

Monthly data collection on the migration situation in the EU

July 2017 monthly report

1–30 June 2017

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Highlights

New arrivals

External land and sea borders

Arrivals in Italy [remained high](#), reaching some 22,470 persons in June. In the first half of the year, over 83,750 persons disembarked in nearly 800 operations, marking an 18.7 % increase compared with the same period in 2016. This includes some 9,760 unaccompanied children who arrived between 1 January and 27 June. Relocations from Italy in May [reached over 1,000 persons](#), the highest number so far.

After a sharp increase in arrivals at the end of June, the Italian government [announced](#) that the country may consider closing its ports to ships engaged in search and rescue operations, as it cannot guarantee accommodation for new arrivals.

In June, some 2,010 persons arrived in Greece by sea, [according to the United Nations High Commissioner for Refugees \(UNHCR\)](#), bringing the daily average to about 70 persons. About the same number have been relocated from Greece to other Member States during this period. The majority of relocations were conducted by Germany (about 510 people), Sweden (about 430 people) and France (about 380 people).

[Greek non-governmental organisations \(NGOs\)](#), [UNHCR](#) and the [Council of Europe Commissioner for Human Rights](#) expressed deep concerns over alleged pushbacks at the Greek–Turkish land border. In one such incident, a group of nine persons including four children was supposed to have been sent back to Turkey after having crossed the border river, without the opportunity to ask for asylum. In another case, a recognised Syrian refugee [reported](#) that his family including four small children was arrested after having entered Greece, and taken back to Turkey with a large group of other Syrians.

The Greek Ombudsman [ordered an investigation](#) of allegations that Greek authorities had forcibly returned Turkish citizens to Turkey, after they had reportedly asked for international protection.

Small boats with migrants continued [arriving](#) in Spain. In just one day, 24 June, 250 people travelling in seven boats were rescued.

In Bulgaria, some 160 persons were apprehended at the borders and within the territory of the country, significantly fewer than in the previous month. Nearly 130 persons, whose fingerprints had already been registered, were apprehended trying to leave Bulgaria, mostly at the border with Serbia.

Overall, the number of irregular migrants arriving in Slovakia in June was 200 persons, the majority being Ukrainian nationals.

The extended border control policy adopted in Hungary in March was applied to some 760 persons in June, compared to about 320 persons in May. Under this policy, irregular migrants apprehended anywhere in Hungarian territory may not register an application for international protection, but are escorted to transit zones at the Serbian border to await further procedures. This can lead to the

'return' to Serbia of persons who originally arrived through Romania or Ukraine. In addition, Hungarian police and the army intercepted about 1,020 persons attempting to cross the border in an irregular manner, most frequently through the fence at the Hungarian–Serbian border. This is significantly more than the 280 persons intercepted in May.

Internal borders and airports

Some 2,040 new arrivals entered Austria in June, according to the Federal Ministry of the Interior. They were mainly from Nigeria (about 250), Afghanistan (about 210), Pakistan and Syria (about 160 each) and Iraq (about 110).

In June, some 470 persons [applied for asylum in Finland](#). Around 50 were children arriving with families, some 20 were unaccompanied children and 140 were women. The main countries of origin were Syria (120), Iraq (some 90), Eritrea (some 60) and Afghanistan (some 40).

The German Government prolonged its [border controls](#) at the border with Austria for another six months in May 2017.

In France, it was estimated that between 480 and 600 migrants arrived in June, mainly from Sudan, Chad, Eritrea and Afghanistan, and via the French–Italian border, according to the Roya Citoyenne organization, confirmed by Gisti.

The Human Rights League reported the case of Syrian refugees found in a van in Slovakia, two of whom were handed over by the Slovak police to the Hungarian police and subsequently returned by Hungary to the outer side of its border fence with Serbia.

An [estimated](#) 300 migrants entered Denmark between 29 May and 2 July 2017.

Initial registration and asylum processing

At the border

Based on research conducted in 2016, the Jesuit Service for Migrants [concluded](#) that immigration detention centres in Spain are overused, given that only 29 % of those detained are eventually returned.

Initial interviews by the Hungarian authorities with newly arrived asylum seekers in the transit zones last 4–6 hours, according to civil society organisations. The authorities provide no food or water during that time, and the interviews include humiliating and inappropriate questions on whether or not, for example, a person was willing to change their religion if necessary. Continuing previous practice, the transit zones admitted at most 50 people per week in June to seek international protection. The accommodation capacity of the transit zones has increased to 700 persons.

Asylum

The Greek Asylum Service registered some 4,200 new applications for international protection in June. Compared with the previous month, Syria (about 1,020 applications) has replaced Pakistan (about 700 applications) as the most frequent country of origin. Some 880 of these applications were recorded in Lesvos and 680 in Chios.

Police in Milan required asylum applicants to state the reason for their presence in the country when registering their asylum claims, Italian NGOs [reported](#). Those indicating 'work' as the reason were prevented by the police from registering their application, although the police are not responsible for assessing the reasons for applying for international protection.

Asylum applications in Austria have remained constant at around 2,000 claims per month. The main third countries of origin during the first five months of 2017 were Syria, Afghanistan and Nigeria. Some [770](#) applied for asylum in the first five months of 2017, most of them from Afghanistan.

Germany [received](#) some 16,640 asylum applications in May, an increase of 12.1 % compared with the number in April. The most common nationalities were Afghan, Syrian and Iraqi.

An [internal investigation](#) of 2,000 asylum decisions in Germany revealed severe deficiencies in the asylum procedure. Therefore, several [human rights and welfare organisations](#) in Germany called for improvement in the non-governmental and independent support structures for applicants for asylum and refugees.

The Finnish Non-Discrimination Ombudsman [expressed concerns](#) that assessing asylum applications of lesbian, gay, bisexual, transgender and intersex (LGBTI) applicants and other vulnerable groups might not comply with international and regional human rights obligations.

The quality of asylum decisions made by the Finnish Immigration Service during 2015–2016 received criticism in a [media report](#).

The French NGO [La Cimade](#) continued to report serious procedural flaws in returning to Italy migrants who had crossed the border in an irregular manner. Children, whom Italy allegedly did not readmit, were simply sent back without any written documentation, it indicated.

In Paris, where the majority of migrants in France try to apply for asylum, the organisation Gisti [reported](#) an increasing number of informal camps next to the official "humanitarian camp". When they provided their fingerprints, officials [sometimes allegedly threatened](#) migrants with immediate return to their country of origin or transit before assessing their asylum claims.

Around [2,810 people](#) applied for asylum in the Netherlands in May 2017, slightly fewer than the [some 2,860](#) applications in April. The main countries of origin were Syria (about 1,080) and Eritrea (360). Additionally, a considerable number of stateless people arrived in the Netherlands (178). Among those asylum applicants, 123 were unaccompanied children, an increase of 28 % compared with 96 in April.

In a [report mapping the asylum procedures conducted in 2016](#), the Spanish Refugee Commission (CEAR) emphasised that the lengthy procedures exceeded the legal time limits, a large number of cases were pending and a small proportion of decisions granted refugee status in comparison with other types of international protection. The NGO called upon all parliamentary forces to work together to guarantee the right to asylum.

In the first six months of 2017, the Bulgarian State Agency for Refugees granted international protection to some 1,040 applicants. Of these, some 460 persons

obtained refugee status and some 580 persons received another (humanitarian) status. In comparison, it rejected some 2,260 applications.

A [series of media reports](#) in Bulgaria revealed illegal schemes for 'selling' registered addresses to migrants who have applied for or received international protection. For asylum seekers, registering at an external address is an alternative to being accommodated in a reception centre, and is the preferred option for those who intend to move further into Europe.

In Slovakia, 17 new asylum seekers lodged applications, including five unaccompanied children from Vietnam.

NGOs in Hungary continued to report that it was difficult to obtain international protection as many applications of persons who had arrived via Serbia, including families, were rejected on the basis of the safe third country rule.

The number of asylum applications in Poland [remained low](#) compared with last year. Between 1 January and 22 June, some 1,670 persons submitted a first-time asylum application. Tajiks and Chechens in particular faced difficulties in registering asylum applications at the border, and were refused entry to Polish territory, NGOs continued to report. In six cases, the European Court of Human Rights [asked](#) Poland not to return Chechen nationals to Belarus, and to make sure that competent national authorities examined their applications for international protection.

Sweden received some 2,350 new asylum applications, in comparison with May (1,940) and April (1,575). The monthly figure exceeding 2,000 for the first time since November 2016. In June, the applicants' main countries of origin were Syria, Iraq and Afghanistan. Some 770 applicants were children (104 unaccompanied), an increase from May (97) and April (76). The Swedish government [announced](#) a decision to extend and strengthen border controls for a maximum of six months from 12 May 2017, increasing the use of vehicle X-ray inspections and camera surveillance.

The number of newly arrived asylum seekers in Denmark remained low. Some 160 persons applied for asylum between 1 June and 25 June 2017, with Syria being the commonest country of origin. Unaccompanied children formed a relatively large proportion, about 16 % of the applicants.

In May, the Danish Refugee Appeals Board decided on four cases concerning transfers to Hungary in accordance with the Dublin Regulation. It found that there were substantial grounds for believing that there were systematic deficiencies in the asylum procedure and in the reception conditions for asylum applicants in Hungary. Consequently, the Danish Immigration Service does not currently conduct transfers to Hungary in accordance with the Dublin Regulation.

Return

Close to 420 returns took place from Greece in June, under the International Organization for Migration (IOM) Assisted Voluntary Return and Reintegration programme. In comparison, the Hellenic Police conducted more than 700 forced returns over the same period.

The European Court of Human Rights has [asked Greece to suspend the return](#) of a rejected asylum seeker, a national of Pakistan and member of the Ahmadi minority, from the island of Lesbos to Turkey under the EU–Turkey deal.

An irregular migrant in Milan, Italy, received an expulsion order after visiting a police station to report being a victim of a violent attack. This practice may discourage migrants from reporting crime for fear of deportation, [NGOs warned](#).

The security situation in Afghanistan was allegedly unstable and deteriorating. Various stakeholders criticised returns to that country and demonstrated against them in Austria, [Finland, Germany, the Netherlands](#) and [Sweden](#). In Sweden, for example, two of the political parties in the country's parliament, the Left Party (*Vänsterpartiet*) and the Liberal Party (*Liberalerna*), demanded a temporary stop to all expulsions to Afghanistan. Several children's and human rights organisations [called](#) on the Dutch Government to stop deporting vulnerable migrants to Afghanistan, including families with young children, given the unsafe situation in the country. The Secretary of State for Security and Justice [responded](#) that there was no reason to stop the deportations. The Finnish Supreme Administrative Court also held in a [ruling](#) that the prevailing conditions in Kabul did not constitute a general obstacle to internal protection.

Bulgaria returned about 440 irregular migrants between April and June, some 200 of them forcibly.

The Danish Refugee Appeals Board [confirmed](#) a decision to withdraw subsidiary protection from a Somali applicant. This was the first time this happened to a person originating from an area controlled by the militant group Al-Shabaab. In two other cases, the board overturned decisions relating to Somali families as a result of the risk of female circumcision of their underage children.

The police in Finland, according to the [media](#), increasingly started to fine undocumented migrants for illegally staying in the country, following a backlog in the return system.

Reception conditions

Immigration detention

Some 3,100 persons were in immigration detention in mainland Greece in June, most of them Pakistani nationals.

The Italian Ministry of the Interior [announced](#) the creation of a national observatory, composed of the relevant authorities, for monitoring the national reception system. Monitoring visits to reception facilities started in May 2017.

The Italian Authority for the Protection of People who are Detained or Deprived of their Personal Freedom [reported](#) on its visits to immigration detention facilities in Rome, Turin, Caltanissetta and Brindisi, describing the overall level of conditions and services as poor and unsatisfactory.

Detention remained common in France, often under poor conditions, according to NGOs, including for women and children. For example, at the French–Italian border in Menton, the border police detained migrants who were refused entry to the country before sending them back to Italy. Several organisations launched legal action against the “provisional detention zone for non-admitted persons”.

In June, the [administrative Court of Nice](#) did not establish that there had been a violation of the rights to free movement and to asylum, but ordered that migrants who had been detained for a period exceeding four hours should be transferred to waiting areas at the airport and the train station in Nice. The same organisations lodged an appeal against this decision before the Council of State, which was [rejected](#) in July.

The average length of immigration detention in Poland (for asylum seekers and irregular migrants subject to return) in the first half of 2017 was 71 days.

Safety and material conditions

The Italian Minister of the Interior [stated](#) that large reception centres in the country should be closed, as they did not foster integration. In late June, several demonstrations took place in [Palermo](#), [Mineo](#) (Sicily) and [Bari](#), with asylum seekers protesting against poor reception conditions.

Italian NGOs [reported](#) poor living conditions for migrants at an informal encampment near Ventimiglia, and the drowning of one refugee in a nearby river. The camp hosted about 250 people, including unaccompanied children and was not supported by the local authorities which ordered its dismantling.

The Greek Ombudsman issued a [special report](#) on the management of migration flows and refugee protection in the country. Its findings included a lack of central planning and coordination, overlapping jurisdictions, failure to use European funds in a timely and effective manner, shortcomings in reception and accommodation, and delays in implementing the education framework for refugee children.

Asylum seekers [protested](#) over living conditions, lack of safety and access to medical services at the renovated hosting site of Agia Eleni in Ioannina, to which they had been recently moved. The Greek solidarity movement Lathra [warned](#) about the situation at the migrant encampment at Souda beach, on the island of Chios. It pointed out serious health risks and called for the immediate transfer of migrants, including pregnant women and small children, to a more appropriate site.

The hospitality company Airbnb and SolidarityNow announced the launch of a new [electronic 'open houses' platform](#) that helps people offer, on a non-profit basis, shelter to refugees and displaced persons in Greece.

On 10 June, a strong earthquake hit the island of Lesbos, which hosts one of the Greek hotspots. No injuries among the migrants have been reported.

Internal tensions and incidents of violence among asylum seekers remained a source of concern in Finland. Reportedly, asylum seekers who had converted to Christianity were a particular target of threats. Furthermore, self-harm among asylum seekers, especially those facing negative asylum decisions, as well as sexual harassment and abuse among asylum seekers at reception centres, including targeting children, were reported.

The Finnish Immigration Service [announced](#) further reduction of accommodation capacities. The [Deputy Parliamentary Ombudsman](#) asserted that municipalities were under an obligation to ensure temporary emergency accommodation for undocumented migrants within Finland.

The number of migrants in the informal camps of Calais, France, increased slightly, to between around 350 (according to the Prefecture) and 650 (according to NGOs). Tensions in the camps between migrants and the police remained high, mainly because of improvised roadblocks set up by migrants to slow down lorries heading to the United Kingdom, which they would then climb on board. In June, one of these roadblocks caused the death of a van driver who had crashed into a lorry stopping at a roadblock. Four migrants, two adult Afghans and two Eritrean children, have been charged with manslaughter.

In Bulgaria, the municipality of Harmanli [objected](#) to a planned project to improve living conditions in the local reception facility. The project was [announced](#) by the State Agency for Refugees in April, with the aim of installing new temporary accommodation facilities, premises for schooling and leisure activities. According to the municipality, the project aims to expand the reception centre rather than improve conditions.

Healthcare and basic services

Critical living conditions in Calais in France led to the administrative Court of Lille ordering the local authorities to provide water points, sanitary facilities and meals. The Mayor of Calais, however, [refused](#) to implement the required measures, as he considered them to fall under the competence of the state and not the local authority. The Public Defender of Rights [confirmed](#) the “exceptionally serious nature of the situation” and that “the breaches of the most basic fundamental rights of the migrants that have been observed and reported indeed appear to be without precedent”. The conditions had a particular impact on children.

The National Board of Health and Welfare (*Socialstyrelsen*) in Sweden considered that the psychological health of young asylum seekers and migrants, especially unaccompanied children, was the main fundamental rights concern.

Vulnerable persons

Persons with disabilities and other groups at risk remained unidentified on the Greek islands, Human Rights Watch [stated](#). This was allegedly the result of pressure from the EU upon Greek authorities and medical aid organisations to reduce the number of asylum seekers identified as ‘vulnerable’, and to process their cases on the islands rather than transferring them to the mainland.

In France, the closure of special reception facilities for women and new-born children led to an increased risk of rape and sexual exploitation, the [Public Defender of Rights](#) pointed out. Furthermore, no care was available for women who arrived in France pregnant as a result of rape on their journey.

The Hungarian Helsinki Committee and UNHCR Hungary [reported](#) that many people accommodated in the transit zones at the Hungarian–Serbian border complained about prison-like conditions, lack of shade and air conditioning, lack of variety in food, and handcuffing and escorts when visiting a doctor, including for pregnant women. The authorities denied handcuffing pregnant women. Families with children in the transit zones [complained](#) about lack of bottled water, and limits on nappies and baby formula that did not reflect children’s needs.

Several organisations in Poland highlighted that while there was a mechanism in place, victims of torture and violence and other vulnerable groups were not recognised early enough during the procedure and did not receive appropriate support. Persons in detention were often not released even if they were subsequently identified as vulnerable. This confirms the past [findings](#) of the Polish Ombudsman, who also [reported](#) a case of a child with a gunshot wound placed in a detention centre.

Child protection

Identification

Save the Children Italia Onlus released an '[Atlas of Unaccompanied Children in Italy](#)', mapping developments since 2011: a six-fold increase in annual arrivals, a gradual increase in the proportion of children under the age of 15, and the growing number of girls among unaccompanied children.

Caritas Vienna continued to report appeals against age assessments of asylum seekers in Austria. They involved triple checks, consisting of a body check, an X-ray check and a dental check. NGOs criticised them for legal as well as medical reasons.

The [waiting time](#) for asylum seekers who have applied for family reunification in the Netherlands increased from 146 days in 2015 to 331 days in the period January–May 2017.

In Germany, some 37,570 unaccompanied children were under the protection of youth welfare offices, as well as 22,130 young adults.

Unaccompanied children reported cases of rape experienced during their journey to Germany, according to the German Red Cross.

At a [round table](#) on the protection of asylum seeking children, the main international organisations supporting asylum seekers in Bulgaria (including the Bulgarian Red Cross, UNHCR, UNICEF and IOM) discussed the shortcomings of the system of representation for unaccompanied children. The participants proposed a new system of representation, whereby either the manager of the institution where the child lives or a community member selected on the basis of certain criteria would represent the child.

Unaccompanied children in Sweden were anxious that the increasingly rigorous use of age assessment methods might lead to them being considered adults and hence being expelled or losing the support of social services, according to the National Board of Health and Welfare. The assessment involves X-raying wisdom teeth in combination with a magnetic resonance imaging (MRI) scan of the knee joints.

Placement and accommodation

The [estimated number](#) of unaccompanied children currently in Greece was 2,250 as of 20 June 2017. The total number of places available in shelters was 1,270. Overall, 52 long-term and transit shelters were in operation.

Following the recent introduction of the role of voluntary guardians in Italian law, protocols for the training and appointment of such guardians have been

introduced in [Milan](#) and [Palermo](#), thus covering regions with a high proportion of unaccompanied children.

In some areas of Austria, such as Styria, sufficient accommodation places and staff have become available because numbers of newcomers have fallen. Facilities for unaccompanied children were of high quality, according to Caritas Styria.

In Finland, the [Deputy Parliamentary Ombudsman](#) voiced concerns regarding children's rights, in particular relating to their legal security and best interests, in hearings involving child applicants for family reunification, at Finland's diplomatic missions abroad. The report noted shortcomings and problems in this regard in relation to the procedures, the competence of interviewers and the guidance provided to the diplomatic missions. Also, children were often interviewed without a family member, legal guardian or other familiar adult present.

It was reportedly still difficult to find placements in Finnish municipalities for unaccompanied children after they had received a positive decision on international protection and obtained a residence permit.

Providing welfare services to children [remained a problem](#) in France. To improve the situation in Paris, Doctors without Borders [announced](#) a project to help unaccompanied children by opening an information and care centre, and a hotel, in September.

In 2016, 290 children had disappeared from reception centres in the Netherlands, compared with 160 in 2015, Dutch NGOs and UNICEF claimed in a [report](#) published in June 2017. Of these 290 children, 30 had disappeared from special shelters for children vulnerable to human trafficking, compared with 20 in the previous year. Furthermore, the report expressed concerns about the rising number of children who had to move from one reception centre to another. In 2016, 3,500 children had to move to another place within the Netherlands, an increase of 53 % compared with 2015. Such moves caused stress and hindered children's integration.

[Dutch NGOs](#) raised their concern about the implementation of a regulation on children's amnesty (*Kinderpardon*) entitling children and their parents to a residence permit if they have gone through the asylum procedure unsuccessfully and have resided in the Netherlands for a long time. However, almost all (96 %) of the requests had been rejected, the NGOs' report now revealed. This was allegedly because of a lack of cooperation among the parents, for example if they continued to appeal against their deportation. In June 2017, the Dutch Ombudsman for Children (*Kinderombudsman*) [launched a plan](#) to entitle more children and their families to permanent residence permits.

