivals during the period of 5 September to 15 October. Fewer people manage to cross from Northern Germany to Scandinavia during the reporting week compared to previous weeks.

### Initial registration and processing

- In Pozzallo, Italy, lawyers claim that more than 100 people have been notified of an expulsion order without being given the possibility to apply for international protection.
- Hungary rejects claims for asylum in the case of seven Syrian nationals, who are returned to Serbia.
- Bulgaria launches eight investigations against 13 people for irregular border crossing and in Hungary convictions for such offences continue systematically, mostly concerning Syrian and Iraqi nationals who are given a one or two year entry ban.

### Reception conditions

- Reception facilities are strained and often overcrowded in Austria, Bulgaria, Croatia, Greece, Germany and Italy, affecting in particular vulnerable people. The situation is particularly difficult in Greece.
- Serious concerns remain with regards to unaccompanied children in several Member States. On the Greek island of Kos, due to a lack of appropriate facilities, most unaccompanied children are in police custody – together with adults and criminal detainees.
- In Croatia, worsening weather conditions combined with inadequate accommodation and insanitary facilities are causing an increase in flus, colds and respiratory infections, while instances of diarrhoea are increasing in tent camps.

- In Greece, the authorities are stopping the provision of food to some of the islands, forcing actors in the field to find ad hoc solutions.

## Legal and policy response

- Germany adopts new laws (which will enter into force on 1 November 2015) to speed up the asylum procedure.

## Incidents

- On 17 October, the candidate for mayor in Cologne, Germany, Henriette Reker, a supporter of refugee integration, and four other people become victims of a life-threatening knife attack.

# Austria

## Stakeholders contacted

Interviews took place via phone on 19 and 20 October 2015 with the following stakeholders:

- Federal Ministry of the Interior, Department III/9 (Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung)
- Federal Agency for State Protection and Counter Terrorism (Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT)
- Caritas Austria (Caritas Österreich), Caritas Styria (Caritas Steiermark)
- Red Cross Austria (Rotes Kreuz Österreich)
- Worker's Samaritan Federation (Arbeiter-Samariterbund)
- Child and Youth Ombud Vienna (Kinder- und Jugendanwaltschaft Wien)
- Federal Ministry of the Interior/Department II/2, Operational Affairs (Bundesministerium für Inneres/Abteilung II/2 Einsatzangelegenheiten)

## Overview of the situation in terms of size and patterns of new arrivals

The main entrance gate to Austria changed from the Hungarian border in Nickelsdorf to the Slovenian border in Spielfeld in Styria, since the Hungarian (green) borders to Croatia had been closed on 17 October.<sup>1</sup> 1200 newly arrived persons were counted at the border in Spielfeld on 17 and 18 October. The estimation is about 200 persons per hour.<sup>2</sup> Reduced arrivals were caused by the slow clearance at the borders in Croatia, which will lead to a respective increase of arrivals in the next days. The authorities are well prepared.<sup>3</sup> It has been observed that the proportion of families arriving has increased; however, single men prevail.<sup>4</sup>

Most persons are of Syrian and Afghan decent. The number of Pakistani arriving is rising. There are only few unaccompanied minors,<sup>5</sup> and almost no persons with war injuries.<sup>6</sup> The cooperation with the Slovenian authorities is better than with the Hungarian, according to the Interior Ministry and Caritas.

Even though the vast majority of newly arriving persons is in transit, the number of those applying for asylum is increasing.<sup>7</sup> Between 12 and 18 October, 2400 persons applied for asylum in Austria, which constitutes an increase of 300 since the previous week.<sup>8</sup>

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<sup>1</sup> Federal Ministry of the Interior, Department II/2.

<sup>2</sup> Red Cross Austria.

<sup>3</sup> Federal Ministry of the Interior, Department II/2.

<sup>4</sup> Caritas Styria.

<sup>5</sup> Red Cross Austria.

<sup>6</sup> Caritas Styria.

<sup>7</sup> Caritas Austria and Styria, Red Cross Austria, Federal Ministry of the Interior, Department III/9.

<sup>8</sup> Federal Ministry of the Interior, Department III/9.

As some provinces do not comply with their duty to accommodate asylum seekers, the reception centres under federal competence are still over-burdened. Therefore, the authorities register asylum seekers, carry out the initial health checks and provide them with a folder which informs them that they should turn to the Federal Office for Foreigners and Asylum (*Bundesamt für Fremdenwesen und Asyl, BFA*) without giving them further information on the asylum procedure.<sup>9</sup> Expulsions are carried out at the Slovenian border according to Schengen rules. However, law enforcement forces are strictly ordered to apply the proportionality principles and not return elderly people, sick or disabled persons, children or larger groups if there is a danger to individuals (e.g. caused by riots or panic).<sup>10</sup> There are no migrants at airports. The situation in Salzburg at the German border is becoming more difficult due to the internal border checks by Germany.<sup>11</sup>

## Fundamental rights issue concerning initial registration and fingerprinting for Eurodac

Nothing new to report.

## Challenges and developments concerning reception conditions of new arrivals, also in relation to provision of healthcare

The change of routes used to cross the border to Austria was a challenge on 17 and 18 October.<sup>12</sup> The main challenge has been the lack of accommodation all over Austria.<sup>13</sup> The number of shelterless asylum seekers is increasing.<sup>14</sup> Additionally, the weather conditions require winter-proof accommodation which are not sufficiently available yet.

Initial health checks cannot always be carried out due to a lack of capacity by the authorities.<sup>15</sup> Healthcare can be provided to everyone who is asking for it, as the Red Cross operates field hospitals at the borders concerned.<sup>16</sup> Flu and bad cold infections are increasing, many children are affected.<sup>17</sup>

A further challenge is the planning of professional and volunteer resources due to the fact that the numbers of new arrivals strongly fluctuate.<sup>18</sup>

The conditions of and for children are generally good.<sup>19</sup> Single mothers with children use the supplies provided by volunteers more often than other persons.<sup>20</sup> Vulnerable groups, e.g. mothers with babies, receive preferential treatment in

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<sup>9</sup> Federal Ministry of the Interior, Department III/9.

<sup>10</sup> Federal Ministry of the Interior, Department II/2.

<sup>11</sup> Federal Ministry of the Interior, Department II/2.

<sup>12</sup> Federal Ministry of the Interior, Department II/2.

<sup>13</sup> Federal Ministry of the Interior, Department III/9; Red Cross Austria; Caritas Styria; Worker's-Samaritan Federation Austria; Child and Youth Ombud Vienna.

<sup>14</sup> Red Cross Austria; Caritas Styria; Worker's-Samaritan Federation Austria.

<sup>15</sup> Red Cross Austria; Caritas Austria; Worker's-Samaritan Federation Austria

<sup>16</sup> Red Cross Austria; Caritas Austria.

<sup>17</sup> Red Cross Austria.

<sup>18</sup> Red Cross Austria; Caritas Styria; Worker's-Samaritan Federation Austria.

<sup>19</sup> Red Cross Austria; Caritas Styria; Worker's-Samaritan Federation Austria.

<sup>20</sup> Red Cross Austria; Caritas Austria.

terms of placement in reception facilities.<sup>21</sup> Childcare institutions are financially under pressure because the Ministry of Interior is in default with the payments of increased allowances.<sup>22</sup> Hygienic conditions of a childcare corner at the Westbahnhof in Vienna are not up to standard.<sup>23</sup>

In Vienna, juveniles are able to attend schools and education facilities.<sup>24</sup>

## Social response to the situation – including rallies, voluntary work (such as humanitarian assistance, private persons hosting asylum seekers) and similar actions

The general atmosphere is predominantly positive. There are still sufficient volunteers available, even though the readiness to help starts to decrease as university starts and holidays are used up.<sup>25</sup> However, offers for accommodation by private individuals are rising, also for juveniles.<sup>26</sup>

Despite the general empathy, the general public has increasingly doubts and worries about the future. In particular, possible conflicts feared to be imported from the countries of origin give reason for concerns in the general population, according to the Ministry of Interior.<sup>27</sup>

## Legal and policy responses, including any changes to the law

The Viennese administration offers training for volunteers.<sup>28</sup>

New legislation allowing the federal government to establish accommodation facilities in the municipalities (*Durchgriffsrecht*)<sup>29</sup> has shown first results: mayors offer cooperation to the Ministry of the Interior concerning the provision of accommodation.<sup>30</sup>

Border control will be upheld until 4 November.<sup>31</sup>

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<sup>21</sup> Federal Ministry of the Interior, Department III/9.

<sup>22</sup> Child and Youth Ombud Vienna.

<sup>23</sup> Child and Youth Ombud Vienna.

<sup>24</sup> Child and Youth Ombud Vienna.

<sup>25</sup> Federal Ministry of the Interior, Department III/9; Red Cross Austria; Caritas Styria; Worker's-Samaritan Federation Austria.

<sup>26</sup> Federal Ministry of the Interior, Department III/9; Caritas Austria; Worker's-Samaritan Federation Austria; Child and Youth Ombud Vienna.

<sup>27</sup> Federal Ministry of the Interior, Department II/2.

<sup>28</sup> Red Cross Austria.

<sup>29</sup> The duty to provide accommodation is within the provinces' responsibility. As in practice only some of them fulfil their respective duty, the *Durchgriffsrecht* was passed. It allows the federal government to establish accommodation facilities of up to a capacity of 450 persons in a given municipality.

<sup>30</sup> Federal Ministry of the Interior, Department III/9.

<sup>31</sup> Federal Ministry of the Interior, Department II/2.

## Incidents affecting persons in need of international protection as well as irregular migrants

The Child and Youth Ombud intervened in cases of unaccompanied children who were to be transferred to Hungary under Dublin rules.<sup>32</sup>

A xenophobic attack with pepper spray against an Afghan asylum seeker and his caretaker took place in Breitenstein (Lower Austria) on 15 October. The perpetrator has been identified and arrested.<sup>33</sup>

On 17 and 18 October, the Identitarian Group organised a symbolic border blockade under the slogan 'be the border' in Nickelsdorf (Burgenland).<sup>34</sup>

Authorities reported Islamophobic and anti-semitic graffiti at Islamic and Jewish cemeteries in Vorarlberg in response to the overall presence of the refugee crisis in media and public discourse.<sup>35</sup>

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<sup>32</sup> Child and Youth Ombud Vienna.

<sup>33</sup> Federal Agency for State Protection and Counter Terrorism.

<sup>34</sup> Federal Agency for State Protection and Counter Terrorism.

<sup>35</sup> Federal Agency for State Protection and Counter Terrorism.

# Bulgaria

## Stakeholders contacted

Interviews took place mainly via phone and email from 9 to 12 October 2015 with the following stakeholders:

- Ministry of the Interior, Directorate General Border Police (MoI – DGBP) (*Министерство на вътрешните работи, Главна дирекция „Гранична полиция“, МВР – ГДГП*)
- Ministry of the Interior, Directorate General Criminal Police (MoI – DGCP) (*Министерство на вътрешните работи, Главна дирекция „Криминална полиция“, МВР – ГДКП*)
- Special Home for Temporary Placement of Foreigners – Lyubimets (SHTPF – Lyubimets) (*Специален дом за временно настаняване на чужденци – Любимец, СДВНЧ – Любимец*)
- State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*)
- Bulgarian Red Cross (BRC) (*Български червен кръст, БЧК*)
- Refugee Support Group (RSG)
- Caritas Bulgaria (*Каритас България*)
- Bulgarian Lawyers for Human Rights (BLHR) (*Български адвокати за правата на човека, БАПЧ*)

## Overview of the situation in terms of size and patterns of new arrivals

The number of new arrivals has increased during the reporting period, but still remains relatively low. At the same time, the number of asylum applicants decreased compared to the previous period. Their profile in terms of gender, age and nationality remained unchanged.

### Numbers and patterns of new arrivals

About 300 persons arrived in Bulgaria, including some 40 children. In terms of nationality, the majority were from Syria, followed by people from Afghanistan Iraq and Libya.<sup>36</sup>

The number of applicants for asylum decreased. Less than 800 persons applied for protection, including some 80 children. In terms of nationality, the majority were from Afghanistan, Iraq and Syria, as well as Pakistan and Iran.<sup>37</sup>

### Criminal proceedings against those crossing the borders

Data on the number of criminal proceedings for illegal border crossings are not collected on a weekly basis.<sup>38</sup> In the period 16-18 October 2015, the Prosecutor's

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<sup>36</sup> Ministry of the Interior, Directorate General Border Police.

<sup>37</sup> State Agencies.

<sup>38</sup> Ministry of the Interior, Directorate General Border Police.



Office launched eight investigations for illegal crossing of the border against 13 migrants.<sup>39</sup>

## Fundamental rights issue concerning initial registration and fingerprinting for Eurodac

An increasing number of asylum seekers leave reception centres before being fingerprinted and registered. For example, during the reporting period, around 300 persons left the reception centre of Ovcha Kupel in Sofia without prior registration.<sup>40</sup>

## Challenges and developments concerning reception conditions of new arrivals, also in relation to provision of healthcare

Overcrowding of reception facilities remains the main challenge, along with insufficient medical supplies.

### Reception condition

Overcrowding is over 43 % the occupancy rate in the Special Home for Temporary Accommodation of Foreigners in Lyubimet (Southern-Centre Bulgaria).<sup>41</sup> Some people had to sleep on the floor on blankets in the corridors in the Special Home for Temporary Accommodation of Foreigners in Busmantsi (Sofia City Province).<sup>42</sup>

In addition, security control increased in some reception centres. In the Special Home for Temporary Accommodation of Foreigners in Busmantsi, volunteers were not allowed to access the building and were asked to leave their donations in the yard. They were delivering donated clothes and sanitary materials.<sup>43</sup>

### Child protection

All reception centres are now equipped with special playgrounds, including most recently the one in Harmanli (Southern-Eastern Bulgaria). NGOs and volunteers provide recreational activities for children (painting, educational games), since their parents rarely enrol them in schools.<sup>44</sup> However, the number of children attending art and language classes delivered by Caritas Bulgaria (*Каритас България*) has been gradually decreasing. Around 10-15 children attended the classes in the reception centre of Ovcha Kupel (suburb of Sofia); around 20

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<sup>39</sup> Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2015), Regional Prosecutor's Office in Svilengrad launched six immediate proceedings and two accelerated proceedings for illegal border crossings (*Районна прокуратура-Свиленград образува шест незабавни и две бързи производства за нелегално преминаване на границата*), press release, 16 October 2015, available at: [www.prb.bg/bg/news/aktualno/nyama-otkriti-snimki-i-videozapisi-na-sceni-na-nas/](http://www.prb.bg/bg/news/aktualno/nyama-otkriti-snimki-i-videozapisi-na-sceni-na-nas/).