Overcrowding remained a problem in juvenile shelters in the Spanish autonomous city of Melilla. Many children [reportedly](#) experienced physical violence and many opted to live on the streets. The Moroccan Prime Minister approached the Spanish authorities with a view to addressing the problem of Moroccan children arriving in Ceuta and Melilla.

In Hungary, unaccompanied children above the age of 14 years continued to be hosted in the transit zones at the border with Serbia, rather than being placed in facilities with child-specific services. The guardianship authority is not notified of their presence.

The reception of children was overall working well in Sweden, as several NGOs considered. However, the decrease in the number of new arrivals compared with 2015/2016 led to the closing of schools and specially assigned accommodation centres for unaccompanied children, as well as the closing of regular asylum accommodation centres where some children with families were living.

Legal, social and policy responses

Legal changes

The Austrian national parliament passed new legislation in the area of asylum in June. The [Amendment Act on Alien Law](#) (*Fremdenrechtsänderungsgesetz 2017*) introduced a residence restriction as well as restrictions of basic care for persons who have received a negative asylum decision, the acceleration of asylum withdrawal procedures in case of conviction for criminal offences, and a provision allowing the exercise of coercive power by personnel in accommodation facilities. Finally, it introduced administrative fines of €5,000 to €15,000 for anyone who has received a final and executable return decision but does not promptly leave the country. The act also obliges rejected asylum seekers to take the necessary steps to obtain their return certificates. Where they fail to do so, coercive detention can be ordered.

Austria also published an [Integration Act](#) (*Integrationsgesetz*) and an [Anti-Face-Covering Act](#) (*Anti-Gesichtsverhüllungsgesetz*) in June. The second act prohibits full veiling.

The [Act on temporary restrictions](#) of the possibility to obtain a residence permit and family reunification continued to be a source of great frustration among asylum applicants, police in Sweden confirmed. This temporary legislation, introduced in July 2016 and valid at least until July 2019, made obtaining a permanent residence permit significantly more difficult. In June, the act [was amended](#) to enable unaccompanied children enrolled in upper secondary education to extend their temporary residence permits to finish school and establish themselves in the labour market.

A new [system of reimbursement to the municipalities](#) for the reception of unaccompanied children entered into force in Sweden in early July. It reduced the amount of financial support for municipalities, especially with regard to young persons between 18 and 21 years of age.

In Sweden, a [ruling by the Supreme Administrative Court](#) in June clarified that municipalities were not obliged to give financial support to children whose asylum claims had been rejected, if their parents, whose claims had been similarly rejected, were hiding from the authorities.

Denmark has adopted an [act](#) that regulates the use of force at child accommodation centres, and provides for the option to reduce pocket money given to unaccompanied children, e.g. if they do not follow the house rules. The Danish parliament also [amended the Repatriation Act](#), helping persons who have been granted asylum to repatriate to their country of origin, e.g. by increasing the financial sum provided for persons repatriating, and increasing economic support for healthcare insurance and for children's tuition. In May it adopted the [Act establishing an emergency mechanism](#) allowing the authorities to directly

turn back persons at the border to other 'Dublin countries', despite criticism by civil society organisations.

In Denmark, the Eastern High Court [ruled](#) that granting the right to family reunification only after three years, pursuant to the 2015 and 2016 legislation, does not violate the right to family life and prohibition against discrimination under the European Convention on Human Rights. The case has been appealed to the Supreme Court.

A Syrian couple received [a prison sentence](#) for migrant smuggling and was expelled from Denmark after having brought the husband's brother, who was seeking asylum in Germany, for a visit to Denmark. The brother had a valid return ticket and was enrolled in an education course in Germany. Organisations such as Amnesty International expressed great concern, highlighting a clear lack of intent to conduct migrant smuggling in this case.

The German legislature adopted a new law to speed up the deportation of rejected asylum seekers at the beginning of June 2017. It planned restrictions to several other asylum laws, including new powers to examine asylum seekers' mobile phones and subscriber identity module (SIM) cards to determine their identity. Furthermore, persons scheduled for deportation could be detained if they are considered a threat to public security. Finally, short-term detention immediately before deportation would be extended from a maximum of 4 days to a maximum of 10 days.

Despite opposition by NGOs and the Ombudsman, the Polish government intended to amend the [Law on legal protection for foreigners](#) and to introduce border procedures and lists of safe third countries and safe countries of origin, reduce the availability of remedies against negative asylum decisions and expand the use of detention.

An appeal court in Rhodes, Greece, cleared a young Syrian national sentenced for the deaths of migrants in the 2014 [Farmakonisi case](#). According to the court, the deaths were caused after the intervention of the Greek authorities, when a Greek Coastguard vessel was towing the boat carrying the refugees.

The Regional Court in Szeged, Hungary, overturned a first instance decision that had found a Syrian migrant guilty of terrorism for organising a riot against the closing of the southern border in 2015. [According to the appellate court](#), the court of first instance needed to properly examine whether the acts in question were deliberate attempts to coerce the state or acts of despair.

Policy responses

Finland adopted the third [government programme](#) for the prevention of irregular entry and stay, covering 2017–2020, in April. Key priorities identified in the programme include actions to combat irregular residence and to ensure internal security.

The Finnish [Minister of Interior](#) asked the parliament to raise the [annual quota of refugees to be resettled](#) to Finland from 750 to 1,050 for 2018. More than 40 organisations advocated for a raise in the quota as well.

Following the presidential elections in France, the Minister for the Interior visited Calais on 23 June 2017 [to announce](#) a plan to deal with the problem of asylum.

This plan aimed to improve the asylum procedure in Calais and to address problems related to the networks of smugglers in Africa.

A [new protocol](#) between responsible ministries in Italy aims to develop specific volunteer service projects to support the social integration and financial autonomy of persons who have obtained international protection status.

The handling of requests in Eritrean family reunification cases by the Dutch Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*) was not compatible with the EU Family Reunification Directive, a [study](#) by legal experts argued in May 2017. The alleged infringement related to the authority's strict approach to accepting unofficial documents as evidence of family ties. This practice has led to a considerable number of rejections of Eritrean family reunification cases since the beginning of 2016.

Following general elections in the Netherlands in March 2017, [the media](#) considered that opposing views on migration and asylum were a major obstacle to a coalition between the political parties GroenLinks, the People's Party for Freedom and Democracy, the Christian Democratic Appeal and the Democrats 66.

In June, the Spanish government [approved](#) a budget for migrant integration (€30 million), and for enhancing the protection of unaccompanied children arriving in Ceuta and Melilla (€6.45 million).

A comprehensive law on LGBTI rights, including for asylum seekers and recognised refugees, has been [proposed](#) in the Spanish parliament.

The National Legal Aid Bureau, UNHCR and the Bulgarian Helsinki Committee signed an [agreement on mutual cooperation](#) in May. It aims to provide better legal assistance to persons seeking international protection asylum in Bulgaria.

The Bulgarian Prosecutor's Office launched a [series of inspections](#) relating to the temporary fence on the Bulgarian-Turkish border, after a former Member of Parliament indicated possible links between contractors and inflated contract prices.

The Slovak Ministry of the Interior [announced](#) the launch of a digital platform facilitating access to the labour market for persons who have been granted international protection. Slovakia was the ninth EU Member State to launch this [project](#), administered by the IOM and co-funded by the EU.

Responses by civil society, local and political actors

Several pro-asylum protests and anti-immigration [counter-demonstrations](#) took place in Finland during the reporting period. Protests also opposed deportations of rejected asylum seekers, with dozens of persons gathering, according to [media sources](#), at Helsinki airport in late June.

In Finland, one of the governing parties, the populist True Finns, changed its leadership. It then promoted a more hard-line anti-immigration approach, which the [media](#) covered widely in early June.

The Finnish [Non-Discrimination Ombudsman](#) asked for anti-immigration or racist demonstrations not to be allowed in the vicinity of schools, reception centres or mosques. Also, the Finnish Ministry of Education and Culture planned a new [training model](#) for immigrants allowing increased flexibility in studies.

In the past three months there have been several demonstrations against migrants in Germany. The right-wing organisation [Die Identitären](#) demonstrated on 19 May 2017 against new draft laws to combat hate speech through social media. About 50 persons took part. In addition, 600 of this group and some representatives of the right-wing political party [Alternative für Deutschland](#) (AfD) demonstrated on 17 June 2017.

In the past three months there were also several demonstrations involving and/or in favour of migrants in Germany. For example, about 650 persons, predominantly migrants and refugees, [demonstrated](#) against the G20 summit in Hamburg.

[Several demonstrations](#) in support of migrants took place in France in June. These protested, for example, against the closure of establishments receiving migrants or against the return of asylum seekers in accordance with the Dublin Regulation. The [call of 15 June](#) was a form of criticism aimed at the new President of the Republic and organised by some 300 civil society organisations, protesting in particular against police repression and increasing obstacles by the prefectures to French people wishing to assist migrants.

Many [articles](#) in the general press in France dealt with the increasing number of migrants returning to Calais, contributing to renewed public debate about migration, which had slackened off after the informal camps in Calais closed at the end of 2016.

In a number of Member States, various events took place to mark World Refugee Day and express solidarity with refugees.

Several NGOs sent an [open letter](#) to Italian policy makers calling for a comprehensive reform of EU law and policies in the field of asylum and migration, based on developments since the adoption of the European Agenda on Migration.

The Association for Legal Studies on Immigration, an Italian NGO, presented a [proposal for the reform of the national immigration legislation](#). The proposal focused on simplifying entry procedures, improving children's rights and supporting family reunification, and promoting voluntary return over forced return, as well as combating racism and hate speech, providing adequate protection to victims of human trafficking and exploitation, and guaranteeing access to procedures.

The NVU, a far-right organisation, organised a demonstration against migrants near a reception centre in Ter Apel in the Netherlands in June. Some 25 people took part. At the same time, around 70 persons participated in a counter-demonstration.

In an [interview with the Dutch daily newspaper *Algemeen Dagblad*](#), the Mayor of Rotterdam Ahmed Aboutaleb stated that the Geneva Convention on Refugees 1951 needed to be adapted to current times, as "You can only allow refugees to a certain extent".

A [demonstration](#) in Madrid called on the Spanish government to provide more openness towards refugees and to step up relocation efforts. Over 100 citizen platforms and NGOs organised it, and some political parties and trade unions

supported it. Similar events took place in other Spanish cities. [Amnesty International](#) and [UNHCR](#) have launched specific campaigns.

The Mayor of Madrid publicly [endorsed](#) initiatives welcoming refugees in a prime-time TV show.

The Prosecutor's Office of the Republic of Bulgaria noted in its [annual report for 2016](#) that criminal groups are increasingly involved in human smuggling. The authorities recently dismantled several smuggling operations, some involving police officers, including the closure of a [tunnel at the Bulgarian–Romanian border](#) and of an [organised group at Sofia airport](#).

A Bulgarian NGO (Caritas Sofia) organised a [job fair](#) to connect asylum seekers and refugees with companies offering employment opportunities.

The Hungarian Association for Migrants [launched a call](#) for employers willing to employ refugees, offering to assist them with additional administration and emphasising the beneficial effects of diversity at the workplace.

Hungarian NGO MigSzol organised a '[fence exhibition](#)' showing pictures of victims of alleged police brutality along the Hungarian–Serbian border.

Hate speech and violent crime

The Antidiscrimination Office of the Austrian province of Styria has created a smartphone app to facilitate reporting of online hate postings. It has been used around 800 times to report hate postings since it was established in mid-April. The hate postings mainly concerned discriminatory statements on the grounds of ethnic origins, gender or sexual orientation, as well as postings against refugees and calls for rape. In addition, people reported some 20 cases of hate crime in Styria, mainly targeted at women wearing headscarves and, in two cases, people with dark skin colour. A man set his dog on a teenage asylum seeker.

In the rest of the country, numerous racist and xenophobic incidents against migrants and people in need of international protection, including attacks on reception and accommodation centres, were reported to the Austrian Federal Agency for State Protection and Counter Terrorism (*Bundesamt für Verfassungsschutz und Terrorismusbekämpfung* – BVT). Most incidents involved anti-migration and racist campaigns and posters. For example, in Linz (Lower Austria), 'plane tickets' made by the 'Identitarian Movement Austria' (*Identitäre Bewegung Österreich* – IBÖ) were found in front of a mosque with text such as "return ticket" or "remigration airline". In Klagenfurt (Carinthia), a student who wanted to remove an IBÖ sticker with a refugee-hostile slogan at a bus stop discovered that the sticker had razor blades at its corners.

There were repeated incidents of disorder, violence and vandalism among anti-immigration groups in Finland and between such groups and outsiders. Online hate speech targeting both migrants and authorities also intensified.

A [project \(TURVA\)](#) sought to improve asylum seekers' conception of civil and human rights and their understanding of Finnish society. The joint organisers were the Oulu reception centre, the National Police Board and the Police University College.

In Germany, 46 violent [attacks](#) specifically against asylum seekers were recorded in May and June. There were [further attacks](#) against migrants, German Muslims, Jews, Sinti and other minorities.

The President of the Italian region of Liguria, a member of the right-wing party *Lega Nord*, [pledged online](#) to repatriate all migrants if the party formed a government. The same party strongly opposes a [draft law](#), debated in the parliament, that aims to facilitate access to Italian citizenship for children of migrants living legally in the country, fostering their integration.

The Hellenic League for Human Rights issued a [press release](#) denouncing the behaviour of some public bus drivers in the Skaramangas area in Greece, who refused to take on board asylum seekers and refugees. The Greek Ombudsman has launched an investigation into these allegations.

The Institute for Social Integration presented the results of its [media monitoring of hate speech in Bulgarian public life](#), and of media coverage related to the migration flow between October 2014 and January 2017. The results showed that hate speech and a negative portrayal of arrivals were used more intensively during the election campaigns, and dropped sharply after they had ended.

There was a [small increase](#) in the number of arson attacks against accommodation centres in Sweden, in comparison with the previous period. In Malmö, a 22-year-old man ran his car, decorated with a Nazi symbol, into a group of around 20 Iraqi nationals protesting against Sweden's new and stricter asylum rules. No injuries were reported.

Note on periods covered in country reports

In the following sections on specific Member States, subsections 1 and 2 report on events that took place in June 2017. All other subsections relate to April, May and June 2017. This applies to Austria, Bulgaria, Denmark, Finland, France, Germany, the Netherlands, Poland, Slovakia, Spain and Sweden.

Concerning Greece, Hungary and Italy, almost all subsections report on events that took place in June 2017. However, subsections 8 and 9 report on events that took place in April, May and June 2017.

1. Austria

1.1. Overview of the situation

Some 2,040 new arrivals entered Austria in June 2017 according to the Federal Ministry of the Interior, Department II/2, Operational Affairs (*Bundesministerium für Inneres, Abteilung II/2, Einsatzangelegenheiten*).¹ The new arrivals' main countries of origin were Nigeria (some 250 people), Afghanistan (some 210 people), Pakistan (some 160 people), Syria (some 160 people) and Iraq (some 110 people).²

The exact numbers of asylum applications in June will be available only in the middle of July.³ The numbers remained constantly at the relatively high level of about 2,000 asylum applications per month, according to the Federal Ministry of the Interior, Department III/5, Asylum and Immigration (*Bundesministerium für Inneres, Abteilung III/5, Asyl und Fremdenwesen*).⁴ The applicants' main countries of origin during the first five months of 2017 were Afghanistan, Nigeria and Syria. There was still a high number of unaccompanied children, mainly coming from Afghanistan.⁵ In the first five months of 2017, some 770 unaccompanied children applied for asylum, mainly coming from Afghanistan.⁶

According to Caritas Styria (*Caritas Steiermark*), the number of persons in basic care facilities in Styria decreased by 250 in June (from around 8,780 in May⁷). The main countries of origin of the persons in basic care facilities in Styria were Afghanistan and Syria. The proportion of female asylum seekers remained at around 40 % in basic care facilities in Styria. In June, 42 new asylum seekers were transferred to regional accommodation in Styria.⁸

1.2. Key fundamental rights concerns

The Federal Ministry of the Interior, Department III/9, Basic Care and Federal Services (*Bundesministerium für Inneres, Abteilung III/9, Grundversorgung und Bundesbetreuung*), did not report any fundamental rights concerns for the reporting period.⁹

¹ Austria, Federal Ministry of the Interior/Department II/2, Operational Affairs (*Bundesministerium für Inneres/Abteilung II/2 Einsatzangelegenheiten*).

² *Ibid.*

³ Austria, Federal Ministry of the Interior, Department III/5 (*Bundesministerium für Inneres, Abteilung III/5 Asyl und Fremdenwesen*).

⁴ *Ibid.*

⁵ Austria, Federal Ministry of the Interior, [Statistics 2017](#), 'Asylwesen Mai 2017'.

⁶ Austria, Federal Ministry of the Interior, Department III/5 (*Bundesministerium für Inneres, Abteilung III/5 Asyl und Fremdenwesen*).

⁷ Austria, Regional Government Styria, Department 11 (*Amt der Steiermärkischen Landesregierung, Abteilung 11, Soziales, Arbeit und Integration*), 'Sozialreport Grundversorgung', reporting period May, published 1st July 2017.

⁸ Austria, Caritas Styria (*Caritas Steiermark*).

⁹ Austria, Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*).

Civil society organisations have expressed concerns regarding the Alien Law Amendment Act (*Fremdenrechtsänderungsgesetz 2017*), passed in June (for further information, see subsection 1.4).

1.3. Children and vulnerable groups

According to the Federal Ministry of the Interior, Department III/9, there have been no major changes in federal accommodation facilities. There have been only some organisational adaptations to current needs, such as transforming a special facility for unaccompanied children into accommodation for families.¹⁰

Enough accommodation places and staff were available, as well as resources to handle particular cases, because the numbers of newcomers have been moderate, according to Caritas Styria. Facilities for unaccompanied children were of high quality.¹¹

Caritas Vienna (*Caritas Wien*) reported appeals against determination of age by the authorities. These were, however, not new to the reporting period.¹² The authorities can apply three checks: a physical examination, an x-ray check and a dental check (§ 2 Abs. 1 Z 25 AsylG 2005;¹³ iVm § 13 Abs. 3 BFA-VG¹⁴). People have criticised the method on legal as well as medical grounds, e.g. because it calculates a person's age based on statistical probability, linked to the results of the examination of body characteristics¹⁵ that are often fully developed by the age of 16 or 17 years. The results of determination of age have consequences not only for the asylum procedure but also for guardianship decisions. People have appealed against the outcome as well as type and procedures of measures.¹⁶

1.4. Changes in law, policy and practice

The national parliament passed an Alien Law Amendment Act on 28 June. Various organisations had particularly criticised some provisions of the first draft beforehand.¹⁷ For example, the United Nations High Commissioner for Refugees (UNHCR) was particularly concerned about the provision that asylum seekers who file an appeal, which does not keep the consequences of the decision from applying immediately, they lose their entitlement to basic care

¹⁰ *Ibid.*

¹¹ Austria, Caritas Styria (*Caritas Steiermark*).

¹² Austria, Caritas Vienna (*Caritas Wien*).

¹³ Austria, Asylum Act (*Bundesgesetz über die Gewährung von Asyl (Asylgesetz 2005 - AsylG 2005)*), [BGBl. I Nr. 100/2005](#), [last amendment BGBl. I Nr. 68/2017](#).

¹⁴ Austria, Law on Procedures at the Federal Office for Alien Matters and Asylum (*Bundesgesetz, mit dem die allgemeinen Bestimmungen über das Verfahren vor dem Bundesamt für Fremdenwesen und Asyl zur Gewährung von internationalem Schutz, Erteilung von Aufenthaltstiteln aus berücksichtigungswürdigen Gründen, Abschiebung, Duldung und zur Erlassung von aufenthaltsbeendenden Maßnahmen sowie zur Ausstellung von österreichischen Dokumenten für Fremde geregelt werden (BFA-Verfahrensgesetz – BFA-VG)*), [BGBl. I Nr. 87/2012](#), [last amendment BGBl. I Nr. 25/2016](#).

¹⁵ Austria, Caritas Vienna (*Caritas Wien*).

¹⁶ Austria, Caritas Vienna (*Caritas Wien*).

¹⁷ Austria, Caritas Vienna (*Caritas Wien*).

(*Grundversorgung*).¹⁸ UNHCR, Caritas and others objected that this would cause asylum seekers to be homeless and without health insurance until their repatriation.¹⁹ The draft came to parliament in an amended version (the text was not yet available on the parliamentary website at the time of writing), without those provisions. The draft that parliament finally passed, however, softened the above provision and introduced a residence restriction (*Wohnsitzauflage und Gebietsbeschränkung*) instead. According to this draft, a person who receives a negative asylum decision and does not promptly leave the country can be obliged to reside in specified federal asylum accommodation and must not leave the political district of that residence. During that time, the state “can” provide the “necessary care”, which means accommodation, food and emergency medical care, but no “pocket or school money”. The act does not lay down any legal entitlement to those basic services.²⁰ According to the Federal Ministry of the Interior, Department III/5, these restrictions are consistent with Article 3 of the European Convention of Human Rights, as they constitute access to most basic rights.