<sup>40</sup> State Agency for Refugees.

<sup>41</sup> Special Home for Temporary Placement of Foreigners – Lyubimets.

<sup>42</sup> Refugee Support Group.

<sup>43</sup> Refugee Support Group.

<sup>44</sup> Bulgarian Red Cross.

children participated in similar activities in the reception centre of Voenna Rampa (suburb of Sofia).<sup>45</sup>

Of all the children accommodated in the reception and registration centres of the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*), only one child continued to go to school during the reporting week.<sup>46</sup>

## Healthcare

Provision of healthcare is a challenge due to inadequate medicine supplies and lack of appropriate medical equipment in all reception centres.

The reception and registration centres of the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*) experienced problems due to insufficient supplies of medicine. The centres in Vrazhdebna (a suburb of Sofia) and Harmanli could increase medical equipment thanks to a donation. SAR relies on the services provided by the municipal hospitals and does not have its own medical centres.

The situation in the special homes for temporary accommodation of migrants of the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*) raises concerns.<sup>47</sup> The most common health problems continue to be colds, flu, pneumonia and sore feet caused by the long journeys on foot. Only less serious cases are treated in the reception centre; local emergency care teams treat most cases.<sup>48</sup>

## Detention

NGO activists filed a complaint to the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*) against the use of the fourth floor of the registration and reception centre in Harmanli as a detention unit.<sup>49</sup>

## Social response to the situation – including rallies, voluntary work (such as humanitarian assistance, private persons hosting asylum seekers) and similar actions

The Bulgarian Red Cross continued to organise Bulgarian language training courses and other courses for refugees.<sup>50</sup>

A group of volunteers from the University of Oxford launched a fundraising campaign to open a community centre in Sofia, where refugees and asylum seekers can meet and receive practical information. There are also plans to turn the future refugee centre into a hub for innovative research on legal and policy issues on asylum in Bulgaria.<sup>51</sup>

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<sup>45</sup> Caritas Bulgaria.

<sup>46</sup> Refugee Support Group.

<sup>47</sup> Refugee Support Group.

<sup>48</sup> Refugee Support Group.

<sup>49</sup> Refugee Support Group.

<sup>50</sup> Bulgarian Red Cross.

<sup>51</sup> For more information, see [www.indiegogo.com/projects/create-a-refugee-community-centre-in-sofia-bg#/](http://www.indiegogo.com/projects/create-a-refugee-community-centre-in-sofia-bg#/).

## Legal and policy responses, including any changes to the law

The amendments to the Asylum and Refugees Act (*Закон за убежището и бежанците*) transposing the recast Qualification and Reception Conditions Directives, were promulgated on 16 October 2015. The provisions on detention of asylum seekers in closed centres will become effective on 1 January 2016.<sup>52</sup>

## Incidents affecting persons in need of international protection as well as irregular migrants

During the night of 15 to 16 October 2015, an asylum seeker was shot dead by the Bulgarian police when crossing the Bulgarian-Turkish border (30 km from the town of Sredetz, southern Bulgaria).<sup>53</sup> According to official information, a patrol of three policemen encountered a group of over 50 people who had illegally crossed the border. The police acted to apprehend them and the group put up resistance. One officer fired in the air to stop them; an Afghan person was accidentally injured and eventually died.

54 people were detained, most of them young men from Afghanistan aged between 20 and 30 years of age. The group had entered Bulgaria through woody terrain covered by the integrated border protection system, which registered the entrance. The police had been alerted by the integrated border protection system, detained the migrants and held them in the police precinct in Sredetz to be later transferred to the first reception centre in Elhovo.

A pre-trial investigation was opened and the Prosecutor General was notified.<sup>54</sup> The investigation is being conducted by two prosecutors and nine investigators. Initial investigative actions included forensic medical examination, ballistic tests and verification of fingerprints.<sup>55</sup>

The UNHCR Office in Bulgaria promptly expressed shock at the incident and called for immediate, objective and transparent investigation.<sup>56</sup> The Bulgarian Helsinki

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<sup>52</sup> Bulgaria, Asylum and Refugees Act (*Закон за убежището и бежанците*), 31 May 2002, available at: <http://lex.bg/laws/ldoc/2135453184>.

<sup>53</sup> Ministry of the Interior (2015), Chief Commissioner Georgi Kostov: During the incident around Sredetz the Ration was Three Police Officers against 54 Illegal Immigrants (*Гл. комисар Георги Костов: При инцидента край Средец съотношението е било трима служители на МВР срещу 54 незаконни имигранти*), press release, 16 October 2015, available at: [https://press.mvr.bg/NEWS/news151016\\_05.htm](https://press.mvr.bg/NEWS/news151016_05.htm).

<sup>54</sup> Bulgaria, Ministry of the Interior (2015), Chief Commissioner Georgi Kostov: During the incident around Sredetz the Ration was Three Police Officers against 54 Illegal Immigrants (*Гл. комисар Георги Костов: При инцидента край Средец съотношението е било трима служители на МВР срещу 54 незаконни имигранти*), press release, 16 October 2015, available at: [https://press.mvr.bg/NEWS/news151016\\_05.htm](https://press.mvr.bg/NEWS/news151016_05.htm).

<sup>55</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2015), No pictures or videos depicting scenes of violence have been found in the phones of the illegal emigrants detained in the area of the town of Sredetz on 15.10.2015 (*Няма открити снимки и видеозаписи на сцени на насилие в телефони на незаконни емигранти, задържани в района на гр. Средец на 15.10.2015 г.*), press release, 16 October 2015, available at: [www.prb.bg/bg/news/aktualno/nyama-otkriti-snimki-i-videozapisi-na-sceni-na-nas/](http://www.prb.bg/bg/news/aktualno/nyama-otkriti-snimki-i-videozapisi-na-sceni-na-nas/).

<sup>56</sup> Bulgaria, Dariknews Online (2015), UNHCR Shocked from Migrant-Related Incident (*Комисариатът за бежанците към ООН шокиран от инцидента с мигранта*), 16 October 2015, available at: [http://dariknews.bg/view\\_article.php?article\\_id=1516165](http://dariknews.bg/view_article.php?article_id=1516165).

Committee (ВНС) (*Български хелзинкски комитет*, БХК) declared the use of force unlawful and also called for prompt, impartial and comprehensive investigation.<sup>57</sup>

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<sup>57</sup> Bulgarian Helsinki Committee (*Български хелзинкски комитет*) (2015), ВНС: The Prosecutor General is responsible for the fair investigation of the man killed yesterday (*БХК: Главният прокурор е отговорен за почтеността на разследването за смъртта на убития вчера човек*), press release, 19 October 2015, available at: [www.bghelsinki.org/bg/novini/press/single/2015-10-16-press-afghan-refugee/](http://www.bghelsinki.org/bg/novini/press/single/2015-10-16-press-afghan-refugee/).

# Croatia

## Stakeholders contacted

The interviews were conducted via phone and email with the following stakeholders:

- United Nations International Children's Emergency Fund (UNICEF) Country office Croatia, based in Zagreb;
- Ministry of Interior, Department for Irregular Migration (*Ministarstvo unutarnjih poslova, Služba za nezakonite migracije, MUP*);
- Ministry of the Social Policy and Youth, Minister's cabinet (*Ministarstvo socijalne politike i mladih, Kabinet ministrice, MSPM*);
- Ombudsman's Office, National Preventive Mechanism (*Ured Pučke pravobraniteljice, Nacionalni preventivni mehanizam*);
- Ombudsperson for Children of the Republic of Croatia (*Pravobraniteljica za djecu*);
- Croatian Legal Centre, NGO based in Zagreb (*Hrvatski pravni centar, HPC*);
- Croatian Red Cross, (*Hrvatski crveni križ, HCK*);
- Welcome Initiative (*Inicijativa Dobrodošli*).

## Overview of the situation in terms of size and patterns of new arrivals

Since 16 September, more than 198,000 people entered Croatia,<sup>58</sup> a great majority of whom left the country, mostly via Hungary.<sup>59</sup> During the reporting period, an average of 5,800 refugees entered Croatia per day, arriving mainly from Serbia; all new arrivals were transferred to the Hungarian border upon reception in the camp Opatovac. Since Friday, 16 October at midnight, Hungary effectively closed its border, which resulted in redirecting the onward route towards Slovenia.<sup>60</sup>

### Numbers and patterns of new arrivals

During the reporting period, some 40,800 people entered the country and were registered at the Opatovac camp.<sup>61</sup> People have been entering the country from the Serbian side on a daily basis. The average number of daily new arrivals was more than 5,800.<sup>62</sup>

The majority of arriving people were Syrian nationals, followed by Afghani and Iraqi nationals, Iranian, Pakistani, and others.<sup>63</sup> No precise data are available on

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<sup>58</sup> Ministry of Interior, Official report on migration crisis.

<sup>59</sup> Ministry of Interior, Department of Illegal Migration.

<sup>60</sup> Summarised information by authors of the report.

<sup>61</sup> Ministry of Interior, Department for illegal migration.

<sup>62</sup> Calculated by authors of the report, based on the Croatian Ministry of Interior's data available on their official web page, daily reports on migration crisis, available at: [www.mup.hr](http://www.mup.hr).

<sup>63</sup> Ministry of Interior, Department for illegal migration.

the gender breakdown of the new arrivals.<sup>64</sup> Children constituted around 15% of the new arrivals.<sup>65</sup>

### **Onward transfer to Slovenia**

On 16 October at midnight, Hungary closed all “green borders” and enforced Schengen rules in relation to border crossings from Croatia.<sup>66</sup> Since Hungary effectively closed its border, the movement of people was redirected by the Croatian authorities towards the Slovenian border crossings of Macelj, Banfi, Mursko Središće, Trnovec and Bregana.<sup>67</sup>

The Slovenian authorities were accepting arriving people and transferring them to the Austrian border. On Monday 19 October, the reception conditions became grave due to first Hungary and then Slovenia closing their borders, resulting in a rise in the number of refugees who could not leave Croatia. At the end of the reporting period, the number of arriving people and the duration of their stay in Croatia were unclear. New arrivals will not be transferred to the Hungarian or Slovenian borders as in previous weeks.<sup>68</sup> On 18 October, Slovenian authorities had initially announced a cap of 2,500 people per day, which was resolved as a misunderstanding on 19 October. However, the situation led to an increase in the number of people at the Serbian-Croatian border, where thousands of people had to wait in buses for hours in the cold.<sup>69</sup> The new developments require urgent action on the part of the Croatian government in setting up an infrastructure for accommodating a larger number of people for longer than 24 hours, as the average number of people crossing from Serbia to Croatia in the last weeks amounted to around 5,000 people per day.<sup>70</sup>

### **Affected border sectors**

The border sectors most affected by the migration flow were Bapska - where the majority of new arrivals cross the border, and Tovarnik (both situated on the Croatian-Serbian border).<sup>71</sup>

At the Bapska border crossing, new arrivals were held either in between the Serbian and the Croatian territory, or on the Serbian side of the border (depending on the number of people) until buses organised by the Croatian authorities came to transfer them to Opatovac. New arrivals were not registered at the border crossing, but only when they came to the Opatovac camp.<sup>72</sup> Tents for protecting people from rain were installed in Bapska on the territory between Serbia and Croatia. By the end of the reporting week, most of the tents were taken down as people were immediately directed to buses, so there was no need to have more tents on the

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<sup>64</sup> Ministry of Interior, Department for illegal migration.

<sup>65</sup> Ministry of Interior, Department for illegal migration.

<sup>66</sup> Welcome Initiative.

<sup>67</sup> Welcome Initiative.

<sup>68</sup> Welcome Initiative.

<sup>69</sup> Welcome Initiative.

<sup>70</sup> Welcome Initiative.

<sup>71</sup> Ministry of Interior, Department for illegal migration.

<sup>72</sup> Welcome Initiative.

border crossing point itself.<sup>73</sup> A number of wheelchairs were brought to the border, which helped with boarding onto the buses traveling to Croatia.<sup>74</sup>

The Ombudswoman's team crossed over into the Serbian side of the border and found a group of volunteers handing out clothes, food and tea. A Doctors Without Borders group (MSF) was providing medical aid. The cooperation between the Croatian and the Serbian police was very good; the number of people the Serbian authorities let through the border crossings corresponded with the number that could be boarded on one bus at a time.<sup>75</sup>

### **Asylum applications**

Only two people expressed an intention to apply for asylum in the reporting period.<sup>76</sup>

### **Criminal proceedings against those crossing the borders**

The police did not initiate criminal proceedings against persons crossing the "green border".<sup>77</sup> All new arrivals were treated as persons potentially in need of international protection.

### **Returns**

There were no returns on the basis of application of the safe third country rule or actions which could potentially constitute a breach of the *non-refoulement* principle.<sup>78</sup>

## **Fundamental rights issue concerning initial registration and fingerprinting for Eurodac**

The stakeholders' consultation process has not revealed any breach of fundamental rights in connection with the registration and fingerprinting of new arrivals in the reporting period.<sup>79</sup>

The Ministry of Interior has not forcefully taken fingerprints for Eurodac, but all new arrivals were registered either by copying their travel documents, or (in cases where there were no documents) by taking peoples' first name, family name, nationality, age and photo showing their face.<sup>80</sup> These inputs concerning the registration process and fingerprinting were supported by the Welcome Initiative volunteers and the Ombudsman office staff who observed the registration process periodically during the reporting week.<sup>81</sup>

Arriving persons did not receive information on return procedures that are potentially applicable to them in the destination countries in order to speed up the registration process.

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<sup>73</sup> Ombudsman's Office, National Preventive Mechanism.

<sup>74</sup> Ombudsman's Office, National Preventive Mechanism.

<sup>75</sup> Ombudsman's Office, National Preventive Mechanism.

<sup>76</sup> Ministry of Interior, Department for illegal migration.

<sup>77</sup> Ministry of Interior, Head of Department of Illegal Migration.

<sup>78</sup> Ministry of Interior, Head of Department of Illegal Migration.

<sup>79</sup> Conclusion of report's authors based on inputs from all stakeholders contacted.

<sup>80</sup> Ministry of Interior, Department for illegal migration.

<sup>81</sup> Welcome Initiative.

Most Syrians understood/spoke English, unlike people from Iraq and Afghanistan, for whom translation services had to be provided during the registration procedure. Farsi translators were much needed, especially during the night when the influx increased.<sup>82</sup>

## Challenges and developments concerning reception conditions of new arrivals, also in relation to provision of healthcare

Reception conditions were greatly affected by rain and low temperatures; the winter proofing of the camp was ongoing, but was not finished. Overall, the Opatovac camp is not equipped for accommodating persons for periods exceeding 24 hours.<sup>83</sup> The accommodation facilities for vulnerable groups were improved, but there were problems with a lack of accommodation capacities for families with children during periods of the increased influx.

### Reception capacity

During the reporting period, all new arrivals have been provided with temporary accommodation in the camp Opatovac. Its capacity is around 5,000 people.<sup>84</sup> Accommodation is secured in tents (most of which can receive up to 100 people), which have no flooring, just bare ground. During the reporting week, extensive works were undertaken in order to install wooden and waterproof pallets. According to an estimation of the Welcome Initiative, half the tents had wooden pallets on floors by the end of the reporting week.<sup>85</sup> Due to smooth daily transport of people to the Hungarian border until 16 October, no particular crisis situations or overcrowding in the camp have occurred.<sup>86</sup>

Although the Government made no official decision for the camp to be moved to a new location in Slavonski Brod (which has solid infrastructure for accommodating people), government officials' statements were confirming media reports on moving the camp from Opatovac to Slavonski Brod.<sup>87</sup> Due to the shift in Hungarian policy regarding the acceptance of people arriving that took place over the weekend of the reporting period, it is questionable if the Croatian government will construct a new camp in Slavonski Brod near the Hungarian border.<sup>88</sup>

### Reception conditions

In the reporting period, rain and low temperatures greatly affected reception conditions. About half of the tents in Opatovac had no drainage and no cover on the ground so they were flooded and full of mud. No special accommodation or sanitary facilities were provided for disabled persons; however, 5 toilets for persons with disabilities are to be installed soon.<sup>89</sup> Not many women wanted to take a shower in the women's shower-room (container), since there was no

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<sup>82</sup> Ombudsman's Office, National Preventive Mechanism.

<sup>83</sup> Welcome Initiative.

<sup>84</sup> Welcome Initiative.

<sup>85</sup> Welcome Initiative.

<sup>86</sup> Welcome Initiative.

<sup>87</sup> Welcome Initiative.

<sup>88</sup> Welcome Initiative.

<sup>89</sup> Welcome Initiative.



electricity, it was not heated and they could not use hairdryers.<sup>90</sup> In certain cases, people accommodated in an area designated for families were not allowed to freely move outside that area, so more volunteers were needed to provide them with tea, food, blankets and other necessary items.<sup>91</sup>

After registration, the police moved people to the green sector of the camp. There was no light inside the tents in the green sector, no heating, nothing to lie down on or sit on, apart from plastic sheets and blankets. During the periods of rain and mud, people sat on the blankets in the mud. The Ombudsman team attended camp coordination meetings, where they were informed that the authorities would wait until there were at least 1,600 people in Opatovac, so that they can be taken to Tovarnik to board the train for Hungary (1,600 people fit in one train).<sup>92</sup>

### **Reception conditions for vulnerable groups and application of specific protocols in relation to children and victims of trafficking**

There were 11 heated containers for families with children in total: four containers run by UNICEF for babies' hygiene, one for paediatric care run by the NGO MAGMA, three heated containers for rest and care run by the Red Cross and three heated containers run by UNICEF.<sup>93</sup> During the bigger influxes, the heated containers filled up fast, so a lot of families with children stayed in the unheated tents, sitting on the floor.<sup>94</sup>

The Ministry of Social Policy and Youth initiated the signing of a *Joint protocol on family reunification inside the camp Opatovac* with the Ministry of Interior, the Croatian Red Cross, UNHCR Croatia and UNICEF Croatia. The Protocol defines the tasks relating to the identification of children separated from families and unaccompanied minors, a protocol on the accommodation of children and vulnerable groups in heated containers, access to medical care etc.<sup>95</sup> Since the Protocol application, signatory agencies have been able to reunite up to 19 families per day in the camp.<sup>96</sup>

From the beginning of the crisis until the end of the reporting week, the *Protocol on the treatment of children separated from their foreign national parents (Protocol)* has been applied in three cases: first in the case of a minor, who was separated from his relatives during train boarding from the Opatovac camp to the Hungarian border. He was left in the camp, while his uncle left Croatia, entered Hungary and finally reached Regensburg, Germany. The boy was found by police officers who immediately reported the situation to the Ministry of Social Policy and Youth, which has, through their local social care centres, taken the child into temporary custody. The Social Care Centre Vukovar appointed a guardian. The Ministry of Social Policy and Youth engaged an interpreter and interviewed the child who claimed that he was travelling with his uncle, that his mother and brothers are still in his home country, and that his father has died. He insisted that the authorities should let him go to meet his uncle in Germany. The Ministry of Social Policy and Youth secured accommodation for the child in the St. Ana

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<sup>90</sup> Ombudsman's Office, National Preventive Mechanism.

<sup>91</sup> Welcome Initiative.

<sup>92</sup> Ombudsman's Office, National Preventive Mechanism.

<sup>93</sup> Welcome Initiative.

<sup>94</sup> Welcome Initiative.

<sup>95</sup> Ministry of Social Policy and Youth, Minister's cabinet.

<sup>96</sup> Ministry of Social Policy and Youth, Minister's cabinet.

institution that is specialised for children without parental care situated in Vinkovci. After that, the Ministry of Social Policy and Youth traced the uncle through the Red Cross and Caritas Germany and sent an urgent request for family reunification to the German authorities. The plan is to reunite the child with his uncle either directly or through the application of the Dublin Regulation.<sup>97</sup>

The *Protocol* has been applied in two cases of unaccompanied children (cousins). They were detected by police officers in the Opatovac camp during the first week of camp operation, they were interviewed in the presence of an interpreter and social workers, and they stated that the people in their group were not their relatives but came from the same village as them. They stated that their parents sent them with other villagers to Austria, where they should contact a person who would help them with employment. Both minors wanted to continue to Austria on their own; they had significant amounts of money with them. Considering the situation of both children being without the company of relatives and the risk of trafficking, the Ministry of Social Policy and Youth decided to fully implement the *Protocol on the treatment of children separated from their parents- foreign nationals* initiating family reunification.<sup>98</sup> On 17 October, three new unaccompanied children were detected in Opatovac camp: First, a 15 year old boy, who lost his uncle in Greece. He has spent the night in the camp together with social workers and the Red Cross staff, and the day with psychologists and social workers. International family tracing has been activated and he will be taken to a child foster centre in Osijek. Further, a separated child of unknown nationality, five years old, was spotted as a possible trafficking case, as it was travelling with unrelated adults. After verification, the family allowed the child to travel with friends of the family to Europe. The case was thus solved and closed. Finally, a 12 year old boy of unknown nationality was reunited with his family inside the camp.

On 18 October, a briefing was held on Unaccompanied Asylum Seeking Children (UASC) aiming at enhancing the understanding of the roles of each stakeholder in the implementation of the Croatian protocol on UASC for the Opatovac camp. The briefing was organised in cooperation with the Ministry of Social Policy and Youth for social workers and legal assistants from local Social Welfare Centres. The outcome of the briefing was an improved mutual understanding, better information exchange, and sharing of tools and resources responding to unaccompanied asylum-seeking children.

The Ministry of Social Policy and Youth reports that in cases of human trafficking, the Ministry of Interior applies the Protocol for identification, assistance and protection of human trafficking victims.<sup>99</sup> One potential case of human trafficking was detected during the reporting period, but it was resolved through a conversation with the parents, and the child continued its journey with the group.

## Healthcare

The rising concern of stakeholders present in the camp Opatovac is that 50 % of young children were diagnosed with diarrhoea, caused either by a virus or by lack of hygiene concerning milk bottles. The incidents of diarrhoea were increasing in the camp, also among adults, causing fear of epidemics. It has been requested to

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<sup>97</sup> Ministry of Social Policy and Youth, Minister's cabinet.

<sup>98</sup> Ministry of Social Policy and Youth, Minister's cabinet.

<sup>99</sup> Ministry of Social Policy and Youth, Minister's cabinet.

raise awareness with regards to hand washing after entering toilets, which was identified as the main point of contamination.

A breastfeeding container and a paediatrics check-up point were installed in the Opatovac camp, although during the two days of the Ombudsman office mission, no paediatric doctor was present.<sup>100</sup>

The Médecins Sans Frontières team left the camp on 13 October.<sup>101</sup> On-site healthcare was provided by the Ministry of Health's emergency teams and paediatricians from MAGNA Children at Risk. The provision of healthcare was sometimes not easily accessible, as people accommodated in the camp were relying on the volunteers to escort them to the ambulance. There was a risk that volunteers would not identify people in need, especially during the night when there was about one volunteer per a thousand people. Some people were reluctant to seek medical assistance for fear that their groups might leave the camp in the meantime.<sup>102</sup>

According to the Migrants' Health Protection report from 11 October (6 am) until 19 October (6 am) published by the Ministry of Health,<sup>103</sup> there were 201 emergency medical interventions, of which 13 people were referred for further treatment. Four to five emergency medical teams were present on the ground on a daily basis. There were 1,384 interventions of family medical teams in total, of which 11 people were referred to further treatment. 32 people were treated in hospitals, of which 6 were hospitalised. Three people were released after immediate treatment. In total, from 16 September until Monday 19 October at 6 am, the Ministry of Health provided 11,393 interventions.<sup>104</sup>

## Social response to the situation – including rallies, voluntary work (such as humanitarian assistance, private persons hosting asylum seekers) and similar actions

### Rallies and incidents

There was no record of organised rallies or other types of public protests against refugees.<sup>105</sup> Nevertheless, in the pre-election debate some political parties are raising negative sentiments towards refugees, emphasising the number of refugees and the negative consequences of the huge influx in relation to national security and national/cultural identity issues.<sup>106</sup>

### Voluntary work

Humanitarian assistance (collection, management and distribution) is coordinated by the Croatian Red Cross. It has daily coordination meetings with the Ministry of Interior and volunteer organisations working in the camp, resulting in an improved response to refugees' needs and a better coordination and distribution of

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<sup>100</sup> Ombudsman's Office, National Preventive Mechanism.

<sup>101</sup> Welcome Initiative.

<sup>102</sup> Welcome Initiative.

<sup>103</sup> Please note the Ministry of Health daily reports stretch from 6AM until 6AM the following day. At this point it is impossible to officially subtract numbers from midnight until 6AM as to obtain statistics that would present 0-24h timelines.

<sup>104</sup> available at: [www.zdravlje.hr/novosti/migrantska\\_kriza/broj\\_pruzenih\\_zdravstvenih\\_usluga](http://www.zdravlje.hr/novosti/migrantska_kriza/broj_pruzenih_zdravstvenih_usluga).

<sup>105</sup> Ministry of Interior, Head of Department of Illegal Migration.

<sup>106</sup> Welcome Initiative.

resources. The Croatian Red Cross, the Welcome Initiative and other NGOs working in the camp are continuously reporting a lack of warm winter clothes and shoes, as well as a lack of volunteers.<sup>107</sup>

### **Other activities**

In their public statement issued on 17 October, the Welcome Initiative has strongly criticised the actions of the Hungarian Government, stating that this action leads directly to a humanitarian crisis in Croatia and subsequently in Serbia. They call on other EU Member States and EU institutions to prevent countries from closing borders unilaterally.<sup>108</sup>

### **Legal and policy responses, including any changes to the law**

Nothing new to report.

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<sup>107</sup> Welcome Initiative.

<sup>108</sup> Welcome Initiative, statement of October the 17th, available at: <http://welcome.cms.hr/index.php/hr/2015/10/17/apel-inicijative-dobrodosli-zatvaranje-granica-ne-smije-postati-praksa/>.

# Germany

## Stakeholders contacted

Interviews took place via phone on 19 October 2015 with the following stakeholders:<sup>109</sup>

- Bavarian Refugee Council (*Flüchtlingsrat Bayern*)
- Schleswig-Holstein Refugee Council (*Flüchtlingsrat Schleswig Holstein*)
- Jadwiega Munich, (NGO, providing assistance to victims of human trafficking and forced labour)
- Federal Association for Unaccompanied Minors (*Bundesdachverband unbegleitete Minderjährige Flüchtlinge e. V.*)
- Moabit hilft e.V.

## Overview of the situation in terms of size and patterns of new arrivals

### Numbers

During the reporting week, thousands of persons in need of international protection arrived every day. According to the Bavarian Prime Minister, 8000 persons arrived on 13 October 2015 only.<sup>110</sup> The weekly news magazine "Der Spiegel" reported, with reference to sources from the Ministry of the Interior, that between 5 September and 15 October 409,000 persons in need of international protection were registered, about 10,000 every day.<sup>111</sup>

### Patterns

Allegedly most of the persons in need of international protection were from Syria and the majority were male. The most affected border sectors are in the surroundings of Passau and Freilassing in Bavaria. A number of people also crossed the "green border" with Austria. Persons in need of international protection arriving at the Bavarian parts of the border with Austria were directly brought to reception facilities where the registration and asylum application will take place.

## Fundamental rights issue concerning initial registration and fingerprinting for Eurodac

Nothing new to report.

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<sup>109</sup> The following text does not make reference to individual interviews.

<sup>110</sup> Frankfurter Allgemeine Zeitung, *Horst Seehofers Regierungserklärung zur Flüchtlingskrise*, 15 October 2015, available at: [www.faz.net/aktuell/politik/fluechtlingskrise/horst-seehofers-regierungserklaerung-zur-fluechtlingskrise-13858100.html](http://www.faz.net/aktuell/politik/fluechtlingskrise/horst-seehofers-regierungserklaerung-zur-fluechtlingskrise-13858100.html).

<sup>111</sup> Der Spiegel, *Zuwanderung: Bundesländer registrieren in 40 Tagen 409.000 Flüchtlinge*, 16 October 2015, available at: [www.spiegel.de/politik/deutschland/bundeslaender-registrierten-in-40-tagen-409-000-fluechtlinge-a-1058120.html](http://www.spiegel.de/politik/deutschland/bundeslaender-registrierten-in-40-tagen-409-000-fluechtlinge-a-1058120.html).

## Challenges and developments concerning reception conditions of new arrivals, also in relation to provision of healthcare

Due to the ongoing mass influx and the excessive demand on reception facilities, the accommodation of persons in need of international protection has become more and more challenging. The situation is deteriorating, and this concerns particularly vulnerable groups.