Caritas Austria (*Caritas Österreich*) was particularly concerned about new provisions in the Aliens’ Police Act (*Fremdenpolizeigesetz FPG*). Section 120 lays down an administrative fine of €5,000 to €15,000 or six weeks’ imprisonment for failure to pay the fine, if a person who has received a final and executable return decision does not promptly leave the country, provided that return counselling took place or the person prevented the counselling from taking place.²¹ As asylum seekers will most likely not have the means to pay that fine, Caritas Austria concluded that the provision in fact introduces coercive detention (*Beugehaft*).²²

The act also obliges rejected asylum seekers to take the necessary steps to obtain their return certificates (*Heimreisezertifikate*). Where they fail to do so, coercive detention (*Beugehaft*) can be ordered.²³ Caritas Austria objected that these provisions apparently aim to oblige people to return “voluntarily”.²⁴ Caritas Vienna assumed that the provision is in response to cases in which the state could not deport a person because the home state embassy (mainly in Maghreb states) issues return certificates only if the person indicates that the return is voluntary. Caritas Vienna objected that this provision means a paradigm shift, in that the law requires the individual to do what the state cannot enforce. This

¹⁸ UNHCR, [UNHCR zu Fremdenrechtsnovelle: Grundversorgung während des gesamten Asylverfahrens gewährleisten](#), press release, 13 June 2017; UNHCR, [UNHCR-Analyse des Entwurfs für das Fremdenrechtsänderungsgesetz 2017](#), January 2017.

¹⁹ UNHCR, [UNHCR-Analyse des Entwurfs für das Fremdenrechtsänderungsgesetz 2017](#), January 2017. Austria, Caritas Vienna (*Caritas Wien*).

²⁰ Austria, Austrian Parliament, parliamentary correspondence No. 817, 28 June 2017, „[Fremdenrechtspaket bringt Gebietsbeschränkungen für Flüchtlinge und Beugehaft](#)“.

²¹ Austria, [draft of the Amendment Act on Alien Law \(Fremdenrechtsänderungsgesetz 2017\)](#).

²² Caritas Austria, [Stellungnahme Caritas Österreich zum Entwurf eines Bundesgesetzes, mit dem das Niederlassungs- und Aufenthaltsgesetz, das Fremdenpolizeigesetz 2005, das Asylgesetz 2005, das BFA-Verfahrensgesetz, das Grundversorgungsgesetz – Bund 2005 und das Grenzkontrollgesetz geändert werden](#) (Fremdenrechtsänderungsgesetz 2017 – FrÄG 2017), 110/SN-290/ME, 8 March 2017.

²³ Austria, Austrian Parliament, parliamentary correspondence No. 817, 28 June 2017, „[Fremdenrechtspaket bringt Gebietsbeschränkungen für Flüchtlinge und Beugehaft](#)“.

²⁴ Caritas Austria, [Stellungnahme Caritas Österreich zum Entwurf eines Bundesgesetzes, mit dem das Niederlassungs- und Aufenthaltsgesetz, das Fremdenpolizeigesetz 2005, das Asylgesetz 2005, das BFA-Verfahrensgesetz, das Grundversorgungsgesetz – Bund 2005 und das Grenzkontrollgesetz geändert werden](#) (Fremdenrechtsänderungsgesetz 2017 – FrÄG 2017), 110/SN-290/ME, 8 March 2017; Caritas Vienna (*Caritas Wien*).

puts pressure on the person to state at his or her embassy that he or she wishes to return voluntarily, even though it may not be true.²⁵

Other changes introduced by the Alien Law Amendment Act concern:

- the acceleration of asylum withdrawal procedures in cases of conviction for criminal offences;
- exercise of coercive power (*Befehls- und Zwangsgewalt*) by personnel in accommodation facilities;
- regulations for visa in exceptional extenuating circumstances.²⁶

An Integration Act (*Integrationsgesetz*) and an Anti-Face-Covering Act (*Anti-Gesichtsverhüllungsgesetz*)²⁷ were published on 8 June, and an Integration Year Act (*Integrationsjahrgesetz*)²⁸ on 19 June.

The Anti-Face-Covering Act prohibits full veiling. Anyone who conceals his or her face by means of clothing or other objects in such a way that they are no longer recognisable, in public places or in public buildings, commits an administrative offence, which is punishable with a fine of up to €150. Exceptions apply if federal or provincial law allows such concealment or if it occurs in the context of artistic, cultural or traditional events or in the context of sports or for health or professional reasons.²⁹

The Austrian Red Cross (*Österreichisches Rotes Kreuz*) critically questioned the necessity of this law, as only very few people in Austria wear a full-face veil.³⁰

The guiding principle of the Integration Act³¹ is “integration through performance”. Therefore, the act includes support for integration but also obliges asylum seekers to cooperate with the authorities. The act sets up a system of German courses at least up to language level A2 for recognised refugees and persons granted subsidiary protection, as well as for asylum seekers who are highly likely to obtain recognition. Recognised refugees and persons entitled to subsidiary protection must attend so-called ‘value courses’, which aim to teach commitment to the fundamental values of the legal and social order. These courses involve signing an integration contract (*Integrationsvereinbarung*) and passing a standardised integration test that includes language and value

²⁵ *Ibid.*

²⁶ Austria, Federal Ministry of the Interior, Department III/5 (*Bundesministerium für Inneres, Abteilung III/5 Asyl und Fremdenwesen*).

²⁷ Austria, [Integration Act and Anti-Face-Covering Act](#) (*Bundesgesetz, mit dem ein Integrationsgesetz und ein Anti-Gesichtsverhüllungsgesetz erlassen sowie das Niederlassungs- und Aufenthaltsgesetz, das Asylgesetz 2005, das Fremdenpolizeigesetz 2005, das Staatsbürgerschaftsgesetz 1985 und die Straßenverkehrsordnung 1960 geändert werden*), BGBl. I Nr. 68/2017.

²⁸ Austria, [Integration Year Act](#) (*Bundesgesetz, mit dem ein Bundesgesetz zur Arbeitsmarktintegration von arbeitsfähigen Asylberechtigten und subsidiär Schutzberechtigten sowie AsylwerberInnen, bei denen die Zuerkennung des internationalen Schutzes wahrscheinlich ist, im Rahmen eines Integrationsjahres (Integrationsjahrgesetz – IJG) erlassen wird und das Arbeitsmarktpolitik-Finanzierungsgesetz geändert wird (Arbeitsmarktintegrationsgesetz)*), BGBl. I Nr. 75/2017.

²⁹ Austria, [Integration Act and Anti-Face-Covering Act](#) (*Bundesgesetz, mit dem ein Integrationsgesetz und ein Anti-Gesichtsverhüllungsgesetz erlassen sowie das Niederlassungs- und Aufenthaltsgesetz, das Asylgesetz 2005, das Fremdenpolizeigesetz 2005, das Staatsbürgerschaftsgesetz 1985 und die Straßenverkehrsordnung 1960 geändert werden*), BGBl. I Nr. 68/2017.

³⁰ Austrian Red Cross (*Österreichisches Rotes Kreuz*).

³¹ Austria, [Integration Act and Anti-Face-Covering Act](#) (*Bundesgesetz, mit dem ein Integrationsgesetz und ein Anti-Gesichtsverhüllungsgesetz erlassen sowie das Niederlassungs- und Aufenthaltsgesetz, das Asylgesetz 2005, das Fremdenpolizeigesetz 2005, das Staatsbürgerschaftsgesetz 1985 und die Straßenverkehrsordnung 1960 geändert werden*), BGBl. I Nr. 68/2017.

elements. The act lays down penalties if a recognised refugee or person entitled to subsidiary protection does not fulfil these obligations. Besides charging administrative fees, the act also empowers the regional legislators to reduce social benefits such as the needs-based minimum benefits (*Bedarfsorientierte Mindestsicherung*).

The Integration Year Act³² is aimed at recognised refugees, persons entitled to subsidiary protection, and asylum seekers with a high probability of recognition. It introduces an obligatory year of work activities that should serve to increase their chances of, and accelerate, integration into the labour market. They should acquire language and professional skills through on-the-job training in the charitable sector. If a person does not fulfil the obligation to take part in the integration year, he or she can lose the entitlement to benefits.³³

The Austrian Red Cross (*Österreichisches Rotes Kreuz*) provides such activities. It mostly welcomed the Integration Year Act but noted that details in the procedures are not clearly regulated, e.g. concerning remuneration or the specification of suitable activities. According to the Austrian Red Cross, the Federal Ministry of Labour, Social Affairs and Consumer Protection (*Bundesministerium für Arbeit, Soziales und Konsumentenschutz*) is currently working on these details.³⁴

The Austrian Red Cross criticised the situation of German language courses. It noted that at present there are many standardised basic language courses but not enough language courses at higher levels and tailored to professional sectors.³⁵ It said that it remains to be seen whether or not the regulations on sanctions for non-compliance sufficiently take into account individual circumstances, such as traumatised, distance to course locations in rural areas, availability of childcare etc.³⁶

The Austrian Red Cross again reported an increase in deportations to Afghanistan. Although the deportations were based on final negative asylum decisions, it was concerned about that practice, given the current security situation in Afghanistan. It said that the authorities had not yet published numbers of deportations to Afghanistan in 2017.³⁷

1.5. Social response

The media did not report much about the adoption of the Alien Law Amendment Act.³⁸ Instead, media coverage focused on the European rather than the national dimension of the topic, particularly concerning the call for a “closure of the

³² Austria, [Integration Year Act](#) (*Bundesgesetz, mit dem ein Bundesgesetz zur Arbeitsmarktintegration von arbeitsfähigen Asylberechtigten und subsidiär Schutzberechtigten sowie AsylwerberInnen, bei denen die Zuerkennung des internationalen Schutzes wahrscheinlich ist, im Rahmen eines Integrationsjahres (Integrationsjahrgesetz – IJG) erlassen wird und das Arbeitsmarktpolitik-Finanzierungsgesetz geändert wird (Arbeitsmarktintegrationsgesetz)*), BGBl. I Nr. 75/2017.

³³ *Ibid.*

³⁴ Austrian Red Cross (*Österreichisches Rotes Kreuz*).

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ Austria, Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*).

Mediterranean Sea route". However, that did not constitute any change in public discourse. The political discourse was already focused on the upcoming parliamentary elections in October 2017.³⁹

The "welcoming culture" and the number of volunteers have been declining, according to Caritas Styria. In individual cases, people strongly engaged in trying to stop the deportation of a person or family.⁴⁰

1.6. Hate crime incidents

The Antidiscrimination Office Styria (*Antidiskriminierungsstelle Steiermark*) created a smartphone app to make it easier to report online hate postings. From when this app was launched on 19 April until 29 June, users reported 800 hate postings. The postings mainly targeted refugees or contained calls for rape or discriminatory statements on the grounds of ethnic origins, gender or sexual orientation.⁴¹

The Antidiscrimination Office Styria reported 19 cases of hate crime in the region of Styria in the reporting period. The incidents mainly targeted women wearing headscarves. Two cases targeted people with dark skin colour. A man also set his dog on teenage asylum seekers.⁴²

Migrants who have lived in Austria for a longer time notice xenophobic incidents more strongly than those who are newly arrived, according to Caritas Styria.⁴³

Xenophobic phrases were drawn on the wall of a federal asylum accommodation centre.⁴⁴

The Federal Agency for State Protection and Counter Terrorism (*Bundesamt für Verfassungsschutz und Terrorismusbekämpfung* – BVT) provided the following information on cases of racist, xenophobic and related incidents against migrants and people in need of international protection in Austria during the period from April until the third week of June 2017.⁴⁵

Incidents reported for April:⁴⁶

- Linz (Upper Austria), Horn, Eggenburg and Hollabrunn (Lower Austria): the Identitarian Movement Austria (*Identitäre Bewegung Österreich* – IBÖ) ran a poster campaign with the slogans "Stop mass immigration" (*"Masseneinwanderung stoppen"*), "Fortress Europe" (*"Festung Europa"*), "Remigration – leading culture" (*"Remigration – Leitkultur"*) and "Integration is a lie" (*"Integration ist eine Lüge"*).
- Voitsberg (Styria): the IBÖ put up posters with the text "Multicultural colourful country, terror as normal state" (*"Multikulti buntes Land, Terror als Normalzustand"*).

³⁹ Austria, Caritas Vienna (*Caritas Wien*).

⁴⁰ Austria, Caritas Styria (*Caritas Steiermark*).

⁴¹ Austria, Antidiscrimination Office Styria (*Antidiskriminierungsstelle Steiermark*).

⁴² *Ibid.*

⁴³ Austria, Caritas Styria (*Caritas Steiermark*).

⁴⁴ Austria, Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*).

⁴⁵ Austria, Federal Agency for State Protection and Counter Terrorism (*Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT*).

⁴⁶ *Ibid.*

- Innsbruck (Tyrol): a poster was held up during a football game with the text "Deport the Minister of the Interior" ("*Innenminister abschieben*").
- Hollabrunn (Lower Austria): the IBÖ put up posters with the texts "Stop mass immigration" ("*Masseneinwanderung stoppen*") and "Integration is a lie" ("*Integration ist eine Lüge*").
- Klagenfurt (Carinthia): the Austrian Student Union at the University of Klagenfurt reported that a student who wanted to remove an IBÖ sticker with a refugee-hostile slogan at a bus stop discovered that the sticker had razor blades at its corners.
- Linz (Lower Austria): the IBÖ left home-made "plane tickets" in front of a mosque with the texts "return ticket", "one way", "remigration airline" and "free ticket home to Erdogan".
- Vienna: security forces prevented a flash mob that the IBÖ had planned against the Social Democratic Party (SPÖ) during a speech by the Federal Chancellor.
- Dörfel (Styria): unknown perpetrators put a poster in front of the local asylum accommodation with the text "Refugees go home" ("*Flüchtlinge go home*").

Incidents reported for May:⁴⁷

- The IBÖ called for participation in the demonstrations in Berlin, Germany, entitled 'Europe's future – move and change' (*Zukunft Europas – bewegen und verändern*).
- Tulln (Lower Austria): posters appeared with the IBÖ's Lambda logo and the text "Tulln must not become Köln" ("*Tulln darf nicht Köln werden*").
- Neusiedl (Burgenland): an association in that planned to open a clubhouse for local refugees received a threatening letter.
- Schwaz (Tyrol): unknown perpetrators put a pig's head in front of a Turkish association's premises.

Incidents reported for June:⁴⁸

- Stockerau (Lower Austria): several times in three days, unknown perpetrators shot an air gun from a car at the local asylum accommodation. Nobody was injured. (In September 2016, unknown perpetrators had smashed a window of this facility with a stone.)

The BVT published the State Protection Report of 2016.⁴⁹ The report emphasises that movements and networks of the 'New Right' (*Neue Rechten, Nouvelle Droite*) continued their campaigning activities in 2016. Their current breeding ground is open xenophobia, hostility towards asylum seekers, and Islamophobic aggression. Agitating groups partly build on classic ideological elements of the extreme right and present themselves in public as "worried citizens", "patriots", defenders of European culture, fighters against the "Islamisation of the West"

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

⁴⁹ Austria, Federal Agency for State Protection and Counter Terrorism (*Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT*), [State Protection Report 2016](#) (*Verfassungsschutzbericht 2016*).

and “patriotic protectors” of what they define as an “identitarian generation” (*identitäre Generation*). The strategy of those movements and networks is, on the one hand, trying to make far-right attitudes acceptable in public and, on the other hand, trying to break up classic structures of the far-right scene and present themselves as a young, pop-cultural avant-garde.⁵⁰

Far-right movements successfully used the extent of migration into Europe to promote xenophobic and asylum-hostile attitudes. This included campaigning and symbolic blockades as well as standard demonstrations. Hostility towards asylum seekers and refugees remained the most obvious form of xenophobic and racist aggression, mainly expressed online, but also with physical attacks on asylum seekers and asylum facilities. These agitations aimed to scare refugees and prompt them to leave as well as to scare supporters into stopping their engagement. Many of these activities constitute the criminal offences of incitement to hatred (*Verhetzung*), National Socialist resurgence (*nationalsozialistische Wiederbetätigung*) and, to a lesser extent, severe property damage. The report identifies a clear spate of xenophobic aggression and resentment in 2016, increasingly targeting not only refugees as an “enemy concept” but also re-activating extreme right ideologies, antisemitism and Islamophobia. This creates a significant risk of potential recruitment and radicalisation and increasing infiltration of society by right-wing groups. We do not yet know the size of the threat or the identity of the groups. Although there are fewer asylum seekers, there is no end in sight to agitation and aggression against them, motivated by far-right views.⁵¹

1.7. Policies against smuggling of human beings

Nothing new to report.

⁵⁰ *Ibid*, p. 43.

⁵¹ *Ibid*, p. 34-35.

2. Bulgaria

2.1. Overview of the situation

In June 2017, some 160 persons were apprehended at the borders and within the territory of the country, significantly fewer than in the previous reporting period. Only about 10 persons were apprehended while trying to enter the country. Almost all of them were apprehended at the border with Turkey. About 30 persons were apprehended while trying to leave the country. Within the territory of the country, the police apprehended some 110 persons.⁵²

About 130 other persons, whose fingerprints were already in the automated identification system, were also apprehended while trying to leave Bulgaria. Almost all of them were apprehended at the border with Serbia. Most of these people were from Afghanistan (almost 60 %), Pakistan and Iraq.⁵³

During the reporting period, a total of 251 persons applied for asylum, including 185 men (of them, 18 were aged between 0 and 13 years, 38 were aged between 14 and 17 years, 96 were aged between 18 and 34 years, 33 were aged between 35 and 64 years, and none were aged 65 years or older) and 66 women (of them, 20 were aged between 0 and 13 years, 2 were aged between 14 and 17 years, 29 were aged between 18 and 34 years, 15 were aged between 35 and 64 years, and none were aged 65 years or older). Most asylum applicants were Afghan (more than 30 %), Syrian (about 25 %), Iraqi (about 25 %) and Pakistani (about 5 %).⁵⁴

2.2. Key fundamental rights concerns

There has been a distinct increase in the detection of smuggling operations, some involving police officers. At the Bulgarian–Romanian border, a migrant smuggling channel was dismantled and several migrants, who were being transported in wooden boxes, were saved from suffocation.⁵⁵

There is a plan to adapt Bulgaria's largest reception centre, in Harmanli. It faces opposition from the municipality. According to the State Agency for Refugees (SAR) (*Държавна агенция за бежанците – ДАБ*), the project should improve the living conditions and create new leisure and education facilities. According to the municipality, the project aims to expand the reception centre rather than improve the conditions.⁵⁶

⁵² Bulgaria, Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8 a.m. on 1 June 2017 to 8 a.m. on 29 June 2017. Due to the low number of new arrivals, there are no disaggregated figures by nationality.

⁵³ *Ibid.*

⁵⁴ Bulgaria, State Agency for Refugees.

⁵⁵ Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2017), '[A criminal migrant smuggling channel was dismantled under the guidance of the District Prosecutor's Office in Ruse](#)' (*'Под ръководството на Окръжна прокуратура – Русе е разбит престъпен канал за превеждане на мигранти'*), Press release, 27 April 2017.

⁵⁶ Dnevnik.bg (2017), '[Harmanly municipality refused to expand the refugee center in the city](#)' (*'Община Харманли отказва да се разширява бежанският център в града'*), 7 June 2017.

2.3. Fundamental rights issues in relation to registration and channelling into different procedures

2.3.1 Registration and identification

On 4 May 2017, the Ministry of the Interior (MoI) (*Министерство на вътрешните работи – МВР*) launched an accelerated public procurement procedure to develop a unified national register of third-country nationals seeking international protection. The purpose of the procedure is to provide the police with the necessary mobile equipment to register the fingerprints and faces of third-country nationals and check national and international fingerprint databases. According to the initial timeframe, the register should be operational by 15 December 2017.⁵⁷

2.3.2 Asylum procedure

Since the beginning of the year, the SAR has granted international protection to some 1,040 applicants. Of these, about 460 persons obtained refugee status and about 580 persons received humanitarian protection. Some 2,260 applications were rejected.⁵⁸

A series of media investigations revealed illegal schemes for 'selling' registered addresses to foreigners who have applied for or already received international protection. For asylum seekers, registering at an external address is an alternative to being accommodated in a reception centre. Those who do not wish to stay in the country prefer to live outside the reception centres, because it allows them to organise their departure more easily. Those who have already obtained international protection must register in the municipality where they will reside within 14 days after the decision.⁵⁹

2.3.3 Return procedure

Bulgaria returned some 440 irregular migrants between April and June 2017, the MoI reported. About 200 were subject to forced return, about 80 left voluntarily, about 140 were returned under assisted return programmes and about 20 were sent to other EU Member States under the Dublin Regulation.⁶⁰

⁵⁷ For more information, see [the procurement announcement](#).

⁵⁸ Bulgaria, Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 1 June 2017 to the 29 June 2017.

⁵⁹ For more information, see for example Dimitrov, B. (*Димитров, Б.*) (2017), '[Refugees pay 1,000 Leva for a postbox](#)' (*Бежанци плащат по 1000 лв. за пощенска кутия*), Monitor.bg, 24 May 2017; bTV (2017), '[New business with refugees: 100 Euro for address registration, 200 for a rent in a country house](#)' (*Нов бизнес с бежанци: 100 евро за адресна регистрация, 200 – наем в селска къща*), 3 July 2017.

⁶⁰ Bulgaria, Ministry of the Interior, Directorate General Border Police.

2.4.Challenges and developments concerning reception conditions of new arrivals, including detention

2.4.1 Reception conditions and capacity

Because there were few new arrivals, the reception centres for asylum seekers continued to be half empty. As of 29 June 2017, the average occupancy rate at the centres was 37 %.⁶¹

In April 2017, the SAR officially announced the start of a project to improve the living conditions in the reception centre in Harmanli, which is the biggest one in Bulgaria. The project envisages installing new temporary housing (caravans) and transforming some of the existing premises, which are not suitable for accommodation, into premises for teaching Bulgarian, activities for children or adaptation activities for asylum seekers.⁶² In June 2017, however, the Municipality of Harmanli objected to it, arguing that it was intended to expand the reception centre rather than improve the conditions in it.⁶³

Although a decreasing number of persons were accommodated in reception centres, non-governmental organisations (NGOs) continued to provide various forms of support. A recent example was that the SAR and the Orient Bulgaria Foundation (Фондация „Ориент България“) signed a three-month cooperation agreement. Based on that, the foundation started delivering medicines and medical consumables to the reception centre in Harmanli. The foundation also sent a mobile team to the centre, which includes a medical practitioner, an Arabic interpreter and a social worker.⁶⁴

2.4.2 Vulnerable persons

The Council of Refugee Women in Bulgaria (CRWB) (Съвет на жените бежанки в България – СЖББ) has a project on creating common regional practices for psychosocial support of refugees and asylum seekers, survivors and/or witnesses of gender-based or other types of violence. It continued training courses as part of that. It held three courses during the reporting period: on burnout syndrome and providing supervision to experts working with refugees and asylum seekers (April 2017);⁶⁵ on how to manage cases and form multidisciplinary teams within the context of humanitarian work with refugees and asylum seekers, and how to identify appropriate resources and services

⁶¹ Ibid.

⁶² Bulgaria, State Agency for Refugees. For more information, see the [press release for the launch of the project](#).

⁶³ Dnevnik.bg (2017), 'Harmanly municipality refused to expand the refugee center in the city' ('Община Харманли отказа да се разширява бежанският център в града'), 7 June 2017.

⁶⁴ Maritza Haskovo Online (Марица Хасково) (2017), 'A foundation delivers medicines and consumables for the registration and reception centre in Harmanli' ('Фондация осигурява лекарства и медицински консумативи за РПЦ Харманли'), 20 June 2017.

⁶⁵ Bulgaria, Council of Refugee Women in Bulgaria (Съвет на жените бежанки в България) (2017), 'The Council of Refugee Women in Bulgaria held a training on preventing burnout syndrome and providing supervision to experts working directly with refugees and asylum seekers' ('СЖББ проведе обучение на тема „Превенция на синдрома на професионално прегаряне и предоставяне на супервизия за експерти, работещи директно с бежанци и търсещи закрила“'), Press release.

(May 2017);⁶⁶ and on social inclusion and integration of vulnerable groups (June 2017).⁶⁷

The International Organization for Migration (IOM) Bulgaria organised two training events on intercultural competence for representatives of the SAR and the Bulgarian Red Cross (BRC) (*Български червен кръст* – БЧК) in Sofia and Harmanli (24–27 April 2017). The topics presented included intercultural competence and communication, specificities of and differences between cultures, intercultural mediation and working with an interpreter, and conflict mediation.⁶⁸

2.4.3 Child protection

At a round table on the protection of asylum seeking children, the main international organisations supporting asylum seekers in Bulgaria (among which are the BRC, UNHCR, the United Nations Children’s Fund (UNICEF) and the IOM), discussed the shortcomings of the system of representation for unaccompanied children. A municipal official in Sofia, the city that hosts the highest number of unaccompanied children, is responsible for some 500 children. The participants proposed a new system of representation whereby either the manager of the institution where the child lives or a community member who is selected according to certain criteria represents the child. The IOM also expressed readiness to run a residential social service to host unaccompanied children, where they will be kept away from adults and at the same time will receive specialised support. The round table took place in Sofia on 30 May 2017. The BRC, the State Agency for Child Protection (SACP) (*Държавна агенция за закрила на детето* – ДАЗД) and the international NGO Terre des hommes organised it jointly.⁶⁹

2.4.4 Immigration detention

Because of the low number of new arrivals and the continuing return procedures, the pre-removal detention facilities were half empty. As of 29 June 2017, the occupancy rate was 47 %. They accommodated a total of 442 foreigners, mostly Afghan (more than 30 %) and Pakistani (about 22 %).⁷⁰

2.5.Changes in law, policy and practice

In June 2017, the government adopted amendments to the regulation governing the operation of the pre-removal detention facilities called ‘special homes for temporary accommodation of foreigners’. The changes laid down the detailed rules and procedure for the short-term detention of foreigners, introduced in December 2016 by an amendment to the Foreigners in the Republic of Bulgaria Act (*Закон за чужденците в Република България*). According to the new rules,

⁶⁶ *Ibid.*

⁶⁷ Bulgaria, Council of Refugee Women in Bulgaria (*Съвет на жените бежанки в България*) (2017), ‘[The last training for specialists working with refugees and asylum seekers, financed by the IRC, was held in Sofia by the CRW](#)’ (*‘Последното обучение за специалисти, работещи с бежанци и търсещи закрила, финансирано от IRC, бе проведено в София от СЖББ*), Press release.

⁶⁸ Bulgaria, Bulgarian Red Cross. For more information, see IOM - Bulgaria (*МОМ - България*) (2017), ‘[Trainings on intercultural competence](#)’ (*‘Обучения по межкултурна компетентност’*), Press release.

⁶⁹ Bulgaria, Bulgarian Red Cross. For more information, see the [press release issued before the event](#).

⁷⁰ Bulgaria, Ministry of the Interior, Directorate General Border Police.

short-term detainees will inhabit special units in the immigration detention facilities. The amendments also specified the grounds for their release and the forms that need to be filled in.⁷¹

In the area of border management, the MoI opened two procurement procedures, one for the supply of eight surveillance points along Bulgaria's border with Serbia, and the other for a data-processing centre at the police department in the village of Bregovo. The procurement was announced in April 2017 and worth some BGN 5.5 million (approximately €2.75 million). The money was to come from the €108 million assistance that the European Commission had allocated to Bulgaria in September 2016. The new equipment was expected to help the police counter the irregular migration across Bulgaria's western border with Serbia. However, on 30 June 2017, the MoI published an official announcement that it had suspended the procedure because none of the offers submitted met the procurement criteria.⁷²

The Prosecutor's Office of the Republic of Bulgaria (PORB) (*Прокуратура на Република България – ПРБ*) launched a series of inspections relating to the temporary fence on the Bulgarian–Turkish border following a complaint by a former Member of Parliament to the Prosecutor General indicating possible links between contractors and inflated contract prices.⁷³

The National Legal Aid Bureau (NLAB) (*Национално бюро за правна помощ – НБПП*), UNHCR and the Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет – БХК*) signed an agreement for mutual cooperation. They will cooperate to provide better legal assistance to persons who are seeking asylum in Bulgaria. The purpose is to enhance the qualifications of lawyers registered in the National Register of Legal Aid (*Национален регистър за правна помощ*), who will provide legal assistance to persons seeking international protection. In addition, the organisations will develop criteria for assessing the quality of legal assistance that lawyers provide to asylum seekers.⁷⁴

2.6.Social response

In May 2017, the Institute for Social Integration (ISI) (*Институт за социална интеграция – ИСИ*) presented the results of its media monitoring of hate speech in Bulgarian public life and of the media coverage of the migration flow between October 2014 and January 2017. They showed that hate speech and negative

⁷¹ Bulgaria, [Amendments to Regulation № Из-1201 of 2010 on the order of placement of foreigners and the organisation and activity of the special homes for temporary placement of foreigners](#) (*Наредба за изменение и допълнение на Наредба № Из-1201 от 2010 г. за реда за настаняване на чужденци, за организацията и дейността на специалните домове за временно настаняване на чужденци*), 30 June 2017.

⁷² Bulgaria, Ministry of the Interior, Directorate General Border Police. For more information, see the [official procurement announcement](#) and the related documentation.

⁷³ Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2017), '[The Supreme Cassation Prosecutor's Office ordered the State Agency for National Security an inspection of the temporary deterring equipment on the Bulgarian-Turkish border](#)' (*'ВКП разпореди на ДАНС извършване на проверка на временното възпрепятстващо съоръжение на българо-турската граница'*), Press release, 8 June 2017.

⁷⁴ UNHCR Bulgaria (*ВКБООН България*) (2017), '[Tripartite agreement on better legal aid to asylum seekers in Bulgaria](#)' (*'Тристранно споразумение за по-добра правна помощ на търсещите закрила в България'*), Press release, 5 May 2017.

portrayals of people coming to Bulgaria were used more intensively during the election campaigns and dropped sharply after their end. The main reason for the negative and discriminatory attitude was a mix of fears, ranging from the fear of terrorism and increase in conventional crime to the fear of unknown diseases.⁷⁵

On the occasion of World Refugee Day, the BRC and UNHCR Bulgaria organised a media forum entitled 'When society met the refugees' (*Когато обществото среща бежанците*).⁷⁶

An informal group of volunteers, known for annually organising environmental campaigns, launched a donation campaign to support asylum seekers residing in reception centres. The campaign lasted for two days (3 and 4 June) and the CRWB coordinated it. It collected clothes, shoes, cooking appliances, baby supplies and linen.⁷⁷

On 3 May 2017, Caritas Sofia's St Anna centre organised a job fair. Companies willing to hire asylum seekers and refugees interviewed candidates. The candidates had undergone previous career counselling on preparing CVs, job interviews, document requirements, etc.⁷⁸ Caritas Sofia continues to manage volunteers on mentoring refugees and on holding educational courses for children and adults detained in immigration detention centres.⁷⁹

Under the title 'What happens next?', a community discussion and Q&A session was organised in May. It involved experts and lawyers from the Centre for Legal Aid – Voice in Bulgaria (*Център за правна помощ – Глас в България*) and Bulgarian Lawyers for Human Rights (BLHR) (*Български адвокати за правата на човека – БАПЧ*). The purpose was to explain the legal rights and options available to migrants after they obtain a positive decision on their international protection applications. The discussion was open to asylum seekers, holders of refugee status and humanitarian protection, migrants, other foreign nationals and their friends and families. The session was held in English and interpretation into Arabic, French, Bulgarian, Farsi and other languages was available.⁸⁰

On 18–21 May 2017, Sofia hosted its first Solidarity Festival. Multi Kulti Collective and Caritas Sofia organised it with the support of Sofia Municipality and funding from the EU and private donors. It celebrated solidarity, empathy, understanding and tolerance of all groups in society, including migrants, with a series of events such as film screenings, concerts, discussions, workshops, storytelling and culinary experiences. Solidarity festivals took place in Sofia, Belgrade, Tirana and Skopje in spring as part of the Celebrating Solidarity project, which the EU co-funded through the Europe for Citizens Programme.⁸¹

⁷⁵ For more information, see the full [text of the study](#).

⁷⁶ Refugee Support Group, Bulgarian Red Cross. For more information see the [press release](#) for the event.

⁷⁷ For more information, see <https://hvashtamgorata.com/>.

⁷⁸ For more information, see www.facebook.com/CaritasSofiaBG/?hc_ref=PAGES_TIMELINE&fref=nf.

⁷⁹ Bulgaria, Refugee Support Group. For more information, see <https://timeheroes.org/bg/caritas/zanimania-migranti-busmantsi-iuni-2017> and <https://timeheroes.org/bg/caritas/mentori-bezhantsi-4>.

⁸⁰ Bulgaria, Refugee Support Group. For more information, see www.facebook.com/events/1047892208677635/?acontext=%7B%22ref%22%3A%223%22%2C%22ref_newsfeed_story_type%22%3A%22regular%22%2C%22action_history%22%3A%22null%22%7D.

⁸¹ For more information, see www.facebook.com/pg/multikulti.bg/photos/?tab=album&album_id=1563169553758451.

Fabrika Avtonomia (*Фабрика Автономия*) started offering Bulgarian lessons to migrants. The lessons took place every Saturday from 4 to 6 p.m. and were free for all interested migrants regardless of their origin or native language.⁸²

2.7. Hate crime incidents

Nothing new to report.

2.8. Policies against smuggling of human beings

The reporting period marked a distinct increase in dismantling smuggling channels, involving police officers. A migrant-smuggling channel on the Bulgarian–Romanian border, involving a border police officer, was dismantled in Ruse in cooperation with the Romanian police and prosecutors. Foreigners were being transported in wooden boxes; the investigators apprehended them and saved them from suffocation.⁸³ Another channel was dismantled at Sofia Airport, where three border police officers and two foreigners were detained and charged with participating in an organised smuggling gang.⁸⁴ In addition, a border police officer received a suspended sentence as a result of a case from 2015.⁸⁵

A border police patrol stopped a truck full of gravel on the road between Tsarevo and Burgas, near the town of Kiten. The truck had a secret section, where the patrol found 14 men, four women and three children. They had no identity papers and claimed they were Syrians. The driver and the foreigners were taken to the border police station.⁸⁶

The Specialised Prosecutor's Office (*Специализирана прокуратура*) charged five members of an organised gang with illegal migrant smuggling. At the time of writing, a Syrian with refugee status was considered to be the leader of the

⁸² Bulgaria, Refugee Support Group. For more information, see www.facebook.com/events/450096768687220/?acontext=%7B%22ref%22%3A%223%22%2C%22ref_ne%22%3A%22regular%22%2C%22action_history%22%3A%22null%22%7D.

⁸³ Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2017), '[A criminal migrant smuggling channel was dismantled under the guidance of the District Prosecutor's Office in Ruse](#)' (*'Под ръководството на Окръжна прокуратура – Русе е разбит престъпен канал за превеждане на мигранти'*), Press release, 27 April 2017.

⁸⁴ Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2017), '[The Appellate Specialised Criminal Court confirmed the detention of border police officers from the Sofia Airport](#)' (*'Апелативният специализиран наказателен съд потвърди мярката „Задържане под стража“ за граничните полицаи от Аерогара София'*), Press release, 1 June 2017. Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2017), '[The Specialised Prosecutor's Office pressed charges against a third border police officer from the Sofia Airport](#)' (*'Специализираната прокуратура повдигна обвинение на трети граничен полицаи от Аерогара София'*), Press release, 2 June 2017.

⁸⁵ Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2017), '[Under charges by the Regional Prosecutor's Office in Elhovo the court issued a suspended sentence for a border police officer, having taken two Iraqis through the country's Turkish border](#)' (*'По внесен обвинителен акт на Районна прокуратура – Елхово, Съдът наложи условно наказание на граничен полицаи, превел противозаконно през границата на страната от Република Турция двама граждани на Република Ирак'*), Press release, 15 June 2017.

⁸⁶ Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2017), '[Border police officers from Tzarevo found 21 illegal immigrants in a truck full of gravel](#)' (*'Гранични полицаи от ГПУ- Царево откриха 21 нелегални имигранти в камион с чакъл'*), Press release, 4 April 2017.

group, which also comprised a Syrian with humanitarian protection and three Bulgarians.⁸⁷

2.9. Criminal proceedings against migrants and asylum seekers

During the reporting period, several criminal proceedings for illegal border crossing were completed in Ruse. All of them ended with agreements between the prosecutors and the defendants. On 9 May, three Iraqis received sentences of five months' imprisonment, suspended for three years, and fines of BGN 100 (approximately €50) each, and a 27-year old Syrian woman was sentenced to six months' imprisonment, suspended for three years, and a BGN 150 (approximately €75) fine. One week before, 31 other foreigners were also sentenced after agreements with the prosecution.⁸⁸

In its annual report for 2016, the Prosecutor's Office of the Republic of Bulgaria noted a rise in the number of human trafficking gangs, related to the migrant flow through the country.⁸⁹

⁸⁷ Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2017), '[The Specialised Prosecutor's Office charged two Syrians and three Bulgarians with illegal smuggling of refugees](#)' ('Специализираната прокуратура обвини двама сирийци и трима българи за незаконен трафик на бежанци'), Press release, 2 May 2017.

⁸⁸ Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2017), '[Four foreigners sentenced under accelerated proceedings of the Regional Prosecutor's Office in Rousse for attempting and exiting the country](#)' ('Четирима чужденци са осъдени по бързи производства на Районна прокуратура – Русе за опит да излязат и за излизане през границата'), Press release, 9 May 2017.

⁸⁹ Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2017), '[Report on the application of the law and the activity of the Prosecutor's Office and investigative authorities for 2016](#)' ('Доклад за прилагането на закона и дейността на Прокуратурата и разследващите органи през 2016 г.'), p. 105.

3. Denmark

3.1. Overview of the situation

Arrivals

From 29 May 2017 until 2 July 2017 (both days included), at least 300 foreigners entered Denmark, according to estimated numbers from the National Danish Police based on the temporary border control in two police districts.⁹⁰

Asylum applications

The number of newly arrived asylum seekers in Denmark remains low. About 160 persons applied for asylum in Denmark between 1 and 25 June 2017.⁹¹

Share of unaccompanied children

Unaccompanied children continue to represent a large proportion of the total number of asylum seekers. Between 1 and 25 June 2017, unaccompanied children submitted some 30 asylum applications, equivalent to about 16 %.⁹²

Main countries of origin of asylum seekers

The main countries of origin from 1 to 25 June 2017 were Syria (49 people), Iran (12) and India (8). For unaccompanied children, the main countries of origin during the same period were Syria (5), Algeria (5) and Afghanistan (4).⁹³

Ratios of families, ages and gender

The ratios of the applicants in terms of families, age and gender from 1 to 25 June 2017 were⁹⁴:

- children to adults, 34 % to 66 %;
- single persons to families, 67 % to 33 %;
- female to male, 31 % to 69 %.

3.2. Key fundamental rights concerns

The Danish Refugee Council has previously reported on the practice regarding Somalia and the withdrawal of Somalians' residence permits (see January and May monthly reports). The Danish Refugee Appeals Board has reached decisions in three new cases. In two of the cases, the families were granted convention status because of the risk of female circumcision of the daughters who were

⁹⁰ Denmark, information available in Danish at the [website of the Danish National Police \(Rigspolitiet\)](#) The number is an estimate by the Danish National Police based on weekly reports from two police districts. Please note that the estimate is subject to a significant uncertainty, as the police due to the Schengen Regulation only carried out border control on a limited number of trains, busses etc. All websites accessed for the June report on 3 July 2017.

⁹¹ Denmark, Danish Immigration Service (*Udlændingestyrelsen*). Please note that the data from the Danish Immigration Service in general provided from 2017 is still provisional, as changes/updates may occur, and that the data are subject to general uncertainty as the case handling system is structured as a record-case management system and not as an actual statistical system.

⁹² Denmark, Danish Immigration Service (*Udlændingestyrelsen*).

⁹³ *Ibid.*

⁹⁴ *Ibid.*

minors. The Board upheld the refusal in the third case, which concerned an applicant from an area controlled by Al-Shabaab, whereas previous cases of withdrawal of residence permits concerned applicants from Mogadishu.⁹⁵ These decisions were based on new court reports by several stakeholders indicating that the situation in south and central Somalia was improving.

As previously reported in the April monthly report, The Danish Refugee Council was concerned about the procedures of Bedoon asylum seekers from Kuwait, some of whom have been awaiting decisions on their cases since 2015. The Ministry of Foreign Affairs has provided new information relevant to the cases and some applicants have received rejections, as the authorities do not believe that their stated identities are genuine. The ministry declined the Danish Refugee Council's request for information, because of the potential risk to Denmark's foreign political interests.⁹⁶

3.3. Children and vulnerable groups

In relation to the accommodation of unaccompanied children, stakeholders have mentioned the following points:

- The Danish Red Cross expressed concerns about the treatment of so-called unaccompanied children with street-oriented behaviour (i.e. children who have been living on the street, e.g. in southern Europe). As they differ in terms of their behaviour and needs from other unaccompanied children, they were previously accommodated separately, to address their special needs. Because of the low number of asylum seekers, however, these children will be accommodated with other unaccompanied children, a practice The Danish Red Cross considers to be problematic.⁹⁷
- The Danish Refugee Council criticised the accommodation of 17-year-old unaccompanied children in adult centres (see January monthly report).⁹⁸
- The Danish Red Cross and the Danish Refugee Council have raised concerns about the adoption of a draft bill regarding the use of force at children's centres and the possibility of reducing unaccompanied children's pocket money, as the March monthly report mentioned. Such measures can be ordered if, for example, the children do not follow the house rules at the centre or do not cooperate with their return upon rejection.⁹⁹
- As a positive development, the Danish Refugee Council noted that the Socialtilsynet was made responsible for carrying out professional supervision of the centres accommodating unaccompanied children.