### Reception capacity and conditions

In general, the existing reception capacity does not meet the rising demand of accommodation facilities. The newspaper "Welt" reported that at least 42,000 persons in need of international protection are accommodated in tents. Even though some tents are heated, people are freezing inside the tents.<sup>112</sup> The "Welt" quotes the numbers of persons accommodated in tents provided by the federal states (*Länder*), including, for example:

- North Rhine-Westphalia: 15,000
- Hesse: 6,900
- Hamburg: 4,000
- Rhineland-Palatinate: 3,200
- Lower Saxony: 3,000

These numbers may not cover the total amount. No relevant information about persons accommodated in tents in cities and municipalities exists.

In particular in Schleswig Holstein, new arriving persons in need of international protection often have to stay in temporary emergency shelters (for instance, a former empty shopping centre). Neither assistance from social workers or voluntary helpers nor medical care is granted in those temporary emergency shelters. Due to the winter period there are fewer ferries departing from north German harbours to Sweden. In the harbour cities Kiel and Flensburg one ferry departs to Sweden on a daily basis in winter, in comparison to three ferries with larger capacity in summer. As a consequence, in Schleswig Holstein the number of persons in need of international protection on their way to Sweden increased dramatically.

In Berlin, a second registration office opened in order to speed up the registration for persons in need of international protection. Heated tents were set up to prevent people from waiting outside in the cold until the registration begins. However, a sleeping place could not be granted for everyone. Still, many persons in need of international protection have to wait in the cold until registration can take place.

### Arrangements for special groups

Persons in need of international protection are brought from the Bavarian border directly to accommodation centres before the registration takes place. As a result, unaccompanied minors were not immediately recognised by the authorities. Usually, unaccompanied minors are recognised at the latest during the registration. Thus, in many cases, unaccompanied minors were accommodated

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<sup>112</sup> Die Welt, *Zeltstädte werden für Flüchtlinge zur Frost-Falle*, 13 October 2015, available at: [www.welt.de/politik/deutschland/article147505957/Zeltstaedte-werden-fuer-Fluechtlinge-zur-Frost-Falle.html](http://www.welt.de/politik/deutschland/article147505957/Zeltstaedte-werden-fuer-Fluechtlinge-zur-Frost-Falle.html).

together with adults until the registration took place. It is particularly alarming that in Berlin unaccompanied children were given a list of hostels where they had to ask for accommodation themselves.

The long waiting period until the interview in the asylum procedure takes place can also have an impact on potential victims of human trafficking and forced labour. The interview in the asylum procedure is often the first possibility to identify potential victims through specially trained staff.

## Social response to the situation – including rallies, voluntary work (such as humanitarian assistance, private persons hosting asylum seekers) and similar actions

The growth of xenophobia in parts of the society is obvious. In the reporting week, demonstrations against refugees took place in mostly eastern German regions such as Weimar (Thuringia) and Einsiedel (Saxony) with more than 1000 participants.<sup>113</sup>

On the other hand, great helpfulness and willingness to welcome persons in need of international protection exists. More than 13,000 people supported the call and commitment “Human dignity is inviolable – in favour of a Europe of the people and human rights” (*Die Würde des Menschen ist unantastbar – Für ein Europa der Menschen und Menschenrechte!*). This call was initiated by a number of NGOs, famous artists and scientists.<sup>114</sup>

Welfare and human rights organisations launched together with the German Olympic Sports Association and the Central Welfare Office for Jews in Germany the initiative “wide strap of welcome” (*Breites Band des Willkommens*). A strap labelled with “welcome” or “Refugee welcome” should symbolise the support for refugees. The proceeds will be given to initiatives in the fields of refugee assistance.<sup>115</sup>

## Legal and policy responses, including any changes to the law

On 15 October 2015, the German Bundestag passed a legislative package (“asylum procedure acceleration act”; *Asylverfahrensbeschleunigungsgesetz*),<sup>116</sup> which includes amendments to the Asylum Procedures Act (*Asylverfahrensgesetz*) and the Asylum Seekers Benefits Law (*Asylbewerberleistungsgesetz*). The changes aim to speed up the asylum-seeking process, facilitate the expulsion of those rejected and prepare the construction of accommodation facilities for asylum seekers. The changes entail several restrictions to the rights of asylum seekers, including a shift from cash to in-kind benefits, a longer obligation to live in

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<sup>113</sup> Amadeu Antonio Stiftung and Pro Asyl, *Chronik flüchtlingsfeindlicher Vorfälle 2015*, 19 October 2015, available at: <http://mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle>.

<sup>114</sup> Europa der Menschenrechte, *Die Würde des Menschen ist unantastbar*, available at: [www.europa-der-menschenrechte.org](http://www.europa-der-menschenrechte.org).

<sup>115</sup> Diakonie Deutschland, *Willkommensband: 5 Euro für die Flüchtlingshilfe*, 14 October 2015, available at: [www.diakonie.de/willkommensband-5-euro-fuer-die-fluechtlingshilfe-16551.html](http://www.diakonie.de/willkommensband-5-euro-fuer-die-fluechtlingshilfe-16551.html).

<sup>116</sup> The initiative has already been mentioned before (Week from 28 September to 4 October 2015).

reception centers and a cut in benefits for rejected applicants. Albania, Kosovo and Montenegro will be rated as "safe countries of origin".<sup>117</sup> On 16 October 2015, the Bundesrat (Federal Council) approved the legislative package. The new rules will enter into force by 1 November 2015.<sup>118</sup>

Pro Asyl considers some of the new regulations in the legislative package as unconstitutional (e.g. shift from cash to in-kind benefits) and has announced to support a complaint before the Federal Constitutional Court against these regulations.<sup>119</sup>

In addition, a new law on improvement of accommodation, treatment and care of foreign children and adolescents (*Gesetz zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder und Jugendlicher*) has been approved.<sup>120</sup> This law contains regulations concerning the distribution of unaccompanied minors in Germany.<sup>121</sup> It will enter into force by 1 November 2015.

In Bremen, a law allowing the usage of private buildings for accommodating persons in need of international protection against the will of the owners has been approved during the reporting week. In Hamburg, a similar policy has already been approved before.<sup>122</sup>

Several CDU Members of the Bundestag have announced plans to force Chancellor Merkel to change her asylum policy of open borders. A proposal for building border fences will be made to the Bundestag.<sup>123</sup>

## Incidents affecting persons in need of international protection as well as irregular migrants

On 13 October, unknown perpetrators smeared swastikas, SS runes and the slogan "get out" ("*raus*") at four accommodation centres in Waltrop (North Rhine-Westphalia).<sup>124</sup>

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<sup>117</sup> Deutscher Bundestag, *Bundestagsbeschlüsse vom 14. Bis 16. Oktober*, 16 October 2016, available at:

[www.bundestag.de/dokumente/textarchiv/2015/kw42\\_angenommen\\_abgelehnt/391724](http://www.bundestag.de/dokumente/textarchiv/2015/kw42_angenommen_abgelehnt/391724).

<sup>118</sup> German Bundesrat, 937. Sitzung, 16 October 2015, available at:

[www.bundesrat.de/SharedDocs/TO/937/tagesordnung-937.html](http://www.bundesrat.de/SharedDocs/TO/937/tagesordnung-937.html).

<sup>119</sup> Pro Asyl, *Pro Asyl will Klagen gegen das Asylverschärfungsgesetz unterstützen*, 16 October 2015, available at:

[www.proasyl.de/de/news/detail/news/pro\\_asyl\\_will\\_klagen\\_gegen\\_das\\_asylverschaeferungsgesetz\\_unterstuetzen/](http://www.proasyl.de/de/news/detail/news/pro_asyl_will_klagen_gegen_das_asylverschaeferungsgesetz_unterstuetzen/).

<sup>120</sup> Deutscher Bundestag, *Gesetz zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder*, 16 October 2015, available at:

<http://dipbt.bundestag.de/extrakt/ba/WP18/685/68556.html>.

<sup>121</sup> Die Bundesregierung, *Hilfen für minderjährige Flüchtlinge*, 16 October 2016, available at:

[www.bundesregierung.de/Content/DE/Artikel/2015/07/2015-07-15-auslaendische-kinder-jugendliche.html](http://www.bundesregierung.de/Content/DE/Artikel/2015/07/2015-07-15-auslaendische-kinder-jugendliche.html).

<sup>122</sup> Die Zeit, *Bremen erlaubt Beschlagnahmung von Wohnraum*, 15 October 2015, available at:

[www.zeit.de/politik/deutschland/2015-10/bremen-immobilien-gesetz-beschlagnahmung-wohnungspolitik-gefluechtete](http://www.zeit.de/politik/deutschland/2015-10/bremen-immobilien-gesetz-beschlagnahmung-wohnungspolitik-gefluechtete).

<sup>123</sup> Euractive, *Unions-Politiker bereiten Antrag zur Grenzschiessung vor*, 19 October 2015,

available at: [www.euractiv.de/sections/eu-aussenpolitik/unions-politiker-bereiten-antrag-zur-grenzschiessung-vor-318618](http://www.euractiv.de/sections/eu-aussenpolitik/unions-politiker-bereiten-antrag-zur-grenzschiessung-vor-318618).

<sup>124</sup> Amadeu Antonio Stiftung and Pro Asyl, *Chronik flüchtlingsfeindlicher Vorfälle 2015*, 19

October 2015, available at: <http://mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle>.



On 16 October, fire broke out in a building in Flensburg (Schleswig-Holstein), which is planned to be used as a reception centre. The police assumes arson.<sup>125</sup>

On 17 October, the candidate for Cologne mayor, Henriette Reker, and four other people became victims of a life-threatening knife attack. Reker was seriously injured and put into an artificial coma to support her healing process. According to the public prosecutor's office, the motive of the crime was the current immigration policy, in particular, the approach towards refugees. During her election campaign, Reker promoted the integration of refugees.<sup>126</sup>

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<sup>125</sup> Amadeu Antonio Stiftung and Pro Asyl, *Chronik flüchtlingsfeindlicher Vorfälle 2015*, 19 October 2015, available at: <http://mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle>.

<sup>126</sup> Tagesschau, *Motiv Flüchtlingspolitik*, 17 October 2015, available at: [www.tagesschau.de/inland/koeln-angriff-reker-103.html](http://www.tagesschau.de/inland/koeln-angriff-reker-103.html).

# Greece

## Stakeholders contacted

Interviews took place mainly via phone and email in the week of 5 to 11 October 2015 with the following stakeholders:

- Ministry for Migration Policy (*Υπουργείο Μεταναστευτικής Πολιτικής*);
- Ministry of Health (*Υπουργείο Υγείας*);
- Hellenic Police Headquarters (*Αρχηγείο Ελληνικής Αστυνομίας*);
- Attica Aliens Directorate (*Διεύθυνση Αλλοδαπών Αττικής*);
- The Hellenic Coastguard (*Λιμενικό Σώμα-Ελληνική Ακτοφυλακή*);
- Asylum Service Greece (*Υπηρεσία Ασύλου*);
- First Reception Service (*Υπηρεσία Πρώτης Υποδοχής*);
- United Nations High Commissioner for Refugees (UNHCR) Greece (*Υπατη Αρμοστέία του ΟΗΕ για τους Πρόσφυγες, γραφείο Ελλάδας*);
- Racist Violence Recording Network (*Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας*);
- Médecins Du Monde Greece-MDM Greece (*Γιατροί του Κόσμου, γραφείο Ελλάδας*);
- Médecins Sans Frontières Greece-MSF Greece (*Γιατροί Χωρίς Σύνορα, γραφείο Ελλάδας*);
- NGO METAction (*ΜΚΟ ΜΕΤΑδραση*).

## Overview of the situation in terms of size and patterns of new arrivals

### Numbers and patterns of new arrivals

During the reporting period, nearly 48,500 people arrived in Greece by sea. Lesbos island continues to be the main point of entry, followed by Chios, Samos, Leros, Kos, Rhodes, Kalymnos and other islands. New arrivals are mainly Syrian nationals, followed by Afghan and Iraqi (5,785) nationals.<sup>127</sup>

During the same period, the number of daily arrivals in Lesbos and in Chios increased compared to the previous week.<sup>128</sup> This increase is due to a) the weather conditions which are still favorable and which are expected to worsen as winter approaches, thus making the journey more difficult and dangerous and b) the fact that there are less patrols compared to the summer season.<sup>129</sup>

In the period 12-18 October 2015, the First Reception Service recorded the arrival of some 170 third-country nationals. The majority were Syrian nationals, followed by persons from Afghanistan, Iraq, Pakistan and other nationalities (14). This included some 60 children.<sup>130</sup>

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<sup>127</sup> Hellenic Coastguard.

<sup>128</sup> Médecins Du Monde Greece.

<sup>129</sup> United Nations High Commissioner for Refugees (UNHCR) Greece.

<sup>130</sup> First Reception Service.

No data were available regarding the number of people who crossed the land border between Greece and the former Yugoslav Republic of Macedonia (FYROM).<sup>131</sup> UNHCR Greece estimates that more than 6,000 people transit the area of Idomeni (border with FYROM) each day.

### **Asylum applications**

About 260 persons, including nine unaccompanied children, applied for asylum during the week of 12-16 October 2015. The main region of registration was Attica, followed by Thessaloniki, South and North Evros, Rhodes, Amygdaleza, Lesvos and Patras.

The majority of applicants were between 18-34 years of age. The main countries of origin were Syria, Albania, Pakistan, Afghanistan, Egypt, Bangladesh, and Iraq.<sup>132</sup>

### **Returns**

About 30 persons, mainly Albanian nationals, were returned during the week of 12-18 October 2015.<sup>133</sup>

### **Unaccompanied and separated children**

In the period 12-18 October 2015, the First Reception Service recorded 56 unaccompanied children.<sup>134</sup> The majority of children were male and their average age was 14 years old. The greatest number (50 out of 56) was recorded in the First Reception Centre in Moria (Lesvos). The mobile unit in Samos recorded 6 children.<sup>135</sup>

In the period 10-18 October 2015, the NGO METAction escorted 34 unaccompanied and separated children from the country's entry points to accommodation centres in mainland Greece. The majority of children were Syrian nationals, followed by Afghani nationals. Their average age was 10-17 years old, and two were girls. During the reporting period, an increased number of unaccompanied children went missing from accommodation centers within a few days of their referral.<sup>136</sup> Children are afraid of the closing of the borders and want to leave the country as soon as possible. They considered Greece as a transit country and hoped to leave to continue their journey to their intended destination.<sup>137</sup>

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<sup>131</sup> United Nations High Commissioner for Refugees (UNHCR) Greece estimates that more than 6,000 people transit the area of Idomeni each day.