In addition, the Danish Immigration Service has established a new accommodation centre for vulnerable asylum seekers who need special care, as

⁹⁵ Denmark, Danish Refugee Council (*Dansk Flygtningehjælp*). A summary of the decisions are available in Danish on the [website of the Danish Refugee Appeals Board](#) (*Flygtningenævnet*).

⁹⁶ Denmark, Danish Refugee Council (*Dansk Flygtningehjælp*).

⁹⁷ Denmark, the Danish Red Cross (*Dansk Røde Kors*).

⁹⁸ Denmark, Danish Refugee Council (*Dansk Flygtningehjælp*).

⁹⁹ Denmark, [Lov nr. 702 af 8. juni 2017 om ændring af udlændingeloven](#) (*Ro og orden på indkvarteringssteder for uledsagede mindreårige udlændinge, herunder husordener, økonomiske sanktioner, magtanvendelse og anbringelse uden for indkvarteringsstedet, m.v.*), bill nr. 702 of 8 June 2017, available in Danish.

the former centre was closed because of problems with mould. It has no plans to change the services it offers to the asylum seekers.¹⁰⁰

Stakeholders continued to raise concerns about unaccompanied children seeking asylum, who are not mature enough to undergo an asylum procedure and who in some cases have family in their country of origin. An assessment of whether or not the child is mature enough to undergo an asylum procedure is conducted on a case-by-case basis. The assessment of maturity is individual and depends very much on the personal characteristics of the child, but, generally speaking, children aged 0–11 are considered not mature enough, children aged 15–17 are considered mature enough and the assessment of children aged 12–14 varies case by case. (See April and May monthly reports for additional information.)¹⁰¹ Children reside at asylum centres until they are sufficiently mature to undergo an asylum procedure. Their maturity is assessed again after a year. The Danish Refugee Council has brought the issue to the attention of the Danish Parliamentary Ombudsman, who has contacted the Ministry of Immigration and Integration to ask if this practice is in accordance with the best interests of the child.¹⁰²

3.4. Changes in law, policy and practice

Due to Amendments to the legislation in 2015 and 2016, beneficiaries of temporary protection cannot, as a general rule, be granted family reunification earlier than after three years, as previously reported. On 19 May 2017, the Eastern High Court found that postponing the right to family reunification did not violate the right to family life and the prohibition of discrimination in Articles 8 and 14 of the European Convention of Human Rights. The case has been appealed to the Supreme Court.¹⁰³

On 3 May 2017, the Danish Refugee Appeals Board decided on four cases concerning transfers to Hungary in accordance with the Dublin Regulation. It found that there were substantial grounds for believing that there were systematic deficiencies in the asylum procedure and in the reception conditions for asylum applicants in Hungary. Consequently, the Danish Immigration Service does currently not enforce any transfer decisions to Hungary in accordance with the Dublin Regulation.¹⁰⁴

In June 2017, the Danish Parliament amended the Danish Repatriation Act (*Repatrieringsloven*) to make it easier and more beneficial for persons who are granted asylum in Denmark to repatriate to their country of origin. The amendment entails, for example, an increase in the amounts of money provided

¹⁰⁰ Denmark, the Danish Parliament (*Folketinget*), the Immigration and Integration Committee, [Udlændinge- og Integrationsudvalget 2016-17](#), UUI, *Alm.del endeligt svar på spørgsmål 442*, 31 January 2016, available in Danish and Denmark, the Danish Immigration Service (*Udlændingestyrelsen*).

¹⁰¹ Denmark, the Danish Red Cross (*Dansk Røde Kors*) and Danish Refugee Council (*Dansk Flygtningehjælp*).

¹⁰² Denmark, the Danish Red Cross (*Dansk Røde Kors*) and Danish Refugee Council (*Dansk Flygtningehjælp*).

¹⁰³ For example, Berlingske (2017), '[Advokat vil have familiesammenføringssag for Højesteret](#)', 19 May 2017, available in Danish.

¹⁰⁴ Denmark, Danish Immigration Service (*Udlændingestyrelsen*).

to persons who repatriate and an increase in financial support for healthcare insurance and for children's schooling.¹⁰⁵

There has been severe criticism of supervision at the asylum centres, in particular at children's centres, as previously reported. The Danish Immigration Service published a new concept for supervision in May 2017. It describes the legal framework for the accommodation and the supervision that the Danish Immigration Service carries out.¹⁰⁶

Stakeholders have raised concerns in previous reports (February, March and April monthly reports) about a bill on the so-called emergency brake. The bill became law in May 2017.¹⁰⁷

3.5. Social response

A demonstration in favour of Somali migrants took place on 6 May 2017. It focused on the deportation of Somalis. The exact number of participants is unknown, but estimated to be around 200.¹⁰⁸

Other than that, there were no demonstrations in this period.¹⁰⁹

There was a smaller demonstration in support of a specific family, which has received a rejection of its asylum application and is therefore expected to be returned. An online petition in favour of the family has been set up.¹¹⁰

There have not been any changes in the public discourse, although the following issues are worth mentioning:

In the last couple of months there has been a discussion on the legality of returning Afghan and Somali migrants. The latter has been especially controversial and there is a dispute (as the May monthly report also reported) about whether or not there is an agreement on returns between the Somali Government and the Danish Government.¹¹¹

There has been intense debate on the question of accommodation for couples of asylum seekers where one or both of the applicants are underage (see the April and June monthly reports for additional information). There was a political aftermath at the time of writing, with an ensuing debate on whether the minister acted deliberately against the law or not. Some politicians and media commentators have instead turned the question of the legality of the decision and procedures into a question of being in favour of or against child marriage.

In addition, the media have raised the question of NGOs' responsibility for search and rescue (SAR) missions in the Mediterranean. The immigration

¹⁰⁵ Denmark, [Lov 2017-06-08 nr. 704 om ændring af repatrieringsloven og udlændingeloven](#) (Øget støtte til repatriering, genindførelse af resultattilskud til kommunerne og indførelse af absolut tilbagebetalingskrav m.v.), available in Danish.

¹⁰⁶ Denmark, the Danish Immigration Service (Udlændingestyrelsen) '[Udlændingestyrelsens koncept for tilsyn med asylindkvarteringsoperatørernes opgavevaretagelse](#)', May 2017, available in Danish..

¹⁰⁷ Denmark, [Lov 2017-05-17 nr. 476 om ændring af udlændingeloven](#) (Mulighed for i en krisesituation at afvise asylansøgere ved grænsen) available in Danish.

¹⁰⁸ Altinget (2017), '[Demonstration mod udvisning af somalier](#)', available in Danish.

¹⁰⁹ Denmark, Danish Ministry of Justice (Justitsministeriet).

¹¹⁰ Denmark, the Danish Red Cross (Røde Kors).

¹¹¹ Denmark, SOS Against Racism (SOS mod Racisme).

spokesperson of the Danish Liberal Party, which is part of the Danish Government, has stated that the Danish Liberal Party agrees with Frontex's criticism of SAR missions in the Mediterranean and that Denmark should withdraw funding from NGOs that pursue SAR missions in the Mediterranean. The Danish People's Party has supported these statements.¹¹²

3.6. Hate crime incidents

No incidents were reported in this period. Similarly, there were no reported changes with regard to online hate speech.¹¹³ Moreover, no attacks were reported in the period, according to the Danish Red Cross, which operates a number of asylum facilities.¹¹⁴

3.7. Policies against smuggling of human beings

Ten persons were charged with committing human smuggling between 3 April and 2 July 2017 (both days included), according to statistics from the Danish temporary border control at the border with Germany. The information does not, however, indicate in which cases the action was for humanitarian reasons and/or for profit, nor does it indicate the outcome of the charge.¹¹⁵

The Danish High Court sentenced a Syrian couple to 30 days in prison in May 2017, and expelled them from Denmark, having found them guilty of human smuggling. The couple had taken the husband's younger brother back to Denmark after a family visit in Germany in spring 2016. The younger brother, who had sought asylum in Germany, allegedly wanted to visit his friend in Denmark for only a week and then return to Germany. The Danish border control stopped the family on the border between Germany and Denmark. The Danish High Court found the couple guilty of human smuggling and reportedly did not take into account the circumstances of the case, which suggested that there was no intention to commit human smuggling: the younger brother had a train ticket back to Germany, he had sought asylum in Germany and he was to attend an educational programme upon his return to Germany. Amnesty International in Denmark expressed great concern about the case.¹¹⁶

¹¹² DR Nyheder, 25 June 2017, "[Venstre vil straffe ngo'er for at redde flygtninge på Middelhavet](#)", available in Danish.

¹¹³ Denmark, Danish National Police (*Rigspolitiet*).

¹¹⁴ Denmark, Danish Red Cross (*Røde Kors*).

¹¹⁵ Denmark, information available in Danish at the [website of the Danish National Police](#) (*Rigspolitiet*).

¹¹⁶ Information 29 May 2017, "[Toq lillebror med hjem fra familiebesøg – nu er de dømt til udvisning](#)", available in Danish.

4. Finland

4.1. Overview of the situation

No exceptional numbers of arrival were reported for June.¹¹⁷ Some 470 persons applied for asylum. Around 50 were children arriving with families, some 20 were unaccompanied children and some 140 were women. The main third countries of origin were Syria (some 120), Iraq (some 90), Eritrea (some 60) and Afghanistan (some 40).¹¹⁸ From 1 January to 30 June 2017, some 2,540 persons applied for asylum in Finland, of whom around 370 were children arriving with families, some 70 were unaccompanied children and some 770 were women.¹¹⁹

4.2. Key fundamental rights concerns

The Finnish Non-Discrimination Ombudsman (*Yhdenvertaisuusvaltuutettu/Diskrimineringsombudsmannen*) expressed fundamental rights concerns related to shortcomings in the processing of asylum applications at the Finnish Immigration Service (*Maahanmuuttovirasto/Migrationsverket*). These particularly affected lesbian, gay, bisexual, transgender and intersex (LGBTI) applicants and other vulnerable groups and individuals, according to the Ombudsman.¹²⁰ Therefore, the Ombudsman called for increased training of asylum officers and interpreters on LGBTI issues and on recognising torture victims.

Furthermore, internal tensions, threats and incidents of violence among asylum seekers continued to cause concern.¹²¹ Reportedly, such threats and violence have targeted asylum seekers who have converted to Christianity.¹²² Asylum seekers, especially those facing negative asylum decisions, planned to harm themselves, and sexual harassment and abuse at reception centres were reported.¹²³

4.3. Children and vulnerable groups

In two decisions of 7 June 2017,¹²⁴ the Deputy Parliamentary Ombudsman (*Apulaisoikeusasiamies/Biträdande justitieombudsman*) voiced concerns over the protection of children's rights, legal security and the best interests of the child in hearings of underage applicants for family reunification at Finland's diplomatic

¹¹⁷ Finland, Finnish Immigration Service (*Maahanmuuttovirasto/Migrationsverket*).

¹¹⁸ Finland, Finnish Immigration Service (*Maahanmuuttovirasto/Migrationsverket*), [Statistics on asylum and refugees](#).

¹¹⁹ *Ibid.*

¹²⁰ Finland, Finnish Non-Discrimination Ombudsman (*Yhdenvertaisuusvaltuutettu/Diskrimineringsombudsmannen*), [Statement](#), 1 June 2017.

¹²¹ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*).

¹²² *Ibid.*

¹²³ *Ibid.*

¹²⁴ Finland, Deputy Parliamentary Ombudsman (*apulaisoikeusasiamies/biträdande justitieombudsman*), 7 June 2017, decisions 2282/2/15 and 1088/4/16; and [Press release](#). See, also, Media source: Yle News, [Deputy Ombudsman condemns treatment of children in family reunification interviews](#), 16 June 2017.

missions abroad. Shortcomings and problems in this regard are related to procedures, the professional competence of interviewers and the guidance provided to the diplomatic missions. Also, according to the Ombudsman, children had often been interviewed without a family member, a legal guardian or another familiar adult. In another decision,¹²⁵ the Parliamentary Ombudsman (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*) found that taking almost 17 months to process the asylum applications of two unaccompanied children was counter to the principles of good governance and the best interests of the child. In the absence of a justification for such a long processing time, the Ombudsman issued a reprimand to the Finnish Immigration Service for the undue delay in handing the decisions. It also reprimanded the agency for allegedly failing to abide by the principles of good governance with regard to the age assessment of an unaccompanied child and for an undue delay (14 months) in processing an asylum application.¹²⁶

It was still difficult to find placements for unaccompanied children in municipalities after they had received a positive decision on international protection and obtained a residence permit.¹²⁷

4.4. Changes in law, policy and practice

The Finnish Immigration Service announced reductions in accommodation capacity, to take effect in 2017.¹²⁸ Further, it updated its situational reviews of the security situations in Afghanistan, Iraq and Somalia.¹²⁹ The updated reviews acknowledged the unstable and deteriorating security situations in all three states, while at the same time recognising the option of internal protection. They upheld the principle that “Simply stating that they are originally from a certain area in any of these three countries will not automatically grant asylum seekers the right to international protection”. In its rulings of 5 May,¹³⁰ the Supreme Administrative Court (*Korkein hallinto-oikeus/Högsta förvaltningsdomstolen*) confirmed that the prevailing conditions in Kabul did not constitute a general obstacle to internal protection. Asylum applications shall, therefore, be assessed by also taking the personal circumstances of asylum seekers into account. This also applies to families with children.

In addition, the third government programme for the prevention of illegal entry and stay, covering 2017–2020, was adopted in April. Key priorities identified in

¹²⁵ Finland, Parliamentary Ombudsman (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), 2 June 2017, [63/2017](#).

¹²⁶ Finland, Parliamentary Ombudsman (*Eduskunnan oikeusasiamies/Riksdagens justitieombudsman*), [2 June 2017, 1487/2017](#).

¹²⁷ Finland, Ombudsman for Children (*Lapsiasiavaltuutettu/Barnombudsmannen*). See, also, Media source: Yle News, [Interior Ministry official urges municipalities to take in refugee minors](#), 19 June 2017.

¹²⁸ Finnish Immigration Service (*Maahanmuuttovirasto/Migrationsverket*), [Press release](#), 27 April 2017 and [Press release](#), 22 June 2017.

¹²⁹ Finland, Finnish Immigration Service (*Maahanmuuttovirasto/Migrationsverket*), [Press release](#), 12 June 2017. See, also, Finnish Immigration Service (*Maahanmuuttovirasto/Migrationsverket*), [Press release](#), 11 April 2017.

¹³⁰ Finland, Supreme Administrative Court (*korkein hallinto-oikeus/högsta förvaltningsdomstolen*), 5 May 2017, KHO 2017:74, KHO 2017:73, KHO 2017:72, KHO 2017:71. See, also, media source: Yle News, [Court rules in favour of asylum seekers fighting deportation](#), 5 May 2017.

the programme include actions to combat illegal residence and to ensure internal security in the country.¹³¹

As regards changes in implementation, according to a media source, the police have started to fine an increasing number of undocumented migrants for staying in the country illegally, following a backlog in the return system.¹³²

In terms of changes demanded, the Finnish Non-Discrimination Ombudsman requested that anti-immigration or racist demonstrations not be allowed in the vicinity of schools, reception centres or mosques.¹³³ Also, the Finnish Ministry of Education and Culture (*Opetus- ja kulttuuriministeriö/Undervisnings- och kulturministeriet*) was planning a new training model for immigrants, allowing increased flexibility in studies.¹³⁴

Further, in April the Minister for the Interior suggested raising Finland's annual quota for resettlement, from 750 to 1,050 for 2018.¹³⁵ Similarly, a group of over 40 organisations asked Finland to raise its refugee quota.¹³⁶

In a decision of 30 May 2017, the Deputy Parliamentary Ombudsman asserted that municipalities have an obligation to ensure temporary emergency accommodation for undocumented migrants within Finland.¹³⁷

4.5. Social response

A pro-asylum protest and an anti-immigration counter-demonstration in central Helsinki had started in February and continued until the police closed them down at the end of June.¹³⁸ Similarly, in Oulu, pro-asylum and anti-immigration protests continued in April.¹³⁹ In addition, an anti-Islam demonstration and two demonstrations in response to a police campaign and measures against hate speech took place in late May and June in Helsinki.¹⁴⁰ Protests also took place to oppose deportations of rejected asylum seekers.¹⁴¹ They gathered hundreds of persons in early April and dozens of persons in late June at Helsinki Airport,¹⁴²

¹³¹ Finland, Government Communications Department, [Press release](#), 3 April 2017.

¹³² Media source: [Helsingin Sanomat](#), 30 April 2017.

¹³³ Finland, Finnish Non-Discrimination Ombudsman (*Yhdenvertaisuusvaltuutettu/Diskrimineringsombudsmannen*), [Blog](#), 8 June 2017. See, also, [Press release](#), 8 June 2017.

¹³⁴ Finland, Finnish Ministry of Education and Culture (*Opetus- ja kulttuuriministeriö/Undervisnings- och kulturministeriet*), Press release, [New flexible training model for immigrants](#), 28 June 2017.

¹³⁵ Finland, Ministry of the Interior (*Sisäministeriö/Inrikesministeriet*), [Press release](#), 13 April 2017. See, also, media source: Helsinki Times, [Risikko: Finland should raise refugee quota by 40 %](#), 14 April 2017.

¹³⁶ E.g., Finland, Finnish League for Human Rights (*Ihmisoikeusliitto/Förbundet för Mänskliga Rättigheter*), [Press release](#), 12 April 2017.

¹³⁷ Finland, Deputy Parliamentary Ombudsman (*apulaisoikeusasiamies/biträdande justitieombudsman*), 30 May 2017, [EOAK/2834/2016](#), available in Finnish.

¹³⁸ Finland, Helsinki Police Department (*Helsingin poliisilaitos/Polisinrättningen i Helsingfors*), [Press release](#), 30 June 2017. See, also, media source: Yle News, [Police dismantle Railway Station demo camp](#), 1 July 2017; and Yle News, [Helsinki police shut down anti-immigration protesters' camp over security concerns](#), 26 June 2017.

¹³⁹ Media source: [Yle News](#), 5 April.

¹⁴⁰ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*).

¹⁴¹ *Ibid.*

¹⁴² Media source: Yle News, [Tuesday's papers: Airport deportation protest \[...\]](#), 4 April 2017; and Yle News, [Deportation cancelled after protests at Helsinki Airport](#), 27 June 2017.

and hundreds of demonstrators in the centre of Helsinki in early April, according to media sources.¹⁴³ A similar protest took place in Tampere in early April.¹⁴⁴

The leadership of one of the governing parties, the populist True Finns, changed. It then promoted a more hard-line anti-immigration approach, which the media covered widely in early June.¹⁴⁵ A group of parliamentarians who were not satisfied with the change of leadership in the True Finns formed a new party, which continues as a member of the coalition. Public discourse also intensified after a media report¹⁴⁶ criticised the quality of asylum decisions that the Finnish Immigration Service had made during 2015–2016.¹⁴⁷

4.6. Hate crime incidents

A pro-asylum protest and an anti-immigration counter-demonstration had continued in central Helsinki since February. The police closed them down in June for security reasons.¹⁴⁸ Before that, there had been reports of repeated incidents of disorder, violence and vandalism among different anti-immigration groupings and between such groupings and outsiders.¹⁴⁹ In early April, somebody threw a bottle containing fuel oil at a tent of pro-asylum protesters in Oulu.¹⁵⁰

In addition, the Finnish Non-Discrimination Ombudsman has requested that the Office of the Prosecutor General (*Valtakunnansyyttäjänvirasto/Riksåklagarämbetet*) investigate comments made at a demonstration that an anti-immigration group organised at the end of May in Helsinki, to assess whether or not such comments amount to incitement to ethnic or racial hatred or defamation.¹⁵¹ The police noted that online hate speech targeting both migrants and authorities intensified in April, before and after the municipal elections held on 9 April and as a reaction to much-debated forced returns of rejected Afghan asylum seekers.¹⁵² Since May, an increase in hate speech against the police and politicians is reported as a consequence of some publicised police investigations of hate speech and internal turmoil within a populist governing party.¹⁵³ In terms of increased efforts by the police to curb and prevent hate speech, the Police University College of Finland (*Poliisiammattikorkeakoulu/Polisyrkeshögskolan*) offered a second in-service

¹⁴³ Media sources: Yle News, [Hundreds protest Afghan deportations in Helsinki](#), 4 April 2017.