<sup>132</sup> Asylum Service.

<sup>133</sup> Attica Aliens Directorate.

<sup>134</sup> First Reception Service.

<sup>135</sup> The First Reception Service states that the provided data for unaccompanied minors may have a slight deviation from the final numbers issued at the end of each month.

<sup>136</sup> According to the National Centre for Social Solidarity (which coordinates the referral system for UASC to accommodation facilities) statistics for the year 2014 the average stay of minors in reception facilities was 51 days. The NGO METAction reports that the average stay of minors in the accommodation facilities is currently 2 days.

<sup>137</sup> NGO METAction.

## Fundamental rights issue concerning initial registration and fingerprinting for Eurodac

Difficulties regarding electronic fingerprinting have been reported on the islands due to the high numbers of arrivals and the lack of personnel and Eurodac machines.

On 15 October 2015, the authorities decided to stop the registration procedure in Moria (Lesvos), delaying the transfer of people by bus from the north of the island to Mitilene. As a result, those who were already outside Moria waiting for registration slept outside and more than 3,000 people spent the night in the north of the island in temporary emergency shelters that NGOs had set up. Some people tried to walk the 70 km distance to Mitilini. The registration procedure as well as the transfer by buses started again on 16 October 2015.<sup>138</sup>

On 15 October 2015, the delay in the registration procedure led to sporadic tension between the people waiting outside Moria's centre to queue up for registration. The police intervened to preserve order.<sup>139</sup>

## Challenges and developments concerning reception conditions of new arrivals, also in relation to provision of healthcare

### Reception conditions at land border (Idomeni, border with FYROM)

During the reporting period, permanent lighting was installed in the transit site in Idomeni.<sup>140</sup>

IOM Greece provided two rub halls with capacity of 200 persons each as well as a smaller tents in the transit site of Idomeni. IOM also provided 10 chemical toilets and 60 benches for the equipment of the camp.<sup>141</sup>

### Reception conditions at sea borders

Generally, reception facilities are under strain on the islands.

On 13 October 2015, the authorities reopened Kara Tepe camp (Lesvos) due to the high number of arrivals on the island. Kara Tepe is now only used as a temporary emergency area for shelter and not as a registration spot.<sup>142</sup>

Reception infrastructures still fall short of the real needs in Samos and Chios. The containers that were placed at the central port of Samos are full. The screening centre in Vathi currently accommodates more than 500 people, despite its total capacity of 280 people. In order to address the situation, UNHCR Greece installed temporary shelter units in all 3 ports of the island (Karlovasi, Malagari and Vathi). The screening centre of Mersinidi in Chios currently accommodates more than 1,000 people, despite the fact that the center can accommodate 200 people. UNHCR Greece, in cooperation with the Mayor of Chios is looking for an alternative site for the accommodation of new arrivals. In Leros, there have been some

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<sup>138</sup> Médecins Sans Frontières Greece.

<sup>139</sup> Médecins Du Monde Greece.

<sup>140</sup> United Nations High Commissioner for Refugees (UNHCR) Greece.

<sup>141</sup> International Organization of Migration (IOM) Greece.

<sup>142</sup> United Nations High Commissioner for Refugees (UNHCR) Greece.

improvements in the abandoned hospital used for the accommodation of new arrivals. The space consists of a very old building with an open space which is close to the port and to the General Hospital of Leros.<sup>143</sup>

UNHCR Greece set up refugee housing units (IKEA houses) and containers for the services in Chios, Samos, Lesbos, the Dodekanese islands (Leros, Kos, Rhodes) as well as in Evros and Idomeni in view of the approaching winter.<sup>144</sup>

As the authorities have stopped the provision of food in all locations at sea, coordinated efforts had to be established between the actors in the field for finding solutions on a daily basis.<sup>145</sup>

On 9 October 2015, the Ministry of Health established a coordination body with the participation of the Hellenic Centre for Disease Control and Prevention (*ΚΕΕΛΠΝΟ-Κέντρο Ελέγχου και Πρόληψης Νοσημάτων*), the Hellenic Red Cross, the World Health Organization, UNHCR Greece, IOM Greece, MDM Greece, MSF Greece, NGO PRAKSIS and NGO Vavel for the healthcare management in the country's entry points and in Idomeni.<sup>146</sup>

### **Reception centers in the Attica region**

During the reporting period, the temporary emergency shelters in Elliniko, Galatsi and Elaionas<sup>147</sup> that were opened by the authorities to accommodate new arrivals, accommodated the lowest numbers of new arrivals since their opening. More specifically, on 16 October 2015 the Galatsi stadium hosted only 368 people, the hockey field in Elliniko 10 people and Elaionas 60 people. New arrivals are transferred in the Attica region on a daily basis, but they continue their journey to the north Greek border while the weather conditions are still favorable.<sup>148</sup>

### **Immigration detention**

The current capacity of pre-removal centres in Greece is 5,157. On 18 October 2015, the total number of detainees was 629 people, 107 of whom were asylum seekers. The total capacity for all pre-removal centres, screening centres and the First Reception Centre (Orestiada) is 5,856. An increase of 35 % of people in immigration detention was reported compared to the previous week, with a total of 3,242 people currently detained. On 16 October 2015, four children were put in detention in a special facility for children in the pre-removal centre of Amygdaleza.<sup>149</sup>

### **Child protection**

Appropriate shelter for unaccompanied and separated children is lacking in almost all sea locations. As a result, most children remain in police custody, waiting to be

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<sup>143</sup> United Nations High Commissioner for Refugees (UNHCR) Greece.

<sup>144</sup> United Nations High Commissioner for Refugees (UNHCR) Greece.

<sup>145</sup> United Nations High Commissioner for Refugees (UNHCR) Greece.

<sup>146</sup> Ministry of Health.

<sup>147</sup> The hockey arena in the Elliniko district (in the Southern Sector of the Region of Attica), opened on 28 September and has the capacity to accommodate 500 persons. The Olympic Stadium in the Galatsi municipality (in the Northern suburbs of Athens) opened on 1 October and can host up to 1000 persons. The temporary shelter in Elaionas opened on 16 August and has the capacity to accommodate 700 persons.

<sup>148</sup> Ministry for Migration Policy.

<sup>149</sup> Hellenic Police Headquarters-Irregular Migration Division.

referred and transferred to facilities in the mainland. In Kos, unaccompanied and separated children are placed in police station cells together with adults and criminal detainees. Following the intervention of UNHCR Greece, the local Prosecutor consented to their temporary residence in a transit facility for children, under the supervision of UNHCR Greece. The transit facility for children will be operable next week and will be run by NGO PRAKSIS.<sup>150</sup>

UNHCR Greece cooperates with the NGO METAction and Save the Children to enhance actions targeting children and escorting of unaccompanied and separated minors in reception facilities.<sup>151</sup>

## Social response to the situation – including rallies, voluntary work (such as humanitarian assistance, private persons hosting asylum seekers) and similar actions

On 15 October 2015, an anti-war rally took place in the centre of Athens with the slogan "*Refugees and migrants are welcomed*". The rally was organised by antiracist movements and student associations. The Supreme Administration of Civil Servants (*Ανώτατη Διοίκηση Ενώσεων Δημοσίων Υπαλλήλων-ΑΔΕΔΥ*) was the main promoter of the initiative.<sup>152</sup> The participants gathered in Propylaea area and marched to the European Commission's offices.

On 17-18 October 2015, the Meet Market Athens<sup>153</sup> in cooperation with the Ministry for Migration Policy, set up a tent to collect donations for the people accommodated in the temporary emergency shelters of Attica.

## Legal and policy responses, including any changes to the law

Nothing new to report.

## Incidents affecting persons in need of international protection as well as irregular migrants

Three incidents at sea were reported, causing the death of almost 10 people, including children.

On 14 October 2015, the Hellenic Coastguard carried out a large scale search and rescue operation in the sea area of Lesvos: 21 people were rescued and three people were found dead. Earlier that day, the Maritime Rescue Coordination Centre of Ankara (MRCC Ankara) had informed the Maritime Rescue Coordination Centre of Greece (MRCC Greece) about a search and rescue operation that concerned a boat carrying 21 people sailing off the Turkish coasts. The boat capsized. According to those rescued, three people went missing at sea. A large

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<sup>150</sup> United Nations High Commissioner for Refugees (UNHCR) Greece.

<sup>151</sup> United Nations High Commissioner for Refugees (UNHCR) Greece.

<sup>152</sup> Supreme Administration of Civil Servants (Ανώτατη Διοίκηση Ενώσεων Δημοσίων Υπαλλήλων-ΑΔΕΔΥ), available at: <http://adedy.gr/syllalhtorio15102015/>.

<sup>153</sup> Meet Market Athens is a monthly meeting point where creators can sell their handmade products and other local goods.

scale operation took place within the Greek territorial waters. A Frontex helicopter spotted a capsized plastic boat. With the help of two individual divers and two patrol boats of the Hellenic Coastguard, three corpses (one woman, one girl, one infant) were found and were then transported to the port of Mitilene.<sup>154</sup>

On 15 October 2015, the Hellenic Coastguard conducted a search and rescue operation in the sea area north of Molyvos: 31 people were rescued, 4 people were found dead at sea and one person was missing. An old wooden boat had crashed into the ship of the Hellenic Coastguard, while on a regular patrol. The Hellenic Coastguard rescued 31 people who claimed that there had been 39 people aboard. The Coastguard initially located the bodies of 4 deceased people (one woman and 3 children). Three additional bodies were later identified (1 man, 1 woman and 1 child). The corpses were transported to the port of Mitilene. Preliminary investigation of the incident was conducted by the Coastguard of Mitilene.<sup>155</sup>

On 17 October 2015, in the sea area between Kalolimnos and Pitta in Kalymnos, the Hellenic Coastguard proceeded in an extensive rescue operation, where 13 people (11 men and 2 women) were rescued and 4 bodies were recovered (3 girls and 1 boy). Six of those rescued were in need of immediate hospital treatment and were transferred to the General Hospital of Kalymnos. According to the survivors' testimonies, 20 people were aboard a fiberglass boat which sank due to the bad weather conditions. Search efforts to locate 3 more people are ongoing.

On 17 October 2015, Mitiline's Coastguard reported finding a body of a man in the sea near Lesvos Island.<sup>156</sup>

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<sup>154</sup> The Hellenic Coastguard.

<sup>155</sup> The Hellenic Coastguard.

<sup>156</sup> The Hellenic Coastguard.

# Hungary

## Stakeholders contacted

Interviews took place mainly via phone and email in the week of 12 to 18 October 2015 (reporting period) with the following stakeholders:

- United Nations High Commissioner for Refugees (UNHCR) Hungary, based in Budapest;
- Hungarian Helsinki Committee (*Magyar Helsinki Bizottság*);
- Hungarian Association for Migrants (*Menedék Migránsokat Segítő Egyesület*);
- Migration Aid, based in Budapest;
- Ministry of Internal Affairs (*Belügyminisztérium*);
- Ministry of Human Capacities (*Emberi Erőforrások Minisztériuma*);
- National Police Headquarters (*Országos Rendőr-főkapitányság*);
- General Attorney's Office (*Legfőbb Ügyészség*);
- Office of Immigration and Nationality (*Bevándorlási és Állampolgársági Hivatal*) (headquarters in Budapest);
- County Court of Szeged (*Szegedi Törvényszék*).

## Overview of the situation in terms of size and patterns of new arrivals

Hungary closed the entire Croatian borderline on 16 October 2015 and re-established border control with Slovenia, at 12 am on 17 October. Four transit zones (two zones at the Serbian border, two zones at the Croatian border) will still be operating to host migrants submitting their asylum claims and seeking protection in Hungary. The Government expects significantly fewer new arrivals as a result of these measures.

### Numbers and patterns of new arrivals

During the reporting period, nearly 33,900 people crossed the border into Hungary (25 % less than the previous week).<sup>157</sup>

New arrivals were mainly Syrian, Afghan and Iraqi nationals. Of the new arrivals, 84 % were men, 16 % women. With respect to their age, almost 25 % of new arrivals were children.<sup>158</sup>

Since 15 September 2015 (when fences closed the Serbian-Hungarian border), almost 32,800 people have entered the country at the border with Croatia.<sup>159</sup> Only 200 new arrivals crossed the border with Serbia. Tuesday and Thursday were the

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<sup>157</sup> National Police Headquarters, Press Department.

<sup>158</sup> Office of Immigration and Nationality.

<sup>159</sup> National Police Headquarters, Press Department.



busiest days at the Croatian border, in total nearly 13,400 people arrived during these two days.<sup>160</sup>

The National Security Council (*Nemzetbiztonsági Kabinet*) decided to physically close the Hungarian-Croatian border on 16 October 2015. The border was officially closed at midnight.<sup>161</sup> Since 17 October 2015, people can only enter Hungary through the Croatian border at official border stations. New arrivals may submit their claims for asylum and protection in two transit zones at the border in Letenye and Beremend. While the asylum procedure is ongoing, new arrivals are accommodated in the two transit zones.

The sealing of the border<sup>162</sup> between Croatia and Hungary had a significant impact on the number of new arrivals. On 16 October 2015, about 6,300 people had arrived from Croatia, whereas some 860 new arrivals reached Hungary on the following day (17 October). The latter had crossed the border a little after 1am on 17 October 2015, just before the Hungarian authorities closed the Croatian borderline.<sup>163</sup>

On 17 October 2015, the Government's spokesman announced that Hungary would re-establish a border control at the Slovenian border that is part of the Schengen area. Right before the decision was communicated, a group of 150 people had appeared at the Slovenian-Hungarian border crossing station of Rédics on the Slovenian side. Later, the Slovenian authorities transported them to the Slovenian-Austrian border, so none of them actually entered Hungary. This minor incident made the Government re-establish border control at the Hungarian-Slovenian border crossings.<sup>164</sup>

Civil society organisations and authorities found that in the reporting period – especially before closing the Croatian borderline – more children arrived in Hungary than in the past few weeks.<sup>165</sup> Stakeholders experienced more families with four to six children among the new arrivals than ever before.<sup>166</sup> Around 8,600 unaccompanied migrant children have crossed the border since January 2015. This is almost ten times more than in the past few years. In 2015, only 21 children got refugee status or protected status in Hungary, the others left for Western Europe.<sup>167</sup>

## Asylum applications

Mostly, new arrivals wish to continue their journey to Western Europe and considered Hungary only as a transit country. Therefore, in the reporting period, the majority of them did not apply for asylum or protection in Hungary and they were not registered at the border. Between 12-18 October 2015, about 110 people applied for asylum in Hungary: they were mainly from Syria, Afghanistan

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<sup>160</sup> National Police Headquarters, Press Department.