¹⁴⁴ National Police Board (*Poliisihallitus/Polisstyrelsen*), interview 3 May 2017.

¹⁴⁵ [Yle News](#), 10 June 2017.

¹⁴⁶ Jeannette Björkqvist, [‘Migrin malliasiakirjat ohjanneet kielteisiin päätöksiin’](#) [Model documents at Migri guided towards negative decisions], Longplay, 3 May 2017. Referred to by Amnesty Finland. In English, see, Yle, [‘Report: Immigration Service circulates model negative asylum decisions for “assembly line” use’](#), 4 May 2017.

¹⁴⁷ See, e.g., media source: [Huvudstadsbladet](#), 20 June 2017, reporting that 11 000 signed a petition to request assessment of the Finnish Immigration Service.

¹⁴⁸ Finland, Helsinki Police Department (*Helsingin poliisilaitos/Polisinrättningen i Helsingfors*), [Press release](#), 30 June 2017. See, also, media source: Yle News, [Police dismantle Railway Station demo camp](#), 1 July 2017; and Yle News, [Helsinki police shut down anti-immigration protesters’ camp over security concerns](#), 26 June 2017.

¹⁴⁹ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*).

¹⁵⁰ Finland, Oulu Police Department (*Oulun poliisilaitos/Polisinrättningen i Uleåborg*), [Press release](#), 19 April.

¹⁵¹ Finland, Finnish Non-Discrimination Ombudsman (*Yhdenvertaisuusvaltuutettu/Diskrimineringsombudsmannen*), [Press release](#), 8 June 2017.

¹⁵² Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*).

¹⁵³ *Ibid.*

training course for hate crime trainers in April.¹⁵⁴ Also, the Oulu reception centre, National Police Board and the Police University College jointly run a project (TURVA) to promote asylum seekers' grasp of civil and human rights and their understanding of Finnish society, and to prevent asylum seekers from committing crimes.¹⁵⁵

Some incidents of violence or threats of violence against asylum seekers, as well as confrontations between asylum seekers and Finnish residents in public places, were registered in April–June.¹⁵⁶

4.7. Policies against smuggling of human beings

No information is available on proceedings against persons facilitating irregular entry for humanitarian/non-profit reasons.

Under Chapter 17, Section 8(2) of the Finnish Criminal Code (*Rikoslaki/Strafflag*) (19.12.1889/39) an act does not constitute arrangement of illegal immigration where, "when taking into account in particular the humanitarian motives of the person committing it or his or her motives relating to close family relations, and the circumstances pertaining to the safety of the foreigner in his or her home country or country of permanent residence, and when assessed as a whole, is to be deemed committed under vindicating circumstances".

In June, 17 asylum seekers were smuggled from Russia to Finland in a boat through the Saimaa Canal.¹⁵⁷ The Finnish police are investigating the suspected offence as aggravated facilitation of illegal entry and consider it to have links to previous criminality that they have investigated.¹⁵⁸ There has also been an increase in the number of persons granted asylum in Finland who have facilitated irregular entry of relatives and fellow citizens through the Finnish–Russian border, according to a media source.¹⁵⁹ Half a dozen investigations of illegal entry at the eastern border have begun this year, according to the media.¹⁶⁰ In some of the cases the facilitator was a person who had been granted asylum in Finland. This is a new phenomenon on Finland's eastern border, according to the Finnish Border Guard (*Rajavartiolaitos/Gränsbevakningsväsendet*), the media source reports. The numbers are small, but some indications of more organised activity allegedly exist.¹⁶¹

¹⁵⁴ *Ibid.*

¹⁵⁵ Finland, Finnish Immigration Service (*Maahanmuuttovirasto/Migrationsverket*), [Press release](#), 24 May 2017.

¹⁵⁶ Finland, National Police Board (*Poliisihallitus/Polisstyrelsen*).

¹⁵⁷ Finnish Border Guard (*Rajavartiolaitos/Gränsbevakningsväsendet*), [Press release](#), 14 June 2017; [Yle uutiset](#), 30 June 2017. See also Helsinki Times, [16 June 2017](#).

¹⁵⁸ Finnish Border Guard (*Rajavartiolaitos/Gränsbevakningsväsendet*), [Press release](#), 14 June 2017; [Yle uutiset](#), 30 June 2017.

¹⁵⁹ [Yle uutiset](#), 5 May 2017.

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*

5. France

5.1. Overview of the situation

Like previous months, approximately 120 to 150 migrants entered France each week via the French–Italian border, according to organisations operating on the ground. This brings the total to between 480 and 600 arrivals for June.¹⁶² Most of them were young adult men originating mainly from Sudan, Chad, Eritrea and Afghanistan.¹⁶³ These figures could increase in the months to come because summer makes it easier to cross the mountains.¹⁶⁴ As in previous months, some people arriving submitted their requests for asylum in the south of France, while others went to Paris for this purpose.¹⁶⁵ Some moved to the north of France, particularly Calais, to try to travel to the United Kingdom. The Service centre for migrants therefore envisaged a rise in the number of arrivals in Calais during the coming weeks, which is likely to increase tension over migration in this particularly sensitive transit area.¹⁶⁶

5.2. Key fundamental rights concerns

Situation in Calais

The number of migrants in the town of Calais increased only slightly during June, to between around 350 people (according to the Prefecture) and 650 people (according to associations).¹⁶⁷ Tension remained high because of the efforts of the police to stop the formation of new camps, but also because migrants returned to setting up roadblocks. This practice, consisting of blocking the road with obstacles of all types to slow down trucks heading for England and trying to hide inside them, had already emerged during 2016. It began again in May when a large number of migrants returned to Calais, and more generally to the region of Hauts-de-France. They had been among those who had been moved across the country after the main ‘wild’ camp in Calais (known as the “Calais jungle”) was dismantled at the end of October 2016.¹⁶⁸

A roadblock on a motorway in the region caused the death of a van driver on 20 June 2017. The driver of the van, which was registered in Poland, died after crashing into a truck that had stopped in front of him because of a roadblock. Four migrants, two adult Afghans and two Eritrean children of over 16 years of age, have been charged with “manslaughter by a manifestly deliberate violation of a particular safety or due care and attention obligation imposed by the law or regulations, in this case obstructing traffic leading to the death of the Polish national [...] and endangering the life of others [other drivers]”, according to the public prosecutor in Saint-Omer.¹⁶⁹

¹⁶² France, Roya citizen; the Immigrant Information and Support Group.

¹⁶³ France, Roya citizen; the Cimade.

¹⁶⁴ France, Roya citizen.

¹⁶⁵ France, Service centre for migrants in Calais.

¹⁶⁶ *Ibid.*

¹⁶⁷ *Ibid.*

¹⁶⁸ *Ibid.*

¹⁶⁹ *Ibid.*

On 16 June 2017, 11 civil society organisations working in the Calais area submitted a legal request to the Administrative Court of Lille in the framework of an emergency procedure. They demanded various humanitarian measures, primarily the re-establishment of a reception area and better management of the many children on the periphery of the town.¹⁷⁰ Following this request, the court refused, in a decision of 26 June 2017, to order the public authorities of Calais to create an emergency reception centre for migrants, but ordered measures to assist them:¹⁷¹ the creation of water points and sanitary facilities, and authorisation to distribute meals (see subsection 5.4). However, the Mayor of Calais announced to the press that he refused to implement the measures ordered, saying that the response should come from the state and not from the local authority.¹⁷²

The Public Defender of Rights, who had testified before the Administrative Court of Lille at the time of this case, had raised the “exceptionally serious nature of the situation” in a decision dated 21 June 2017 relating to the humanitarian situation in Calais.¹⁷³ Thus, “the breaches of the most basic fundamental rights of the migrants that have been observed and reported indeed appear to be without precedent and have all the more significant an impact as these people are minors”. The Public Defender of Rights condemned breaches of the right to accommodation, the right not to suffer violations of one’s physical integrity, the right to the material conditions for a decent life, the right for a woman to access special health protection and not to suffer sexual violence, the right of children to benefit from child welfare, and the right to request asylum.

Access to asylum at the French–Italian border

The French–Italian border has, like the north of France, a significant presence of migrants. However, national and local associations condemned different breaches during the month, in particular concerning detention practices (see subsection 5.4) and breaches of the right to asylum (see subsection 5.3). In Cannes, where trains coming from Italy arrive, station workers have twice found the bodies of migrants who had been electrocuted in the machine rooms (narrow rooms with high-tension electricity) of trains: on 19 May 2017 the body of a 30-year-old Malian and on 25 May 2017 that of a young Senegalese man of unknown age.¹⁷⁴ On 6 June 2017, two associations, Roya citizen and All Citizens!, asked the government to designate “a mediator” in view of the influx of African migrants and the “inaction” of the local authorities.¹⁷⁵

¹⁷⁰ France, Catholic Relief; La Cimade; Human Rights League; National Association of Border Assistance for Foreigners.

¹⁷¹ France, Administrative Court of Lille (*Tribunal administratif de Lille*), [Decision](#) (Ordonnance), 26 June 2017.

¹⁷² France, [Le Monde](#), [Migrants à Calais : la décision en référé est une « étape » pour les associations](#), 27 June 2017.

¹⁷³ France, Public Defender of rights (*Défenseur des droits*), [Decision 2017-206](#) (*Décision 2017-2006*), 21 June 2017.

¹⁷⁴ See e.g. Daily Mail, [Migrant 'bound for Britain' is found burnt to death after being electrocuted in Cannes close to film festival site where Vanessa Redgrave film about refugee deaths premiered](#), 20 May 2017.

¹⁷⁵ France, Roya citizen; France, [Le Monde](#), [Mediator requested by associations in view of the influx of migrants at the France-Italy border](#) (*Un médiateur demandé par les associations face à l'afflux de migrants à la frontière franco-italienne*), 6 June 2017.

5.3. Fundamental rights issues in relation to registration and channelling into different procedures

Many national and local associations have condemned the persistent breaches of rights during recent months, which related to registering people, the asylum procedure itself and removals (*retours*).

In the south of France, where migrants coming from Italy frequently arrive, the police carry out checks under conditions that affect access to asylum.¹⁷⁶ Since 2015, all trains arriving from Italy have stopped in the town of Menton for checks by French police, which consist of checking the identity documents of people on board the trains whom the police believe to have crossed the border without authorisation. In addition, border controls are carried out to identify migrants who enter France on foot. In both cases, migrants are removed to Italy without receiving information about their rights (e.g. the right to an interpreter) and without the opportunity to apply for international protection.¹⁷⁷ The police speedily facilitate their readmission to Italy, sometimes making them return by train outside the legal framework.¹⁷⁸ The situation of children is “particularly alarming”, according to the NGO La Cimade, since the police no longer give them any written documents and simply send them back on a train, but Italy no longer readmits them, as it assumes that the French authorities should protect them. The NGO considers that the intention is to block the arrival in French territory of the large majority of migrants coming from Italy even though many of these people wish to request asylum in France.¹⁷⁹

In Paris, where the majority of migrants wishing to request asylum in France are concentrated, there continued to be gaps in reception facilities, leading to camps forming around the humanitarian camp that was set up in northeast Paris at the end of 2016 to register requests for asylum.¹⁸⁰ In addition to the difficulties of gaining access to the camp, problems arise within the camp in exercising the right to asylum. People staying in the camp do not have adequate assistance to apply for international protection and are sometimes simply prevented from completing the necessary formalities, according to the NGO Le Gisti. Migrants who are required to provide their fingerprints at the prefecture are sometimes threatened with removal – even being immediately returned – to the countries through which they have transited or to their country of origin, without their refugee status being examined. Le Gisti speaks of “administrative ill-treatment”.¹⁸¹

Finally, in Calais, according to the Public Defender of Rights, the difficulties in filing a request for asylum result from the fact that the state no longer assures the transfer of migrants to the Orientation and Reception Centres (*Centres d’Accueil et d’Orientation* – CAD), which are accommodation establishments where people can receive advice or assistance with filing their requests.

¹⁷⁶ France, the Cimade; the Immigrant Information and Support Group. See also on the [Cimade internet site](#).

¹⁷⁷ *Ibid.*

¹⁷⁸ France, the Cimade. See also on the [Cimade internet site](#).

¹⁷⁹ See the [Cimade internet site](#).

¹⁸⁰ See the [GISTI website](#).

¹⁸¹ *Ibid.* See the [GISTI website](#).

Furthermore, migrants can no longer register their requests in Calais. In a decision of 21 June 2017, the Public Defender of Rights requested that this option be reinstated again, taking into account the presence in the area of Calais of new migrants who, because of their nationality, in particular Eritrean, could have a claim for international protection.¹⁸²

5.4. Challenges and developments concerning reception conditions of new arrivals, including detention

5.4.1 Reception conditions and capacity

One of the major challenges still remained the accommodation of migrants, particularly applicants for asylum, according to the newly published Annual report 2016 of the French Office for Immigration and Integration. The reception capacity remained largely lower than the demand.¹⁸³ The French Office for Immigration and Integration¹⁸⁴ managed the national reception measures. As it recognised, half of the applicants for asylum remained without accommodation pursuant to the priority rules that were set based on vulnerability criteria.

In Paris, there was limited accommodation for migrants who wished to submit their requests for asylum. The shortage generated great tension at the entrance to the 'humanitarian camp' opened in November 2016. Around 1,200 people, primarily Afghans, Eritreans and Sudanese, were settled there at the time of writing, and their number was increasing by approximately 200 per week, according to certain NGOs.¹⁸⁵ In addition, the conditions were deteriorating to the detriment of the physical and mental health of the people present, and scuffles were increasing between the various communities present.¹⁸⁶

In the south, activists undertook to accommodate migrants on their land, exposing themselves to prosecutions, which have led to well-publicised cases (see subsection 5.8).¹⁸⁷ In Calais, on 26 June, the Administrative Court of Lille rejected an application from NGOs for the creation of a reception centre for migrants in Calais, but it ordered that measures be put in place to assist migrants in Calais, "to prevent the people concerned from being exposed to the risks of inhumane and degrading treatment".¹⁸⁸ It ordered an increase in patrols for the benefit of children, the creation, "according to methods which remain to be determined between all the actors concerned", of several water points and sanitary facilities, and an expansion of the measure to provide access to showers, "reserved until now for the sick and in particular those suffering from scabies". It obliged the authorities "to allow associations to continue to distribute meals". Finally, it ordered the organisation of departures to CADs and to provide emergency shelter. However, the mayor refused to implement this decision, as

¹⁸² France, Public Defender of Rights (*Défenseur des droits*), [Decision 2017-206](#) (*Décision 2017-2006*), 21 June 2017, p.9.

¹⁸³ See http://www.ofii.fr/IMG/pdf/OFIG_RA_2016_PAGES.pdf.

¹⁸⁴ France, French Office for Immigration and Integration. The figures revealed in the [annual report for 2016](#), published recently, also highlighted this.

¹⁸⁵ France, France Terre d'Asile.

¹⁸⁶ France, France Terre d'Asile; La Cimade; the Immigrant Information and Support Group.

¹⁸⁷ France, Roya citizen; see also the [association site](#).

¹⁸⁸ France, Administrative Court of Lille (*Tribunal administratif de Lille*), [Decision](#) (Ordonnance), 26 June 2017.

he considered these measures to be the responsibility of the state and not the local authority.

5.4.2 Vulnerable persons

Although the large majority of newcomers were young men, associations confirmed the presence of women and children in Calais, generally in families.¹⁸⁹ They were not able to assess the number of these people.¹⁹⁰ One challenge was to protect them because of their vulnerability. Several associations demanded the creation of reception facilities for the women and children in Calais, but it was met with reluctance of the authorities. NGOs established reception facilities for women and children despite the Administrative Court not requiring them.¹⁹¹ The facilities were later closed. On 21 June 2017, the Public Defender of Rights stressed that, because of the closure of reception facilities for women and new-borns and the dismantling of 'wild camps' in 2016, women and new-borns were particularly exposed and "likely to be subject to rape and sexual exploitation". In addition, the Public Defender of Rights raised the point that no provision of care exists for women who arrive in France pregnant after having been raped on their journeys. No dedicated measures exist today to accommodate them or their new-borns. Only those who request asylum manage, with the assistance of associations, to find accommodation.¹⁹²

5.4.3 Child protection

The child welfare services can in theory receive and support unaccompanied children.¹⁹³ However, the provision of care for unaccompanied children hits sizeable practical obstacles.

With regard initially to the situation in Calais, the Public Defender of Rights raises the difficulties, in the absence of patrols, for associations to reach this especially vulnerable population and to inform them of such a possibility.¹⁹⁴ Moreover, accommodation is available only in a shelter 40 km from Calais, which is not attractive for those who are trying to reach Great Britain.

French departments have a legal obligation to treat any person who claims to be a child as a child, but in practice people whose physical appearance may lead one to think that they are older than they claim often do not receive support. The Public Defender of Rights had already condemned this practice of discrimination according to physical appearance in 2016,¹⁹⁵ and again on 7 February 2017,¹⁹⁶ without managing to put an end to it. Meanwhile, associations are trying to fill the gap. Doctors Without Borders publicly announced its project to develop, beginning in September 2017, new activities in the reception of young unaccompanied migrants in Paris, by opening an

¹⁸⁹ France, Service centre for migrants in Calais; The voice of the child.

¹⁹⁰ *Ibid.*

¹⁹¹ France, The voice of the child.

¹⁹² France, Public Defender of rights (*Défenseur des droits*), [Decision 2017-206](#) (*Décision 2017-2006*), 21 June 2017, p.9.

¹⁹³ France, The voice of the child, 28 June 2017.

¹⁹⁴ France, Public Defender of rights (*Défenseur des droits*), [Decision 2017-206](#) (*Décision 2017-2006*), 21 June 2017, p.9.

¹⁹⁵ France, Public Defender of rights (*Défenseur des droits*), [Decision MDE-2016-183](#) (*Décision MDE-2016-183*).

¹⁹⁶ France, Public Defender of rights (*Défenseur des droits*), [Opinion](#) (*Avis*), 7 February 2017.

information and care centre, and the management of hotel accommodation places.¹⁹⁷

5.4.4 Immigration detention

Detention of men, women and children remains common and the conditions are frequently inappropriate, according to La Cimade (see the June report). There are still no alternatives in practice. Some 180 children and teenagers were detained in France in 2016, that is to say four times as many as in 2014. The practice of detaining children has increased in 2017, in both mainland France and overseas territories.¹⁹⁸

During an observation exercise at the French–Italian border from 15 to 20 May 2017, NGOs noted that in Menton there was a place for depriving people of liberty when they had been refused entry and were awaiting readmission to Italy. Migrants were held in buildings belonging to the Departmental Border Police Service (*Direction départementale de la Police aux Frontières – DDPAF*).¹⁹⁹ The NGOs launched legal action in the form of within the framework of an emergency procedure. In a decision of 8 June 2017, the Administrative Court of Nice ruled that the breaches of the right to free movement and the right to asylum that the NGOs invoked had not been proven sufficiently and precisely enough, but ordered the Prefect to transfer the people detained to the waiting areas located at the airport or the station at Nice “whenever the detention of these people in these buildings exceeds a period of four hours”. That is considered a reasonable time within the meaning of the jurisprudence of the European Court of Human Rights (ECtHR).²⁰⁰

The NGOs lodged an appeal against this decision before the Council of State. The Council of State rejected the appeal in July. It stated, however, that the right to seek asylum at the border must be respected under all circumstances and that asylum seekers must be provided with the relevant safeguards – such as the right not to be removed during the first forty-eight hours following notification of the refusal of entry and, where appropriate, the intervention of the administrative tribunal's decision.²⁰¹

5.5. Changes in law, policy and practice

The Minister for the Interior, following the election of the new President of the Republic, visited Calais on 23 June 2017 to announce that in 15 days he would present the President with a plan concerning migrants “to deal with the problem of asylum”.²⁰²

¹⁹⁷ France, Le Monde, [MSF will open a reception centre for young unaccompanied migrants in Paris](#) (*MSF va ouvrir un centre d'accueil pour jeunes migrants isolés à Paris*), 2 June 2017

¹⁹⁸ France, National Association of Border Assistance for Foreigners.

¹⁹⁹ France, the Cimade.

²⁰⁰ France, Administrative Court of Nice (Tribunal administrative de Nice), [Decision No. 1702161](#) (Décision No. 1702161), 8 June 2017.

²⁰¹ France, Council of State (Conseil d'Etat), [Ordinance N411575](#) (Ordonnance N411575), 5 July 2017.

²⁰² France, Le Monde, [Gerard Collomb, visiting Calais, announces a plan for asylum in fifteen days](#) (*Gérard Collomb, en visite à Calais, annonce un plan sur l'asile sous quinze jours*), 23 June 2017.