<sup>161</sup> Ministry of Internal Affairs.

<sup>162</sup> The term 'green border' refers to borders between Hungary and other states excluding the official crossing points and transit zones.

<sup>163</sup> National Police Headquarters, Press Department.

<sup>164</sup> Index, 'It is hard to predict for how long border control will take in the Slovenian borderline' (*Nem tudni, meddig lesz ellenőrzés a szlovén határon*), 17 October 2015, available at: [http://index.hu/belfold/2015/10/17/kovacs\\_bakondi\\_sajttaj/](http://index.hu/belfold/2015/10/17/kovacs_bakondi_sajttaj/).

<sup>165</sup> Ministry of Human Capacities, Migration Aid.

<sup>166</sup> Migration Aid.

<sup>167</sup> Ministry of Human Capacities.

and Turkey. For the sake of comparison, it is noted that the total number of applications filed in 2015 (starting from 1 January), up to 18 October, was 176,426.<sup>168</sup> Until the closure of the Croatian border, the Hungarian authorities had waited for new arrivals at the border crossing points of Zákány and Beremend (two cities at the Croatian border) and had transferred those not applying for asylum or protection to the Austrian border by train and bus.<sup>169</sup>

At present, some 520 asylum seekers are present in Hungary waiting for the Office of Immigration and Nationality (*Bevándorlási és Állampolgársági Hivatal*) to decide over their claims for asylum or protection.<sup>170</sup> Between 12 to 18 October 2015, 14 positive decisions (accepting the asylum claim) and 66 negative decisions (rejecting the claim) were made. In 5,533 cases the Office terminated the process, as the applicants had left the country.<sup>171</sup> Most of these proceedings had started prior to the reporting period.

### **Criminal proceedings against those crossing the borders**

On 18 October 2015, police apprehended 41 people who were irregularly crossing border fences; all of them arrived from Serbia and no one from Croatia.

Criminal proceedings were initiated by the police against 82 people during the reporting period on charges of unauthorised border fence crossing (*határvár tiltott átlépése*).<sup>172</sup> No case was registered in the reporting period for damaging the border fences.<sup>173</sup>

This constitutes a decrease compared to the previous reporting period (113 criminal procedures were initiated between 4 October – 11 October). New arrivals are most likely informed about the fact that Hungary criminalises the behaviour of climbing over the fences on the Serbian-Hungarian border. Therefore, most of them entered from Croatia. However, this could not be the case at the Croatian-Hungarian borderline where authorities expect that more criminal procedures will be filed in the upcoming week.<sup>174</sup>

In the reporting period, the Prosecutor pressed charges against 68 people committing the crime of unauthorised border fence crossing.<sup>175</sup> During this period, 70 criminal trials were held before the District Court of Szeged (*Szegedi Járásbíróság*). In all cases, the Court found the defendants guilty. Thirty-two migrants received a one-year entry ban; 38 migrants a two-year entry ban.

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<sup>168</sup> Office of Immigration and Nationality.

<sup>169</sup> National Police Headquarters, Press Department.

<sup>170</sup> Ministry of Internal Affairs.

<sup>171</sup> Office of Immigration and Nationality.

<sup>172</sup> The provision of unauthorised border crossing as offence is set out in Article 352/A of Act C of 2012 on the Criminal Code (*2012. évi C. törvény a Büntető Törvénykönyvről*; Criminal Code), available at: [njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=152383.297990#foot\\_121\\_place](http://njt.hu/cgi_bin/njt_doc.cgi?docid=152383.297990#foot_121_place). The provision was introduced in the Criminal Code by Act CXL of 2015 on the amendment of certain laws as a result of the migrant situation (*2015. évi CXL. törvény egyes törvényeknek a tömeges bevándorlás kezelésével összefüggő módosításáról*; Act CXL of 2015), available at: [njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=177552.298006](http://njt.hu/cgi_bin/njt_doc.cgi?docid=177552.298006). Act CXL of 2015 entered into force on 15 September 2015.

<sup>173</sup> General Attorney's Office.

<sup>174</sup> National Police Headquarters, Press Department.

<sup>175</sup> County Court of Szeged, Press Department.

None of the defendants appealed against the decisions, therefore the judgments are final.<sup>176</sup> All the defendants made a statement right after the verdict that they would waive their right to appeal. Since Hungary criminalised unauthorised border crossing on 15 September 2015, all criminal procedures ended at the first instance as neither the defendants, nor the prosecutor appealed against the decisions.<sup>177</sup>

The police in the interrogation phase and the Court in the trial phase made sure that the defendants had access to a defence lawyer, and an interpreter was also involved at all stages of the criminal procedure (both rights are granted by law<sup>178</sup>).<sup>179</sup>

As for the previous reporting period, the defendants and their lawyers did not request the Court to provide a translated version of the document containing the verdict. By law, oral translation of the verdict on trial is mandatory, while defendants are only entitled to the translated hard copy of the judgment upon request.<sup>180</sup>

In the reporting period, no incident or abuse was noticed with respect to complying with procedural safeguards granted by law. The police, prosecutor and the court respected the defendant's right to access to a lawyer and interpretation as granted by law.<sup>181</sup> All defendants made a confession and they did not deny that they had climbed over the fences.<sup>182</sup> Civil society organisations, however, raised concerns in relation to the merits of the new provisions introduced in the criminal code, sanctioning illegally crossing the border fence. In addition, they believe that the procedures should not be carried out that fast and formal as the cases are not obvious and simple, due to their complicated nature and the special motives and status of the defendants.<sup>183</sup>

Defendants were mostly Syrian and Iraqi nationals, but some were from Kosovo, Libya, Afghanistan, India and one from Turkey.<sup>184</sup> Some defendants also submitted a claim for asylum after having been accused of the crime of unauthorised border crossing or after the Court's verdict was promulgated. The only difference in treatment for these defendants is that the execution of the criminal court's expulsion decision is not implemented until the Office of Immigration and Nationality decides over their claim for asylum. In the reporting period, however, all claims for asylum submitted by these defendants were rejected.<sup>185</sup>

It should be noted that as there are no fences at the Slovenian-Hungarian border, anyone crossing the border illegally may only commit a misdemeanour and not the crime of unauthorised border crossing.<sup>186</sup>

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<sup>176</sup> County Court of Szeged, Press Department.

<sup>177</sup> County Court of Szeged, Press Department.

<sup>178</sup> Article 542/M of Act XIX of 1998 on the criminal procedure (*1998. évi XIX. törvény a büntetőeljárásról*), available at: [net.jogtar.hu/jr/gen/getdoc2.cgi?docid=99800019.TV](http://net.jogtar.hu/jr/gen/getdoc2.cgi?docid=99800019.TV).

<sup>179</sup> County Court of Szeged, Press Department.

<sup>180</sup> Article 9 paragraph 4 of Act XIX of 1998 on the criminal procedure (*1998. évi XIX. törvény a büntetőeljárásról*), available at: [net.jogtar.hu/jr/gen/getdoc2.cgi?docid=99800019.TV](http://net.jogtar.hu/jr/gen/getdoc2.cgi?docid=99800019.TV).

<sup>181</sup> United Nations High Commissioner for Refugees (UNHCR) Hungary; Helsinki Committee. General Attorney's Office.

<sup>182</sup> United Nations High Commissioner for Refugees (UNHCR) Hungary; Helsinki Committee.

<sup>183</sup> County Court of Szeged, Press Department.

<sup>184</sup> Office of Immigration and Nationality.

<sup>185</sup> Article 204 of Act II of 2012 on misdemeanors, misdemeanor procedures and misdemeanor register (*2012. évi II. törvény a szabálysértésekről, a szabálysértési eljárásról és a*

## Returns

In the reporting period, seven Syrian nationals were returned to Serbia as the Office of Immigration and Nationality rejected their claims for asylum. They all had valid passports. The General Attorney's Office monitored the return processes in all seven cases and experienced cooperation from the Syrian nationals' side.<sup>187</sup> The Office of Immigration and Nationality does not keep a record of the reasoning behind the decisions. This implies that there are no data available on the number of cases in which the 'safe third-country rule' was applied.<sup>188</sup>

## Fundamental rights issue concerning initial registration and fingerprinting for Eurodac

Nothing new to report.<sup>189</sup> Generally, authorities continued to experience cooperation from the migrants' side during the registration and fingerprinting process.<sup>190</sup>

## Challenges and developments concerning reception conditions of new arrivals, also in relation to provision of healthcare

### Reception conditions

In the reporting period, some 520 asylum seekers (the number refers to all people who are waiting for the decision about their asylum claims including those arrived in the reporting period or earlier) were accommodated in Hungary in refugee camps and the four transit zones established at the Serbian and Croatian borders. These numbers are well within the maximum capacity (total occupancy is around 2,500) of such institutions. Very few new arrivals filed a claim for asylum in Hungary, therefore authorities do not have a significant workload in the transit zones.

In the Croatian border crossing points, new arrivals got only water and some dry snacks in the second half of the week. Civil society organisations provided some additional food items.<sup>191</sup> The lack of interpreters seemed to be a constant problem at all border points.<sup>192</sup> New arrivals did not spend much time in the transit zones as they were transported by bus to the Austrian border almost immediately after arrival.<sup>193</sup> UNHCR Hungary and civil society organisations continuously ensured and monitored that staff members of Hungarian authorities working in the transit

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*szabálysértési nyilvántartási rendszerről*), available at:

[http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=A1200002.TV](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1200002.TV).

<sup>187</sup> General Attorney's Office.

<sup>188</sup> Office of Immigration and Nationality; National Police Headquarters; General Attorney's Office; Helsinki Committee.

<sup>189</sup> Helsinki Committee; United Nations High Commissioner for Refugees (UNHCR) Hungary.

<sup>190</sup> Office of Immigration and Nationality.

<sup>191</sup> United Nations High Commissioner for Refugees (UNHCR) Hungary; Hungarian Association for Migrants.

<sup>192</sup> United Nations High Commissioner for Refugees (UNHCR) Hungary.

<sup>193</sup> National Police Headquarters; Press Department.

zones treated migrants humanely and their attitude was professional and correct.<sup>194</sup>

Civil society organisations and authorities found that in the reporting period – especially before closing the Croatian borderline – more children arrived in Hungary than in the past few weeks.<sup>195</sup> Stakeholders experienced more families with four to six children among the new arrivals than ever before.<sup>196</sup> Around 8,600 unaccompanied migrant children have crossed the border since January 2015. This is almost ten times more than in the past few years. In 2015, only 21 children got refugee status or protected status in Hungary, the others left for Western Europe.<sup>197</sup>

## Child protection

Identification of unaccompanied children arriving in Hungary without identity documents remains a challenge. Authorities transfer them to special institutions in Fót and Hódmezővásárhely.<sup>198</sup> The István Károlyi Children Centre in Fót (*Károlyi István Gyermekközpont Fót*)<sup>199</sup> accommodated 23 unaccompanied children and the Saint Agota Children Home of Hódmezővásárhely (*Szent Ágota Gyermekotthon Hódmezővásárhely*)<sup>200</sup> housed ten unaccompanied migrant children on 18 October 2015.<sup>201</sup> This is well below the total capacity of these institutions (70 beds in Fót and 18 beds in Hódmezővásárhely). Most unaccompanied children are 15-18 years old. They leave for Western Europe after spending an average of six-eight days in these institutions.<sup>202</sup>

## Healthcare

Hospitals close to the Croatian borders had around 40-50 migrant patients a day until the closure of the Croatian border. At least one medical doctor was on duty at the border crossing points close to Beremend and Zákány to provide on-site assistance. In all four transit zones on the Croatian and Serbian borderlines, a medical doctor is present to assist those in need. Civil society organisations, however found that medical doctors were not always available on site, and in some cases civil society organisations had to provide basic medical assistance to new arrivals.<sup>203</sup> The number of people requesting on-site medical assistance was not significant in the reporting period as continuing the journey to Western Europe seems more important to them than getting healthcare.<sup>204</sup>

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<sup>194</sup> United Nations High Commissioner for Refugees (UNHCR) Hungary; Migration Aid.

<sup>195</sup> Ministry of Human Capacities; Migration Aid.

<sup>196</sup> Migration Aid.

<sup>197</sup> Ministry of Human Capacities.

<sup>198</sup> National Police Headquarters.

<sup>199</sup> Website of the István Károlyi Children Centre in Fót (*Károlyi István Gyermekközpont Fót*) is available at: [www.wp.kigyk.hu](http://www.wp.kigyk.hu).

<sup>200</sup> Website of the Saint Agota Children Home of Hódmezővásárhely (*Szent Ágota Gyermekotthon Hódmezővásárhely*), available at: <http://szentagota.hu/hu/kapcsolatok/elerhetosegek>.

<sup>201</sup> Ministry of Human Capacities.

<sup>202</sup> Ministry of Human Capacities. Press release on the situation under the title 'They do not even stay for ten days' (*Tíz napig sem maradnak*), 15 October 2015, available at: [http://index.hu/belfold/2015/10/15/tiz\\_napig\\_sem\\_maradnak/](http://index.hu/belfold/2015/10/15/tiz_napig_sem_maradnak/).

<sup>203</sup> United Nations High Commissioner for Refugees (UNHCR) Hungary.

<sup>204</sup> Migration Aid. National Police Headquarters.

## Social response to the situation – including rallies, voluntary work (such as humanitarian assistance, private persons hosting asylum seekers) and similar actions

### Voluntary initiatives

In the reporting period, humanitarian assistance continues to be most significant in the areas close to the Croatian border (Beremend and Zákány) and to the Austrian border (Hegyeshalom). Until 17 October 2015, the Croatian authorities used to bring new arrivals to Beremend and Zákány handing them over to the Hungarian authorities. After the physical closure of the Croatian borderline, the two transit zones are in Letenye and Beremend. In these zones, the Hungarian Association for Migrants (*Menedék Migránsokat Segítő Egyesület*), UNHCR and volunteers were helping new arrivals on a daily basis providing them with warm clothes, food and blankets.<sup>205</sup> On 16-17 October 2015, the Hungarian Association for Migrants was also present in Opatovac (Croatia) to assist migrants on the Croatian side.<sup>206</sup>

Migration Aid volunteers (a group of volunteers organised on Facebook in June 2015 to help migrants) were helping refugees in two sites: Zákány (Croatian border) and Hegyeshalom (Austrian border). They posted a donation list on their Facebook site every day listing the most useful items for migrants (mainly food and clothing items). On 17 October 2015, after Hungary closed the Croatian border, Migration Aid posted on Facebook that they were no longer in need of food and clothing items. Their donation storage sites were closed on 18 October 2015 for the first time after many weeks of continuous service.<sup>207</sup>

It seems that civil society organisations diverted their support to the refugee camps as fewer arrivals are expected in the transit zones at the Serbian and Croatian borders after their sealing of the entire Croatian and Serbian borderline. As an example, on 12 October 2015, a multicultural party was organised for migrants staying in the -soon to be closed- refugee camp in Debrecen.<sup>208</sup> This refugee camp is expected to close down by the end of November as the Government believes the camp is too far from the borders and it is not reasonable to keep it open, since it is near the city centre of Debrecen.<sup>209</sup> Migration Aid and the Help the Refugees Together (*Segítsünk együtt a menekülteknek*) Facebook group launched a new donation campaign to supply migrants in immigration detention with sanitary products and clothing items.<sup>210</sup>

Under the scope of the Science4Refugees EU supported project,<sup>211</sup> the Central European University (CEU) (*Közép-Európai Egyetem*) in Budapest announced two

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<sup>205</sup> Hungarian Association for Migrants.

<sup>206</sup> Hungarian Association for Migrants.

<sup>207</sup> Migration Aid Facebook page, available at: [www.facebook.com/migrationaidhungary](http://www.facebook.com/migrationaidhungary).

<sup>208</sup> Hungarian Association for Migrants; Migration Aid.

<sup>209</sup> Dehir, 'The Debrecen refugee camp will be closed by the end of November' (*November végéig bezárják a debreceni menekülttábort*), 3 October 2015, available at: [www.dehir.hu/debrecen/november-vegeig-bezarjak-a-debreceni-menkulttabort/2015/10/02/](http://www.dehir.hu/debrecen/november-vegeig-bezarjak-a-debreceni-menkulttabort/2015/10/02/).

<sup>210</sup> Migration Aid.

<sup>211</sup> More information about the Science4Refugees program is available at: <http://ec.europa.eu/research/index.cfm?pg=newsalert&year=2015&na=na-051015>.

job opportunities for migrant scientists and professors who have been granted refugee status. CEU urges other Hungarian universities to join the programme.<sup>212</sup>

### **Racist incidents, including hate crimes**

In the reporting period, there were no racist or related incidents against migrants from either staff of authorities or citizens. The number of racist comments seemed to decrease on Facebook. This could possibly be related to the decision of the Government to close the borders with Croatia.<sup>213</sup>

### **Legal and policy responses, including any changes to the law**

By Decree of the Minister of Internal Affairs No. 55/2015. (X.16.) ordering partial border closure (*55/2015. (X. 16.) BM rendelet részleges határzár elrendeléséről*), three rail crossing points (Murakeresztúr, Gyékényes, Magyarbóly) were closed at the Hungarian borders with Croatia. Trains arriving from Croatia may occasionally enter at Gyékényes. The closure of the rail crossing points takes effect during 30 days.<sup>214</sup>

Decree of the Minister of Internal Affairs No. 56/2015. (X. 17.) on ordering partial border closure again (*56/2015. (X. 17.) BM rendelet részleges határzár ismételt elrendeléséről*) extended the existing closure of the Röszke-Horgos border crossing at the Serbian-Hungarian border for a period of 30 additional days.<sup>215</sup>

Decree of the Minister of Human Capacities no. 46/2015. (X. 12.) on amending Decree No. 15/1998 (IV. 30.) on the competences and duties of child protection institutions (*46/2015. (X. 12.) EMMI rendelet a személyes gondoskodást nyújtó gyermekjóléti, gyermekvédelmi intézmények, valamint személyek szakmai feladatairól és működésük feltételeiről szóló 15/1998. (IV. 30.) NM rendelet módosításáról*) provides detailed rules for institutions exclusively hosting unaccompanied migrant children and the services they must provide (accommodation, catering, communication, education, cultural services, etc.).<sup>216</sup>

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<sup>212</sup> Héti Világgazdaság (news magazine), 'CEU announced jobs for migrants' (*Menekülteknek hirdetett meg állásokat a CEU*), available at: [http://hvg.hu/itthon/20151012\\_Menekulteknek\\_hirdetett\\_meg\\_allasokat\\_a\\_C#rss](http://hvg.hu/itthon/20151012_Menekulteknek_hirdetett_meg_allasokat_a_C#rss).

<sup>213</sup> Information is based on expert's personal observation between the period of 12 October and 18 October 2015.

<sup>214</sup> Decree of the Minister of Internal Affairs no. 55/2015. (X.16.) on ordering partial border closure (*részleges határzár elrendeléséről*), available at: [http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=A1500055.BM](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1500055.BM).

<sup>215</sup> Decree of the Minister of Internal Affairs no. 56/2015. (X. 17.) on ordering partial border closure again (*részleges határzár ismételt elrendeléséről*), available at: [http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=A1500056.BM](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1500056.BM).

<sup>216</sup> Decree of the Minister of Human Capacities no. 46/2015. (X. 12.) on amending Decree no. 15/1998. (IV. 30.) on the competences and duties of child protection institutions and persons (*46/2015. (X. 12.) EMMI rendelet a személyes gondoskodást nyújtó gyermekjóléti, gyermekvédelmi intézmények, valamint személyek szakmai feladatairól és működésük feltételeiről szóló 15/1998. (IV. 30.) NM rendelet módosításáról*), available at: <http://magyarkozlony.hu/dokumentumok/ec344f147cb74c52b02f830c8c13b9167b4ab488/megtakintes>.

# Italy

## Stakeholders contacted

Interviews were carried out mainly via phone and email in the week of 12 to 16 October 2015. They involved the following stakeholders:

- Ministry of the Interior, Public Security Department, Directorate General for Immigration and Border Police (Ministero dell'Interno, Dipartimento della Pubblica Sicurezza, Direzione centrale dell'Immigrazione e della Polizia delle Frontiere);
- Coast Guard (Guardia Costiera), Patrol Unit;
- NGO 'Medici Senza Frontiere Italia' (MSF Italia);
- Save the Children Italia Onlus;
- NGO Askavusa<sup>217</sup> (NGO based in Lampedusa);
- Association for Legal Studies on Immigration (Associazione Studi Giuridici Immigrazione)
- Migration Policy Unit of the Piedmont Region (Assessore alle Politiche giovanili, Diritto allo studio universitario, Cooperazione decentrata internazionale, Pari opportunità, Diritti civili, Immigrazione).

## Overview of the situation in terms of size and patterns of new arrivals

### Numbers and patterns of new arrivals

From 12 to 18 October, more than 1000 people arrived in Italy.<sup>218</sup> According to media and NGO sources, the number of people rescued is around 1400.

On 15 October 2015, the Irish military ship 'Samuel Beckett' – coordinated by the Italian Maritime Rescue Coordination Centre – rescued 102 people, including two children, at around 50 km north-west of Tripoli.<sup>219</sup> The following day, the ship disembarked them in Catania (Italy). According to unofficial sources, there were nine children.<sup>220</sup>

On 17 October 2015, the Italian Navy's ship 'Cigala Fulgosi' carried out four search and rescue operations: the first rescued 105 people (including 16 women and three children); the second 117 people (four women and eight children); the third 108 people; and the fourth 111.<sup>221</sup> On the same day, the Italian Navy's ship 'Fasan' rescued 121 people (including 49 women and one child).<sup>222</sup>

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<sup>217</sup> The NGO was set up in Lampedusa as a response to the refugee crisis. More information on the work and activities of the NGO available at <https://askavusa.wordpress.com/>.

<sup>218</sup> Ministry of Interior, Immigration and Civil Liberties Department.

<sup>219</sup> Information available on the Twitter account of the Irish Navy and at: [www.irishtimes.com/news/social-affairs/irish-naval-ship-lé-samuel-beckett-rescues-100-off-libya-1.2392904](http://www.irishtimes.com/news/social-affairs/irish-naval-ship-lé-samuel-beckett-rescues-100-off-libya-1.2392904).

<sup>220</sup> Giornale di Sicilia, *Altro sbarco a Catania, arrivano 102 profughi*, 17 October 2015, available at: [http://catania.gds.it/2015/10/17/altro-sbarco-a-catania-arrivano-102-profughi\\_423581/](http://catania.gds.it/2015/10/17/altro-sbarco-a-catania-arrivano-102-profughi_423581/).

<sup>221</sup> Information available on the Twitter account of the Italian Navy (@ItalianNavy).

<sup>222</sup> Information available on the Twitter account of the Italian Navy (@ItalianNavy).



On 18 October 2015, several rescue operations were carried out. The Italian Navy's ship 'Bersagliere' rescued 118 people, and found eight corpses (seven women and one man).<sup>223</sup> The Italian Coast Guard's ships 'Dattilo' and 'Fiorillo' rescued 100 and 278 people, respectively.<sup>224</sup> The ship 'Dignity I' of the NGO 'Medici Senza Frontiere' (MSF) rescued 242 people, including six pregnant women. A child was born on board of the ship. The people rescued were then transferred onto a boat of the Spanish Military Police (*Guardia Civil*), and disembarked in Italy.<sup>225</sup>

### **Criminal proceedings against those crossing the borders**

There are no criminal proceedings against people who crossed the sea borders. The Italian authorities are still focusing their attention on catching smugglers. On 12 October 2015, the police arrested seven suspected people smugglers who had disembarked in Catania two days before, carrying on board of their ship 134 people coming from sub-Saharan countries. Two more suspected smugglers were arrested on the same day in Siracusa (Sicily): they are accused of having smuggled 237 people who arrived in Augusta (Sicily) on 11 October 2015.<sup>226</sup>

### **Asylum applications**

In the reporting period, some 2,570 people applied for asylum.

### **Returns**

On 16 October 2015, the NGO Doctors without Borders (*Medici Senza Frontiere Italia*) asked the Ministry of the Interior for clarifications about the increasing number of expulsion orders issued against people hosted in the first-aid and reception centre in Pozzallo (Sicily). MSF stated that since 24 September 2015 they had been witnessing more than 100 cases persons in return procedures involving also women, two children, and people that needed medical attention.<sup>227</sup> Since 26 September 2015, one lawyer of the Association for Legal Studies on Immigration (*Associazione per gli Studi Giuridici sull'Immigrazione*, ASGI) has registered more than 100 cases of new arrivals, who have been notified with an expulsion order without being given the possibility to apply for international protection in the first-aid and reception centre in Pozzallo. Police authorities, in fact, seem not to comply with the specific procedure for international protection – which should carefully consider each applicant's individual situation and history. Instead, they use generic forms, asking new arrivals the reason why they came to Italy, along with the ordinary identification and fingerprinting procedure. If the answer given is 'work', new arrivals are automatically notified an expulsion order

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<sup>223</sup> Information available on the Twitter account of the Italian Navy (@ItalianNavy) and at: [http://palermo.repubblica.it/cronaca/2015/10/19/news/sette\\_donne\\_e\\_un\\_uomo\\_morti\\_su\\_un\\_gommone\\_carico\\_di\\_migranti-125403432/?ref=search](http://palermo.repubblica.it/cronaca/2015/10/19/news/sette_donne_e_un_uomo_morti_su_un_gommone_carico_di_migranti-125403432/?ref=search).

<sup>224</sup> Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera).

<sup>225</sup> Information available on the Twitter account of MSF (@MSF\_Sea).

<sup>226</sup> Repubblica, *Sbarchi a Catania e Augusta, fermata nove scafisti*, 12 October 2015, available at: [http://palermo.repubblica.it/cronaca/2015/10/12/news/sbarchi\\_a\\_catania\\_e\\_augusta\\_fermati\\_nove\\_scafisti-124890882/?ref=search](http://palermo.repubblica.it/cronaca/2015/10/12/news/sbarchi_a_catania_e_augusta_fermati_nove_scafisti-124890882/?ref=search).

<sup>227</sup> Information available at: <http://www.medicisenzafrentiere.it/notizie/comunicato-stampa/espulsioni-pozzallo-msf-aspetta-un-chiarimento-dalle-autorit -competenti>. MSF confirmed the information.

without even being informed of the possibility to apply for international protection. This procedure is applied to all new arrivals, except for those coming from Syria and Eritrea.<sup>228</sup> This practice caused several protests among the asylum seekers and migrants living in reception centres in Sicily (mainly in Lampedusa).<sup>229</sup>

## Fundamental rights issue concerning initial registration and fingerprinting for Eurodac

Nothing new to report.

## Challenges and developments concerning reception conditions of new arrivals, also in relation to provision of healthcare

The association 'Borderline Sicilia' has pointed out the unsatisfactory reception conditions for unaccompanied children arrived in Messina (Sicily) on 29 September and 9 October. This situation concerns 58 children aged 14–17, currently accommodated in a local gym. This facility does not provide basic hygiene standards and appropriate living conditions: children have to share beds and two toilets and four bathrooms in total. They are not offered any medical and psychological assistance, or linguistic mediation services (most children come from Egypt, and there are no social workers who can speak Arabic), nor have they been given the possibility to contact their families to inform them of their arrival in Italy. Furthermore, they have not been identified, and the legal safeguard procedure has not been started yet. Younger children as well – less than 10 years old – were living in the same place, but they have then been transferred to more suitable locations, albeit only a few days after their arrival. Moreover, two children are currently missing after they escaped from the reception centre, and have not yet been tracked down.<sup>230</sup>

In Sardinia, migrants protested against the bad reception conditions they were experiencing in the reception centre Sulcis in Terrubia (Cagliari). On 15 October 2015, 38 people (out of 130) left the centre complaining about the bad quality of the meals. They started walking down the road to Cagliari asking for better reception conditions and to leave Sardinia to reach their relatives in other EU Member States. The demonstration ended in a sit-in.<sup>231</sup>

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<sup>228</sup> Redattore Sociale, *Migranti, nei future hotspot già emessi centinaia di respingimenti "differiti"*, 14 October 2015, available at: [www.redattoresociale.it/Notiziario/Articolo/492423/Migranti- nei-futuri-hotspot-gia-emessi-centinaia-di-respingimenti-differiti](http://www.redattoresociale.it/Notiziario/Articolo/492423/Migranti- nei-futuri-hotspot-gia-emessi-centinaia-di-respingimenti-differiti), Siciliamigranti, *Storie di migrant da Lampedusa al foglio di via*, 17 October 2015, available at: <http://siciliamigranti.blogspot.it/2015/10/storie-di-migranti-da-lampedusa-al.html>, Avvenire, 17 October 2015, available at: <http://mobile.avvenire.it/Cronaca/Pagine/Ora-Italia-respinge-hotspot-gi-nel-mirino-.aspx>.