Associations spoke of an increase in the police presence in the north of France and of a hardening of practices.²⁰³ This concerned the destruction of 'wild' camps, restrictions on the distribution of meals (limited to a certain area of the town of Calais, and to precise times of the day) and control of those who work for humanitarian associations (see subsection 5.8). Announcements by the authorities confirmed the trend of strengthening the police presence, in particular since the new Minister for the Interior announced on 6 June 2017 the deployment of more than 150 additional police officers to counter new arrivals.

On 30 May 2017, various associations addressed an 'open letter' to the new President to request "that learning the language of the host country be included among the minimum conditions provided for the reception of applicants for asylum".²⁰⁴

5.6. Social response

No demonstrations against migrants have been reported for the period concerned. In contrast, support demonstrations took place around particular events, such as the closure of establishments receiving migrants, or as a reaction to Dublin returns or measures directed against activists working to assist migrants. The following non-exhaustive list can be mentioned:²⁰⁵

- On 29 April 2017, in Rennes: a demonstration called by the collective in support of Jardins de la Poterie. The objective was to regularise the status of 160 migrants living in a retirement home, of whom half are children. Approximately 200 people took part.
- On 13 May 2017, in Gap: associations organised a demonstration to demand an end to the Dublin procedure against two migrants. Two Sudanese persons had received an order to leave France and go to Norway, their country of entry into Europe. The number of participants is unknown.
- On 16 May 2017, in Nice: there was a demonstration in front of the Nice High Court (*Tribunal de Grande Instance*) in support of two activists prosecuted for acts of support for migrants.
- On 26 May 2017, in Paris: the "coordination 93 in the fight for undocumented foreign nationals" (*coordination 93 de lutte pour les sans-papiers*) organised a demonstration. The number of participants is unknown.
- On 24 May 2017, in Digne: the Collective of Solidarity with the Refugees of Sisteron (*Collectif de Solidarité avec les Réfugiés de Sisteron*) called a demonstration in front of the Prefecture of Digne-les-Bains (Alpes-de-Haute-Provence), to demand that the Prefect immediately suspend the Dublin procedure that was to result in the deportation of certain migrants. Approximately 50 people took part.

²⁰³ France, Service centre for migrants in Calais; the Cimade;; Immigration Information and Support Group; Human Rights League; Catholic Relief.

²⁰⁴ See [the open letter from associations and institutions to President Emmanuel Macron to ask that learning of the language of the host country be included among the minimum conditions provided for the reception of applicants for asylum](#), 30 June 2017.

²⁰⁵ For a complete list of demonstrations supporting defenders of migrants, see the [GISTI website](#).

- On 12 May 2017, in Paris: there was a demonstration in front of law courts in Paris in support of two activists convicted of wilful violence against police officers, while according to Le Gisti they were peacefully attempting to provide shelter for people expelled from their shanty town in Noisiel and Champs-sur-Marne in winter. The number of participants is unknown.

Many articles in the general press have covered the return of previously evicted migrants to Calais and have reported on the decision of the Administrative Court of Lille, and also the very critical standpoint of the Public Defender of Rights and the president of the National Consultative Commission on Human Rights (*Commission nationale consultative des droits de l'homme* – CNCDH).²⁰⁶ These articles have helped make the question of migrants more visible again in the public discourse. Attention had moved away from it following the closing of 'wild' camps at the end of 2016.

Three hundred civil society organisations, including the largest NGOs, initiated the "call of 15 June", which criticises police repression and prefecture obstacles to French people wishing to assist migrants: "In the face of what constitutes a real 'state of emergency', we invite the political and administrative leaders to ask the real questions: does our idea of justice allow activists for solidarity to be harassed and convicted as criminals, or that food distributions be prohibited by local laws?"²⁰⁷

5.7. Hate crime incidents

No incidents to report.²⁰⁸

5.8. Policies against smuggling of human beings

Article L. 622-1 of the Code of entry and stay for foreigners and the right to asylum (Ceseda) states that "any person who, through direct or indirect assistance, facilitates or attempts to facilitate the entry, the movement or the irregular stay of a foreigner in France" shall be punished by five years' imprisonment and a €30,000 fine. This provision has increasingly been used against citizens who have given their support without any benefit to themselves (the "offence of solidarity", according to associations). Often prosecutions are for this together with additional offences: violence against the police, insults and rebellion.

During the last three months, the public institutions for the protection of human rights as well as associations have increased their criticism of police practices in Calais, Paris and the south. In particular, the police arrest association volunteers to intimidate them. The CNCDH, in an opinion dated 18 May 2017, called for "putting an end to the offence of solidarity"²⁰⁹ (title of the opinion), while the

²⁰⁶ See for example: www.bondyblog.fr/201706241721/nous-sommes-face-a-des-traitements-inhumains-et-degradants-a-calais-venant-de-la-france-cest-honteux/#.WVe37cbpPBI.

²⁰⁷ See the call from the following link: www.bastamag.net/300-organisations-blament-le-gouvernement-Macron-et-appellent-a-un-changement.

²⁰⁸ France, National Consultative Committee on Human Rights; La Cimade; Immigrant Information and Support Group.

²⁰⁹ France, CNCDH, [Putting an end to the offence of solidarity](#) (*Mettre fin au délit de solidarité*), 18 May 2017.

Human Rights League (*Ligue des droits de l'Homme* – LDH) evoked “state harassment”²¹⁰ and the Public Defender of Rights spoke of “a hunt”.²¹¹

In parallel, many activists, journalists or photographers have been taken into custody and questioned, but released on the same day without charges.²¹² This growing practice, according to associations, is part of an attempt to make migrants ‘invisible’ in France, and to stop them returning to sensitive places and places where their presence is likely to receive a lot of publicity. In addition, several court cases were brought for similar incidents at the end of 2016. While the cases have continued, in particular that of a well-known activist – a farmer who accommodates many migrants on his farm and who has been the subject of several prosecutions²¹³ – it seems that no legal proceedings have been opened recently. The authorities have exerted pressure by acts of intimidation, police custody (eight instances during June according to the LDH²¹⁴), and checks, but seemingly less by legal procedures than during January, February and March.

²¹⁰ France, LDH, Communiqué, “[Migrants: stop State harassment](#)”, 28 June 2017.

²¹¹ France, Public Defender of rights (*Défenseur des droits*), [Decision 2017-206](#) (*Décision 2017-2006*), 21 June 2017.

²¹² France, Service centre for migrants in Calais; the Cimade Immigration Information and Support Group; Human Rights League; Catholic Relief.

²¹³ The farmer Cédric Herrou had his appeal heard on 26 June 2017 by the Court of Appeal of Aix-en-Provence.

²¹⁴ France, Human Rights League.

6. Germany

6.1. Overview of the situation

Arrivals/registration

Some 15,000 persons in need of international protection entered Germany and were registered in the core data system (*Kerndatensystem*) in May 2017 (some 12,000 in April 2017).²¹⁵

Main countries of origin

The main nationalities of persons registered in May 2017 were Syrian (some 3,700), Iraqi (some 1,600), Iranian (some 600), Afghan (some 950), Eritrean (some 1,100), Nigerian (some 530), Somali (some 600) and Turkish (some 500), as well as some 630 of unresolved nationality.²¹⁶

Approximate proportions of children, families, women and other vulnerable groups

Of all applicants for asylum in January–May 2017, 75.7 % were younger than 30 years, 43.7 % were younger than 18 years and 22.3 % were younger than 4 years. About one third of all initial applications were submitted by women.²¹⁷

As of 31 May 2017, some 37,570 unaccompanied children were under the protection of the youth welfare offices, as were some 22,130 young adults (*junge Volljährige*).²¹⁸ According to the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (*Bundesministerium für Familie, Senioren, Frauen und Jugend*), no further information about age and country of origin is available.²¹⁹ In addition, no data are collected on the exact figures of newly arrived unaccompanied children in Germany.²²⁰

Applications

Some 16,640 applications for asylum were submitted in May 2017, predominantly by Afghan, Syrian and Iraqi citizens.²²¹ This is an increase of 12.1 % from the number of applications in April 2017.²²²

In May 2017, some 165,100 asylum proceedings were still pending (some 232,500 in April 2017), 70.1 % of which had been submitted before January 2017.²²³

Decisions

In May 2017, the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge* – BAMF) decided on some 87,650 applications (some

²¹⁵ Federal Ministry of the Interior, [press releases](#), 6 June 2017.

²¹⁶ *Ibid.*

²¹⁷ BAMF: [Aktuelle Zahlen zu Asyl](#), May 2017, p. 7. See:

²¹⁸ Germany, Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (*Bundesministerium für Familie, Senioren, Frauen und Jugend*).

²¹⁹ *Ibid.*

²²⁰ *Ibid.*

²²¹ Federal Ministry of the Interior, [press releases](#) 6 June 2017.

²²² *Ibid.*

²²³ *Ibid.*

63,420 in April 2017).²²⁴ A total of 16,667 (19 %) of the applicants received the legal status of a refugee (according to the Geneva Convention Relating to the Status of Refugees of 1951), compared with 15,146 (21.2 %) in April 2017. Among them, 673 persons (0.7 %) were granted asylum under Article 16a of the constitution (*Grundgesetz*) and some 16,000 persons (18.3 %) received protection as refugees under section 3 of the Asylum Act (*Asylgesetz*) in conjunction with section 60, paragraph 1 of the Residence Act (*Aufenthaltsgesetz*).²²⁵

In May 2017, some 12,700 persons (14.4 %) received subsidiary protection under section 4 of the Asylum Act in accordance with Directive 2011/95/EU.²²⁶ Thus, the proportion of persons receiving only subsidiary protection has decreased since September 2016 (40.6 %).

In May 2017, 6,642 (7.6 %) of all BAMF decisions issued applicants with a suspension of deportation order under section 60, paragraph 5 or 7, sentence 1 of the Residence Act, which marks an increase from February 2017 (some 8,540, 6 %), September 2016 (some 2,690 persons, 3.9 %) and August 2016 (1,290 persons, 2.3 %), for example. This means that expulsion has not been possible, for example because of substantial specific threats to life, such as life-threatening disease. Article 60, paragraph 5 of the Residence Act also refers to cases that fall under Articles 2 and 3 of the European Convention on Human Rights.²²⁷

The BAMF rejected the applications of 39,490 persons (45.5 %) in May 2017. The applications of 11,860 persons (13.5 %) were rejected in May 2017 for other reasons, such as Dublin procedures or because applicants withdrew their applications.²²⁸

6.2. Key fundamental rights concerns

Several key fundamental rights concerns described in previous reports remained, for example the inadequate or missing procedures for identifying vulnerable persons, and the deficiencies and the poor quality of asylum procedures, as well as the deportation policy (please see further details below).

Still no systematic procedures for identifying vulnerable persons

Interviewed stakeholders emphasised once again that to date there were neither systematic nor mandatory procedures to identify vulnerable persons and applicants with special reception needs in reception centres. There was no nationwide harmonised approach, as UNICEF, for example, has demanded.²²⁹

However, there were a few model and pilot projects. In addition, cooperation between reception centres and regular support structures, for example women's refuges (*Frauenhäuser*) or counselling centres, has improved in many regions,

²²⁴ *Ibid.*

²²⁵ *Ibid.*

²²⁶ *Ibid.*

²²⁷ *Ibid.*

²²⁸ *Ibid.*

²²⁹ UNICEF, [press releases](#), 21 March 2017.

some interviewed stakeholders reported.²³⁰ Furthermore, there was more focus on issues such as the best interests of the child (*Kindeswohl*) and safety measures for children and women in reception centres than one or two years ago, according to Caritas. Reception centres were more aware of these issues and have started to discuss and to develop prevention concepts.²³¹ Please see further details in subsection 6.3.

Various deficiencies in the quality of asylum procedures and decisions

Stakeholders and other human rights organisations interviewed have criticised various deficiencies concerning the quality of asylum procedures and decisions for a long time. Please see further details in subsection 6.4.²³²

In addition, the informants reported that applicants lacked early access to independent asylum procedures and counselling, and the quality of the counselling was inadequate.²³³

Deportation policy

Furthermore, the deportation policy of the federal government and several federal states concerning Afghan asylum seekers, as described in previous reports, was still a fundamental rights concern.²³⁴

6.3. Children and vulnerable groups

To date, there has been no regular procedure for a comprehensive, standardised and mandatory identification of special protection needs, either in the design of the asylum procedure or for accommodation.²³⁵

Cooperation between administration institutions and reception centres on basic services has improved, some Caritas counselling centres reported.

Many applicants for asylum with various impairments were accommodated in non-specialised accommodation facilities or in big reception centres.²³⁶

Unaccompanied children repeatedly report cases of rape during their journey to Germany, according to the German Red Cross.²³⁷ Furthermore, the process of accommodation and of taking unaccompanied children into custody (*Inobhutnahme*) drags on when unaccompanied children complain about the age estimates that youth offices or other institutions make.²³⁸

According to Caritas, deficiencies exist concerning access to school for Children in reception centres and for children who were distributed to municipalities. The

²³⁰ Germany, Red Cross (*Deutsches Rotes Kreuz*).

²³¹ Germany, Caritas Association (*Deutscher Caritasverband*).

²³² See <https://www.proasyl.de/wp-content/uploads/2015/12/Memorandum-f%C3%BCr-faire-und-sorgf%C3%A4ltige-Asylverfahren-in-Deutschland-2016.pdf>, 30 November 2017.

²³³ Germany, Caritas Association (*Deutscher Caritasverband*), 23 June 2017 and <https://www.herder-korrespondenz.de/heftarchiv/71-jahrgang-2017/heft-7-2017/wachsende-zahl-von-abschiebungen-zu-viel-kalkuel-zu-wenig-sorgfalt>.

²³⁴ See <https://www.proasyl.de/news/neue-zahlen-wie-umkaempft-afghanistan-wirklich-ist/>, 5 April 2017, and <http://www.tagesschau.de/inland/asyl-abschiebungen-afghanistan-101.html>, 24 April 2017.

²³⁵ Jesuit Refugee Service (*Jesuiten Flüchtlingsdienst, JRS*), 13 June 2017 and German Caritas Association (*Deutscher Caritasverband*), 23 June 2017.

²³⁶ Germany, Red Cross (*Deutsches Rotes Kreuz*).

²³⁷ *Ibid.*

²³⁸ Germany, Red Cross (*Deutsches Rotes Kreuz*).

actual number of available school places in municipalities was lower than officially stated, it reported.²³⁹

In cases of acute risks to the child's well-being (*Kindeswohlgefährdung*), the youth welfare offices now received information more regularly than they did some months ago, the German Red Cross reported. They responded quickly, depending on the risk situation. However, it was clearly noticeable that the youth welfare employees were overloaded in areas with high numbers of reception centres and mass refugee accommodation facilities. Protection plans were often pursued only if the risk continued or recurred.²⁴⁰

Medical care was in general still difficult to receive because of language barriers, the German Red Cross also reported. In addition, because of a lack of accommodation facilities for applicants with special needs, ill persons had to wait a long time for their transfer although specialist consultants had referred them.²⁴¹

Some Caritas counselling centres reported an increasing number of pregnant women from Nigeria among the persons seeking advice. Many of them were trafficked by criminal organisations from West Africa via Libya and Italy. The women were forced into prostitution to pay back debts, which often meant several years in violent dependency. Those affected were enormously anxious, the counselling centres reported, as the women feared that criminals in Germany also had powerful networks.²⁴²

6.4. Changes in law, policy and practice

The German parliament (*Bundestag*) and the Federal Council (*Bundesrat*) approved a draft bill to speed up the deportation of rejected asylum seekers at the end of May and the beginning of June 2017.²⁴³ It will severely restrict several laws, predominantly the Asylum Law, the Residence Law and the Codes of Social Law (*Sozialgesetzbuch*, SGB VIII).²⁴⁴

The following changes and restrictions for refugees (and other non-German and German citizens) are among the amendments:²⁴⁵

- The BAMF will be given new powers to examine asylum seekers' mobile phones and SIM cards to determine their identities. The German government reckons on examining the data of some 150,000 applicants for asylum in 2017.²⁴⁶
- Persons scheduled for deportation can be detained or fitted with electronic ankle bracelets, if they are considered a threat to public security. Custody pending deportation (*Abschiebungshaft*, under section 62 of the Residence

²³⁹ Germany, Caritas Association (*Deutscher Caritasverband*).

²⁴⁰ Germany, Red Cross (*Deutsches Rotes Kreuz*).

²⁴¹ *Ibid.*

²⁴² Germany, Caritas Association (*Deutscher Caritasverband*).

²⁴³ See <http://rsw.beck.de/aktuell/meldung/bundesrat-billigt-bessere-durchsetzung-der-ausreisepflicht>

²⁴⁴ See <http://dipbt.bundestag.de/dip21/brd/2017/0179-17.pdf>

²⁴⁵ *Ibid.*

²⁴⁶ *Ibid.*

Act) in these cases shall be admissible even if the deportation cannot be carried out within three months.

- Short-term detention immediately before deportation (*Ausreisegewahrsam*, under section 62b of the Residence Act) in general is extended by law from a maximum of four days to a maximum of 10 days.
- The Youth Services (*Jugendämter*) are to be generally obliged to apply for asylum for unaccompanied children.²⁴⁷
- The federal states are to be authorised to extend the obligatory length of stay in reception centres.

On 27 March, several organisations took part in a hearing on the draft bill.²⁴⁸ Various organisations criticised several aspects. For example, the Jesuit Refugee Service (*Jesuiten Flüchtlingsdienst*) pointed out that there was no evidence that would justify the restrictions, for example for the prognoses that a high number of applicants would not need protection in Germany and that the current limitation of deportation detention to four days (*Ausreisegewahrsam*, under section 62b of the Residence Act) would not be sufficient.²⁴⁹ Because it assessed several aspects as not compliant with EU and German law, the Jesuit Refugee Service recommended not to pass the draft bill.

Furthermore, the human rights organisations Pro Asyl and UNICEF criticised similar and additional aspects of the draft bill.²⁵⁰ UNICEF, for example, focused especially on the situation of children in reception centres. Authorising the federal states to extend how long asylum applicants are obliged to stay in reception centres would harm the integration and schooling of children. In addition, UNICEF mentioned another problem: if the Youth Services (*Jugendämter*) were generally obliged to apply for asylum for unaccompanied children, it would be urgently necessary to train staff and legal guardians on the Asylum and Residence Act (*Asyl- und Aufenthaltsgesetz*). In addition, the Youth Services should have the obligation to examine whether an asylum application was in the best interests of the child or not.

Information and cooperation

In some regions it was difficult to obtain information about newly arrived persons seeking protection, as relevant authorities and organisations did not inform welfare organisations comprehensively, Caritas reported. It argued that this was partly because the media were likely to attack the new arrivals and partly because of an overload of requests.²⁵¹

‘Voluntary return’

²⁴⁷ Federal Association for Unaccompanied Minor Refugees (*Bundesfachverband Unbegleitete Minderjährige Flüchtlinge*), [press releases](#), 22. February 28, 2017 and http://www.b-umf.de/images/20170217_Stellungnahme_des_Bundesfachverband_umF_zum_Entwurf_eines_Gesetzes_zur_besseren_Durchsetzung_der_Ausreisepflicht.pdf.

²⁴⁸ See <https://www.bundestag.de/ausschuesse18/a04/anhoerungen?url=L2F1c3NjaHVlc3NlMTgvYTA0L2FuaG9lc nVuZ2VuLzExMS0tc2l0enVuZy1pbmhhbHQvNDk5MjEy&mod=mod458740>.

²⁴⁹ See <https://www.bundestag.de/blob/500846/c66964fc79589b0889f99847a721bf9f/18-4-843-data.pdf>.

²⁵⁰ See <https://www.bundestag.de/blob/500848/f0b4ca2ba915678f0abeaca2f53da6ce/18-4-844-data.pdf> and <https://www.bundestag.de/blob/500016/c93c5454d698d8b0e8f08117cefae473/18-4-825-a-data.pdf> <https://www.bundestag.de/blob/500016/c93c5454d698d8b0e8f08117cefae473/18-4-825-a-data.pdf>

²⁵¹ Germany, Caritas Association (*Deutscher Caritasverband*).