<sup>229</sup> Askavusa.

<sup>230</sup> Siciliamigranti, *Messina. Scandalose condizioni di accoglienza di minori non accompagnati*, 13 October 2015, available at: <http://siciliamigranti.blogspot.it/2015/10/messina-scandalose-condizioni-di.html>.

<sup>231</sup> L'Unione Sarda, *Migranti in fuga dal Sulcis*, 15 October 2015, available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=TO24034.TIF&subcod=20151015&numPag=1&>, La Nuova Sardegna, *Migranti, scoppia la rivolta bloccata la strada per Nuxis*, 15 October 2015, available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIF4333.TIF&subcod=20151015&numPag=1&>.

## Social response to the situation – including rallies, voluntary work (such as humanitarian assistance, private persons hosting asylum seekers) and similar actions

As reception centres cannot provide shelter for all asylum seekers due to limited capacity, the Region of Piedmont, in cooperation with local religious communities, is planning to set up a reception system at the regional level. The system will involve families that expressed willingness to host asylum seekers.<sup>232</sup>

The racist party 'New Force' (*Forza Nuova*, FN) organised a demonstration in Bologna against immigrants and asylum seekers, criticising the use of public funds to take care of them. The protestors reached the former Identification and Expulsion Centre of Bologna.<sup>233</sup>

## Legal and policy responses, including any changes to the law

The first implementation period of the Legislative Decree of 18 August 2015<sup>234</sup> - transposing the Reception Directive and the Asylum procedure Directive, shows inconsistencies and differences across Italy with respect to the application of the new rules on travel documents for refugees and stateless persons. For example: the Police Headquarters (*Questura*) of Brescia requires the consent from the other parent in cases where a request for travel documents concerning a child is made by one parent. If the spouse is in the country of origin, the consent has to be given at the Italian Embassy in the country. In Turin, the Police Headquarter has suspended the issuance of the travel document, waiting for clarifications by the Ministry of Interior.<sup>235</sup>

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<sup>232</sup> Redattore Sociale, *Rifugiati, in Piemonte 300 famiglie pronte ad accoglierli in casa*, 17 October 2015, available at: [www.redattoresociale.it/Notiziario/Articolo/492702/Rifugiati-in-Piemonte-300-famiglie-pronte-ad-accoglierli-in-casa](http://www.redattoresociale.it/Notiziario/Articolo/492702/Rifugiati-in-Piemonte-300-famiglie-pronte-ad-accoglierli-in-casa). The information has been confirmed by Migration Policy Unit of the Piedmont Region (*Assessore alle Politiche giovanili, Diritto allo studio universitario, Cooperazione decentrata internazionale, Pari opportunità, Diritti civili, Immigrazione*).

<sup>233</sup> Repubblica, *"Basta immigrati" la Marcia in camicia Bianca di Forza Nuova*, 18 October 2015, available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIW1218.TIF&subcod=20151019&numPag=2&>.

<sup>234</sup> Legislative Decree 18 August 2015, no. 142, 18 August 2015, available at: [www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2015-08-18:142](http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2015-08-18:142).

<sup>235</sup> E-mail exchange among Association for Legal Studies on Immigration (*Associazione per gli Studi Giuridici sull'Immigrazione*). Lawyers in the mailing list.

# Slovenia

## Stakeholders contacted

Interviews took place via phone and email during the reporting period:

- Administration of the Republic of Slovenia for Civil Protection and Disaster Relief (*Uprava Republike Slovenije za zaščito in reševanje, URSZR*);
- Centre for foreigners in Postojna (*Center za tujce Postojna*);
- The Office of the State Prosecutor General of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*);
- Caritas Slovenia (*Slovenska Karitas*);
- ADRA Slovenia (*ADRA Slovenija*), a humanitarian organisation established by the Seventh-day Adventist Church (*Krščanska adventistična cerkev*);
- Slovenian Philanthropy (*Slovenska Filantropija*);
- Amnesty International Slovenia (*Amnesty International Slovenije*);
- Human rights division of the Legal Information Centre of NGOs (*Pravnoinformacijski center nevladnih organizacij, PIC*) - the UNCHR implementation partner in Slovenia;
- Advocacy division at SLOGA, a platform for non-profit NGOs;
- Hotline for reporting hate speech and child sexual abuse images on the internet "Web eye" (*Spletno oko*);
- News portal MMC RTVSLO (National radio television web portal) (*MMC RTVSLO*).

## Overview of the situation in terms of size and patterns of new arrivals

### Numbers and patterns of new arrivals

No information was published or provided by the police concerning the period of 12 to 15 October 2015.

On 16 October, after Hungary closed its borders, the wave of arrivals was directed through Slovenia. During the reporting period, 2680 people crossed the border into Slovenia, including some 700 children (seven of whom unaccompanied). All were registered by the police. They mainly came from Syria, Afghanistan, Iraq and Pakistan.<sup>236</sup> The situation changed drastically in the early morning of 19 October when the number of arrivals increased to 8000 per day, according to press releases of the Ministry of Interior.

Three men from Iraq, Nigeria and Albania respectively sought asylum between 10 to 17 October.<sup>237</sup>

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<sup>236</sup> The Police, Ministry of Interior.

<sup>237</sup> The Police, Ministry of Interior.

On 18 October, the Ministry of Interior claimed in a press release that Austria would not be able to accept more than 1500, which however turned out to have been a misunderstanding. Austria has been accepting higher numbers of persons. During the reporting period, one man of unknown citizenship was detained for irregular border crossing<sup>238</sup> in the Centre for foreigners in Postojna (*Center za tujce Postojna*).<sup>239</sup>

## Fundamental rights issue concerning initial registration and fingerprinting for Eurodac

Nothing new to report.

## Challenges and developments concerning reception conditions of new arrivals, also in relation to provision of healthcare

During the reporting period the situation was under control.

From 12 to 16 October, preparations for the expected arrival of people took place. Activities were carried out to assure the provision of necessary material resources for the accommodation and care of people that were to arrive in accommodation and reception centres.<sup>240</sup>

On Saturday, 17 October, the reception and accommodation centres along the border with Croatia (Obrežje, Gruškovje, Središče ob Dravi, Petišovci, Dolga vas) and those by the border with Austria (Šentilj and Gornja Radgona) were activated and prepared for the arrival of people that began entering Slovenia at 8:30 am. Representatives of UNCHR and UNICEF were present at Šentilj location.<sup>241</sup>

On Sunday, 18 October, the reception and accommodation centres Obrežje, Gruškovje, Središče ob Dravi, Petišovci, Dolga vas, Šentilj and Gornja Radgona were receiving people throughout the day. On Sunday evening the full capacity of Accommodation and Reception centres was 7,959 people with 792 spaces occupied. There were 400 people in Šentilj accommodation centre (the centre/tent can hold up to 2000 people) and 392 in Gornja Radgona-Sejmišče (the centre can hold up to 836 people). UNCHR representatives were present at all centres.<sup>242</sup>

As stated by the Operations Sector of the *URSZR* (Administration of the Republic of Slovenia for Civil Protection and Disaster Relief), the situation in reception and accommodation centres was normal. Rain is an issue, but efforts are underway to provide enough raincoats and to keep people in dry areas. Since 17 October, the centres are heated, however, as some tents are big it will take some time before

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<sup>238</sup> Legal basis for detention: Article 76 of the Aliens Act (*Zakon o tujcih*), 27 June 2011, available at: [www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761](http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761).

<sup>239</sup> Centre for foreigners in Postojna.

<sup>240</sup> The Administration of the Republic of Slovenia for Civil Protection and Disaster Relief, *Daily reports on protection, rescue and help activities*, 12 October 2015; 13 October 2015; 14 October 2015; 15 October 2015 and 16 October 2015.

<sup>241</sup> The Administration of the Republic of Slovenia for Civil Protection and Disaster Relief, *Daily reports on protection, rescue and help activities*, 17 October 2015.

<sup>242</sup> The Administration of the Republic of Slovenia for Civil Protection and Disaster Relief, *Daily reports on protection, rescue and help activities*, 18 October 2015.

the temperature gets comfortably warm. It is expected that this will happen at the latest on Wednesday, 21 October.<sup>243</sup>

The procedure over the weekend (17 and 18 October) was more or less the following: people arriving from Croatia, in order not to wait in the cold (and sometimes rain), were told to stay in the buses while groups of 5-10 were taken to the registration centres for the identification and registration procedure. Interpreters, Red Cross Slovenia (offering first aid assistance), the NGO ADRA and UNCHR representatives were present there. The police are making efforts to speed up the procedures and for people not to wait in the cold.<sup>244</sup> NGOs commend the authorities for "making the system humane."<sup>245</sup> ADRA did not prepare packages in advance, but rather invited people to choose for themselves the material supplies they needed.<sup>246</sup> UNCHR representatives were there to inform people about the procedures that are taking place and to monitor whether human rights were respected.<sup>247</sup> After registration, people were taken to accommodation centres by buses to rest and to continue their journey to Austria – mostly with organised buses, some opted to go by foot.<sup>248</sup>

NGOs report that in comparison to the first wave of arrivals (from 17 to 21 September), procedures were running much more smoothly. There are no major issues to be reported.<sup>249</sup>

## Social response to the situation – including rallies, voluntary work (e.g. humanitarian assistance, private persons hosting asylum seekers, etc.) and similar actions

### NGO humanitarian activities

On Monday, 12 October, a coordination meeting took place between the following humanitarian organisations: ADRA Slovenia, Red Cross Slovenia (*Rdeči Križ Slovenije*), Krog (*Zavod Krog*), Up, UNICEF Slovenia, Caritas Slovenia (*Slovenska Karitas*) and Slovenian Philanthropy (*Slovenska filantropija*). These organisations strive to work together and divide tasks amongst themselves in order to be as effective as possible.<sup>250</sup>

On the same day, 12 October, a representative from SLOGA (a platform for non-profit NGOs) met with representatives from the police (*policija*) in order to ensure cooperation between NGOs and the police. NGOs want the police to know "they are there to help".<sup>251</sup>

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<sup>243</sup> Operations Sector of the Administration of the Republic of Slovenia for Civil Protection and Disaster Relief.

<sup>244</sup> Adra Slovenia.

<sup>245</sup> Adra Slovenia; Amnesty International Slovenia.

<sup>246</sup> Adra Slovenia.

<sup>247</sup> Human rights division of the Legal Information Centre of NGOs.

<sup>248</sup> Amnesty International Slovenia.

<sup>249</sup> Opinion provided by the following NGOs: Caritas Slovenia; Amnesty International Slovenia; Adra Slovenia and the Human rights division of the Legal Information Centre of NGOs.

<sup>250</sup> Advocacy division at SLOGA.

<sup>251</sup> Advocacy division at SLOGA.

A number of humanitarian organisations (the main ones being: Red Cross Slovenia (*Rdeči križ Slovenije*),<sup>252</sup> Caritas Slovenia (*Slovenska Karitas*),<sup>253</sup> ADRA Slovenia,<sup>254</sup> Odnos Society (*Društvo Odnos*),<sup>255</sup> Krog (*Zavod Krog*)<sup>256</sup> continued collecting humanitarian aid in the form of financial transactions as well as food, sanitary products, tents, raincoats, etc.

No rallies took place during the reporting period.

### Response to hate speech online

From 12 to 16 October, the National radio television web portal MMC RTVSLO<sup>257</sup> enabled online comments to all news articles, which had previously been limited to only one news article related to migrants per day due to an increase of anonymous defamatory comments or "inappropriate speech". On Saturday, October 17, following a large influx of arrivals, online commenting was again limited to only one article per day.<sup>258</sup>

The central Slovenian hotline for reporting hate speech incidents on the internet "Web eye" (*Spletno oko*) has analysed reports from the second reporting period (week 41), but not yet reports from this reporting period (week 42). From 5 to 11 October, they detected a decrease of reported hate speech incidents: 7 hate speech incidents were reported, while the average rate of reported hate speech incidents was 26 per week in 2014. The seriousness of reports was low, none were referred to the police.<sup>259</sup>

### Legal and policy responses, including any changes to the law

Nothing new to report.

### Incidents affecting persons in need of international protection as well as irregular migrants

The Office of the State Prosecutor General received a criminal complaint on 13 October for the crime of public incitement of hatred, violence and intolerance (Article 297 of the Criminal Code (*Kazenski zakonik, KZ-1*)).<sup>260</sup> According to the responsible prosecutor, the incident relates to commenting on RTVSLO coverage on the refugee crisis on Facebook.

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<sup>252</sup> Red Cross Slovenia, *Vseslovenska humanitarna akcija "RKS-Pomoč beguncem"*, available at: [www.rks.si/sl/Zbiramo\\_pomoc/](http://www.rks.si/sl/Zbiramo_pomoc/).

<sup>253</sup> Caritas Slovenia, *Karitas začenja z zbiranjem pomoči za migrante in begunce*, 25 August 2015, available at: [www.karitas.si/karitas-zacenja-z-zbiranjem-denarne-pomoci-za-migrante-in-begunce/](http://www.karitas.si/karitas-zacenja-z-zbiranjem-denarne-pomoci-za-migrante-in-begunce/).

<sup>254</sup> Adra Slovenia, 7 September 2015, available at: [www.adra.si/zbiranje-pomoci-za-begunce/](http://www.adra.si/zbiranje-pomoci-za-begunce/).

<sup>255</sup> ODNOS, available at: [http://odnos.si/kako\\_nam\\_lahko\\_pomagate/](http://odnos.si/kako_nam_lahko_pomagate/).

<sup>256</sup> Zavod Krog, available at: [www.zavod-krog.si/#!doniraj/cx8g](http://www.zavod-krog.si/#!doniraj/cx8g).

<sup>257</sup> News portal MMC RTVSLO (National radio television web portal). [www.rtvlo.si](http://www.rtvlo.si)

<sup>258</sup> News portal MMC RTVSLO.

<sup>259</sup> Hotline for reporting hate speech and child sexual abuse images on the internet "Web eye".

<sup>260</sup> Police, Ministry of Interior.