The government programme 'StarthilfePlus'²⁵² provides higher payments if asylum seekers return to their state of origin before applying for asylum or before the BAMF has decided on their applications. Government agencies advertised it directly in reception centres. At the same time, according to Caritas, authorities called on local advisors working for welfare organisations not to provide independent counselling on the government return programmes.²⁵³

In addition, the German Red Cross observed that the numbers of so-called voluntary self-determined returns increased for family reasons, or because the possibility of receiving refugee status in Germany was uncertain. Afghan citizens were more and more advised to return to Afghanistan with the possibility of receiving grants and resources to establish self-employed business activities.²⁵⁴

Access to and quality of independent counselling concerning asylum procedures

As before, asylum applicants had only a few opportunities to receive immediate and independent counselling about procedures promptly after their entry, for example in reception centres, reported Caritas. Individual federal states had plans to improve counselling offers.²⁵⁵

As indicated in earlier reports, a noticeably increasing proportion of asylum procedures were accelerated. Hence, the quality of asylum procedures was still perceived as inadequate in many individual cases. This was exacerbated by the fact that consultation was often not possible before the interview. In the meantime, many clients reached counselling centres only if they had received a negative response from the BAMF. In many of these cases, a complaint appeared promising, with the result that counselling centres were occupied with counselling on this issue.²⁵⁶

Many counselling centres and lawyers could not cope with the increasingly high number of clients needing support and advice in regard to funding and personal capacities. Therefore, several human rights and welfare organisations demanded improvement in the non-governmental and independent support structures and counselling centres for asylum applicants and refugees.²⁵⁷ Another reason was that there were many shortcomings and deficiencies in BAMF decisions, for example regarding documentation issues.²⁵⁸ Furthermore, Caritas said that it sometimes detected considerable deficiencies in the quality of asylum proceedings, as legal standards were not always adhered to, and there were also

²⁵² See <http://www.bamf.de/DE/Rueckkehr/Rueckkehrprogramme/StarthilfePlus/starthilfeplus.html>

²⁵³ Germany, Caritas Association (*Deutscher Caritasverband*).

²⁵⁴ Germany, Red Cross (*Deutsches Rotes Kreuz*).

²⁵⁵ Germany, Caritas Association (*Deutscher Caritasverband*).

²⁵⁶ *Ibid.*

²⁵⁷ See <https://www.herder-korrespondenz.de/heftarchiv/71-jahrgang-2017/heft-7-2017/wachsende-zahl-von-abschiebungen-zu-viel-kalkuel-zu-wenig-sorgfalt>.

²⁵⁸ An internal investigation of 2,000 asylum decisions conducted by the BAMF revealed many deficiencies in asylum proceedings. As a result, many of the positive asylum decisions that have been checked have not been adequately documented. For applicants from Afghanistan, such shortcomings were found in more than 45% of the revised decisions and for applicants from Syria 20% of the cases. See <https://www.welt.de/politik/deutschland/article165098518/Untersuchung-deckt-erhebliche-Maengel-bei-Asylverfahren-auf.html>, 31 May 2017 and <http://www.tagesschau.de/inland/terror-bundeswehr-105.html>, 29 April 2017.

shortcomings in the quality of translations. This led to more clients in refugee counselling centres.²⁵⁹

Quality of the interviews, the decision and the procedure in general

Some of the BAMF's structures and processes have been at the expense of the quality of decision making and interviews. Interviewers often would not have time to look at an individual case very thoroughly. In many proceedings, one person has interviewed the asylum seeker and another has made the final decision. This policy has concerned both Pro Asyl and Jesuit Refugee Service for many months, as the credibility of the asylum seekers' explanations is crucial for the decision-making process.²⁶⁰ Although the BAMF has an official instruction (*Dienstanweisung Asyl*) that aims to have the same person as interviewer and decision maker, it has admitted that because of the high number of asylum applications from 2016 and earlier it has used different persons for the interview and the decision, especially in accelerated asylum procedures. The BAMF, however, did not record which cases these were. Furthermore, the BAMF had yet to complete the analysis whether interviewers and decision makers will be the same person.²⁶¹

The Jesuit Refugee Service reported that it still noticed BAMF notifications in which the individual applicant's statement was hardly taken into account. Instead, the decisions contained text modules with general remarks on the situation in the country of origin. These were extremely unrealistic, in particular about Afghanistan, especially with regard to the alleged possibility of internal protection as an alternative.²⁶²

Originals of official documents repeatedly disappeared or were not traceable in the BAMF, the German Red Cross reported. Furthermore, asylum procedures were closed because the applicants' addresses were allegedly incorrect in the BAMF database although the applicant had indicated a change of address.²⁶³

6.5. Social response

In the past three months there were several demonstrations against migrants. The right-wing organisation Die Identitären demonstrated in Berlin on 19 May 2017 against new draft laws to combat hate speech through social media. About 50 persons took part.²⁶⁴ In addition, 600 of this group and some representatives of the right-wing political party Alternative für Deutschland (AfD) demonstrated on 17 June 2017.²⁶⁵

In the past three months there were several demonstrations including and/or in favour of migrants. For example, about 650 persons, predominantly migrants and refugees, demonstrated on 24 June 2017 against the G20 summit in

²⁵⁹ See <https://www.herder-korrespondenz.de/heftarchiv/71-jahrgang-2017/heft-7-2017/wachsende-zahl-von-abschiebungen-zu-viel-kalkuel-zu-wenig-sorgfalt>.

²⁶⁰ Pro Asyl, [press releases](#), 12 October 2016.

²⁶¹ [Federal government's response to a parliamentary question](#), 1 June 2017.

²⁶² Germany, Jesuit Refugee Service (*Jesuiten Flüchtlingsdienst, JRS*).

²⁶³ Germany, Red Cross (*Deutsches Rotes Kreuz*).

²⁶⁴ See <https://www.rbb-online.de/politik/beitrag/2017/06/berlin-identitaere-demo-trifft-auf-drei-gegen-demonstrationen.html>, 19 May 2017.

²⁶⁵ *Ibid.*

Hamburg in July 2017 and demanded a more liberal immigration policy. They also protested against deportations and racism.²⁶⁶ Under the title 'We are here' they published the following demands, among others: "We – Refugees, Migrants and our networks want to bring forward our demands: The Right to come and go! Stop the dying! Migration policies have to change! Stop Deportations! The right to stay! No Camps! Flats and equal rights for all! Stop racism! Stop the fear!"²⁶⁷

Furthermore, there were several actions and demonstrations against deportations, predominantly to Afghanistan. For example, about 300 students who wanted to prevent the deportation of an Afghan student out of his school in Nuremberg, Bavaria, on 31 May 2017; 150 persons demonstrated in Göttingen, Lower Saxony, on 31 May 2017;²⁶⁸ 150 persons demonstrated in Frankfurt, Hesse, on 1 June 2017;²⁶⁹ and in Leipzig, Saxony, on 28 June 2017.²⁷⁰

6.6. Hate crime incidents

There have been many demonstrations and rallies against refugees, according to Amadeu Antonio Foundation and Pro Asyl. However, their chronicle is limited to demonstrations in which justiciable incidents took place: not having announced the rally to the authorities, hate speech/incitement of the people (*Volksverhetzung*), Hitler salutes, attacks on pro-refugee demonstrators, press or police, etc.²⁷¹

Between 1 April and the end of June 2017 (last updated 30 June 2017), Pro Asyl and the Amadeu Antonio Foundation recorded:²⁷²

- 11 violent attacks directed against asylum seekers;
- three arson attacks against reception and accommodation centres;
- 11 "other attacks" against reception and accommodation centres (e.g. damage to property);
- 21 injured refugees.²⁷³

The Federal Criminal Police Office (*Bundeskriminalamt* – BKA) registered 206 offences against migrants in April 2017, including 35 acts of violence,²⁷⁴ and 245 (including 33 acts of violence) in March 2017.²⁷⁵

²⁶⁶ See <http://www.zeit.de/news/2017-06/24/demonstrationen-g20-gegner-demonstrieren-fuer-menschlichere-fluechtlingspolitik-24173602>, 24 June 2017.

²⁶⁷ See <https://nevermindthepapers.noblogs.org/files/2017/06/wearehere-teaser.jpeg>

²⁶⁸ See <https://www.hna.de/lokales/goettingen/goettingen-ort28741/protest-gegen-abschiebungen-nach-afghanistan-8369080.html>

²⁶⁹ See <http://www.fr.de/frankfurt/flughafen-frankfurt-protest-gegen-abschiebungen-a-1288994>

²⁷⁰ See <https://www.sonntag-sachsen.de/trotz-absage-leipziger-wollen-gegen-afghanistan-abschiebung-protestieren>.

²⁷¹ *Ibid.* and

²⁷² See <https://www.mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle>.

²⁷³ Please note: The chronicle lists only attacks specifically against refugees. There are further attacks against migrants (or Germans who are supposed to be migrants in the eyes of the attackers) and German Muslims, Jews, Sinti and other minorities. Further data for example: <http://www.netz-gegen-nazis.de/>.

²⁷⁴ [Federal government's response to a parliamentary question](#), 12 June 2017.

²⁷⁵ [Federal government's response to a parliamentary question](#), 11 May 2017.

A right-wing attacker assaulted a child in Mecklenburg-Western Pomerania at the end of May, according to a media report.²⁷⁶

Several media outlets closed their comment forums on articles dealing with migration and refugee issues, as they could not manage to moderate the number of inappropriate, insulting and justiciable comments.²⁷⁷

6.7. Policies against smuggling of human beings

The stakeholders did not provide any information about specific cases. It must be emphasised that German law does not differentiate between different modes of facilitating illegal entry. In all cases, smugglers are held criminally liable for providing facilitation services. Sometimes humanitarian motives combine with earning money because one's income is precarious, as described in the document 'Criminalisation of Flight and Escape Aid', which the human rights organisations Borderline-Sicilia, Asyl in Not, Diktio and Borderline-Europe published in Berlin at the end of March 2017.²⁷⁸

Numerous proceedings have been initiated against persons accused of smuggling human beings or of facilitating entry to Germany.²⁷⁹ As there are very diverse facets of human smuggling, it is very difficult to detect specific cases of proceedings against suspected smugglers, especially those initiated against persons or organisations acting on humanitarian considerations or against other people who did not facilitate irregular entry or stay for profit.²⁸⁰

The human rights organisation Borderline-Europe²⁸¹ emphasises that smuggling should be understood not only as a consequence of organised crime, but also as a response to an extremely restrictive immigration system that blocks the movement of refugees. In many cases, smuggling becomes the only choice for persons who are forced to leave their countries.

Those smugglers who are concerned not with earning money and maximising profits but with humanitarian support often cannot organise entry to Germany without large amounts of money, a lawyer pointed out. Furthermore, they are frequently prosecuted like ordinary criminals.²⁸² Other reports indicate that those

²⁷⁶ See <https://www.neues-deutschland.de/artikel/1053066.nazi-attacke-auf-zehnjaehrigen-jungen-in-schwerin.html>, 5 June 2017.

²⁷⁷ See <http://www.spiegel.de/politik/ausland/fluechtlinge-italiens-innenminister-fordert-mehr-unterstuetzung-aus-der-eu-a-1155458.html>.

²⁷⁸ See: <http://www.borderline-europe.de/sites/default/files/background/kidem-doc-final-2-5-17.pdf>

²⁷⁹ See <https://www.tagesschau.de/inland/illegale-migration-101.html> and <https://www.welt.de/politik/deutschland/article163972021/Razzia-gegen-Schleuser-wegen-massenweisen-Asylbetrugs.html>.

²⁸⁰ See <http://daserste.ndr.de/panorama/aktuell/Syrischer-Fluchthelfer-kaempft-gegen-Verurteilung-als-Schleuser,syrien642.html>, <http://www.nds-fluerat.org/wp-content/uploads/2016/12/20161203130720.pdf>, <http://www.zeit.de/gesellschaft/2016-11/fluechtlinge-migration-ausbildung-bildung-fluchtersachen> and <http://www.bild.de/regional/muenchen/bundespolizei/nimmt-zehn-mutmassliche-schleuser-fest-43422200.bild.html>.

²⁸¹ See <http://www.borderline-europe.de/>.

²⁸² See http://www.borderline-europe.de/sites/default/files/features/2015_10_NAGLER_Entkriminalisierung_fuer_Fluchthelfer.pdf and <http://www.nds-fluerat.org/21948/pressemitteilungen/fluchthilfepreis-geht-an-franziska-hagelstein/>.

smugglers are prosecuted only for assistance (*Beihilfe*) and therefore incur lower penalties.²⁸³

These specific cases are often not as visible and the media do not cover them, according to Borderline-Europe. Often persons try to facilitate entry to Germany for others from the same region of origin and, recently, relatives. For example, two Syrian brothers tried to facilitate entry to Germany for their relatives, who had been waiting in Syria's neighbouring countries for family reunification. It is assumed that persons in similar cases who are accused of smuggling often have no access to counselling centres and lawyers.²⁸⁴

The Federal Police (*Bundespolizei*) initiated 3,826 criminal proceedings against migrants and asylum seekers for irregular crossing of the border (*unerlaubte Einreise*) in April 2017 and 4,431 in March 2017 (5,366 in December 2016).²⁸⁵ All in all, the numbers have decreased in recent months.

In addition, the police forces of the 16 federal states initiated other criminal proceedings that are not included in this number. It is unclear, however, if persons or organisations acting on humanitarian considerations are affected.

In April 2017, the Federal Police registered 134 cases of 'smuggling foreigners' (*Einschleusen von Ausländern*) involving 61 'smugglers' and 289 'smuggled foreigners', compared with 168 cases in December 2016 and 148 cases in January 2017. In addition, police forces of the 16 federal states registered other people as under suspicion of smuggling, who are not included in this number.²⁸⁶ It is unclear, however, if persons or organisations acting on humanitarian considerations are affected. The stakeholders did not provide any information about specific cases. For further details, please see above.

The German government prolonged its border controls for another six months in May 2017.²⁸⁷

²⁸³ See <http://dip21.bundestag.de/dip21/btd/18/064/1806445.pdf>.

²⁸⁴ Borderline-Europe, 22 December 2016.

²⁸⁵ Police intake statistics of the Federal Police (*Polizeiliche Eingangsstatistik der Bundespolizei PES*), Federal Police (*Bundespolizei*), 19 June 2017.

²⁸⁶ *Ibid.*

²⁸⁷ See: <http://www.bmi.bund.de/SharedDocs/Kurzmeldungen/DE/2017/05/verlaengerung-binnengrenzkontrollen.html>.

7. Greece

7.1. Overview of the situation

In June 2017, some 2,010 refugees and migrants crossed the sea to Greece. The daily arrival figure was 70 people on average. In the same period, about 1,170 people were estimated to have departed from the islands to the mainland.²⁸⁸

7.2. Key fundamental rights concerns

Several actors, including UNHCR and the Council of Europe Commissioner for Human Rights, expressed concerns over alleged *refoulement* or collective expulsions of Turkish nationals at the Greek–Turkish land borders. Allegedly, incidents of this type also befell Syrian nationals.

Reception conditions remained critical in some sites. The situation was particularly alarming in Souda (Chios), where migrants and refugees, including babies and pregnant women, have been sleeping rough in 120 tents and in unhygienic conditions for some weeks. Meanwhile, in Athens, the camp in the former Elleniko Airport has been dismantled.

On 1 June 2017, the Greek Ombudsman issued a special report on the management of migration flows and refugee protection, highlighting the main fundamental rights gaps. The report mirrored many of the findings that FRA reported in its legal opinion on hotspots.²⁸⁹

7.3. Fundamental rights issues in relation to registration and channelling into different procedures, including hotspots and relocation process

7.3.1 Registration and identification

Nothing new to report.

7.3.2 Asylum procedure

In June 2017, the Asylum Service registered some 4,200 asylum applications, 2,899 from men and 1,302 from women. The majority of the applicants originated from Syria (about 1,020), followed by Pakistan (about 700), Afghanistan (511) and Iraq (373). The majority of the applications were recorded in Lesbos (about 880), while in the other Aegean islands the following numbers of applications were registered: about 680 in Chios, 371 in Samos, 52 in Leros and 64 in Kos.²⁹⁰

During June 2017, 2,007 individuals were relocated from Greece to other Member States; 1,149 were male and 858 were female. The majority of the

²⁸⁸ Greece, [UNHCR](#).

²⁸⁹ FRA, FRA Opinion on fundamental rights in the 'hotspots' set up in Greece and Italy, November 2016.

²⁹⁰ Greece, Asylum Service.

relocations were to Germany (about 510), Sweden (about 430) and France (about 380).²⁹¹

7.3.3 Return procedure

The European Court of Human Rights urged Greek authorities to delay deporting a Pakistani national who was due to be sent back to Turkey, from where he had travelled to Greece. The man, whose name has not been publicised for his own protection, was being held at a detention centre on the island of Lesbos. According to the Greek Council for Refugees, the asylum seeker was an Ahmadiyya Muslim and was seeking protection from persecution as a member of a religious minority.²⁹²

In June 2017, there were close to 420 returns in the IOM programme of Assisted Voluntary Return and Reintegration. Of the people returned, 346 were men, 53 were women, 17 were accompanied children and one was an unaccompanied child. The majority of people returned were from Pakistan and Algeria.²⁹³ In the same period the Hellenic Police conducted 706 forced returns, the majority of which were of Albanians and Pakistanis.²⁹⁴

7.4. Challenges and developments concerning reception conditions for new arrivals, including detention

7.4.1 Reception conditions and capacity

On 2 June 2017, the police began clearing out the makeshift camp in the former Elliniko airport in Athens. The evacuation procedure started from the baseball field, continued with those living in the hockey arena and was to conclude with the occupants of the arrival hall. Priority was given to families, who were moved to the new site in Thiva (estimated capacity of up to 500 persons), while single men were distributed to various sites after being transferred to the aliens' police department for identification checks. According to UNHCR, in April and May an estimated 351 individuals and families with small children were moved to apartments and hotels in the Attica region prior to the evacuation of Elliniko.²⁹⁵

A strong earthquake measuring at least 6.1 on the Richter scale shook the northeastern Aegean island of Lesbos at 15.28 on 10 June 2017. The epicentre of the quake was in the sea 14 km south of Plomari and 34 km from Mytilene, between the island and the coast of Turkey, and it was felt as far away as Attica.²⁹⁶ The quake caused damage to buildings in the south and the collapse of old houses.²⁹⁷ There were no reports of injuries among the refugees.

Athens Municipality proceeded with the creation of a Coordination Centre for Refugee and Migrant Issues in the central district of Metaxourgeio. It aimed to

²⁹¹ Greece, IOM.

²⁹² See <http://gcr.gr/index.php/el/news/press-releases-announcements/item/674-deltio-typou-tou-esp-gia-asfaltika-metra-apo-edda>.

²⁹³ Greece, IOM.

²⁹⁴ Greece, Hellenic Police Headquarters.

²⁹⁵ See <http://www.kathimerini.gr/912274/article/epikairothta/ellada/ellhniko-epixeirhsh-ekkenwshs-toy-prwhn-aerodromiou-apo-prosfyges-kai-metanastes>.

²⁹⁶ See <http://www.amna.gr/en/article/161859/Strong-earthquake-above-60-on-Richter-scale-rocks-Lesvos>.

²⁹⁷ Greece, Ministry of Migration Policy.

bring together all bodies and organisations involved in providing services to refugees and migrants. The Centre aims to exchange practices and experiences in matters pertaining to legal support, healthcare and integration programmes.²⁹⁸

Lathra, a solidarity movement, issued a statement on the alarming situation at Souda beach, where migrants and refugees, including babies and pregnant women, had been sleeping rough in 120 tents for some weeks, close to waste water and in the presence of rats. Lathra highlighted serious health risks, asked for the immediate transfer of the people to appropriate sites, and recommended the termination of the EU–Turkey agreement.²⁹⁹

Two new refugee camps in Serres and Drama were first established in April and were inaugurated on 14 June 2017. The IOM will operate the camps under the supervision and coordination of the Ministry of Migration Policy. The camp in Serres is made up of 94 housing units with a capacity of up to 650 people. As of June, it housed 487 refugees. The one in Drama has 70 apartments for about 400 people. The first refugees were transferred at the beginning of April. The IOM offers various services, such as water, sanitation and hygiene, non-food items, accommodation, transfer of children to state schools, psychosocial support, legal counselling, entertainment activities, registration of people and the identification of victims of sexual violence and trafficking. Other organisations, such as Doctors of the World, UNHCR, the International Federation of Red Cross and Red Crescent Societies (IFRC), Caritas, SolidarityNow and Save the Children, participate in a wide range of initiatives, such as the provision of primary healthcare, financial support and assistance regarding asylum procedures.³⁰⁰

The hospitality firm Airbnb and SolidarityNow announced on 15 June 2017 the launch of a new electronic ‘open houses’ platform that helps people offer shelter to refugees and displaced persons in Greece. The platform links Airbnb hosts who have declared their wish to accept refugees for a certain length of time with humanitarian, non-profit organisations involved in aiding refugees and other vulnerable groups. The authorised organisations can then use the platform to book Airbnb housing free of charge for refugees and displaced persons in need. SolidarityNow liaises between the owners, guests and Airbnb, undertaking to identify those benefiting and place them in the accommodation available on the new platform.³⁰¹

7.4.2 Vulnerable persons

On International Day in Support of Victims of Torture, 26 June 2017, Doctors Without Borders published the video testimonies of two men, one Syrian and one Nigerian, who were victims of torture. The Syrian army arrested and jailed Kalil while he was travelling from Lebanon to Damascus. Yutzin was tortured in his homeland for being homosexual. These are only two of the 430 people from 40 countries who received the special care for victims of torture that Doctors

²⁹⁸ Greece, Hellenic League for Human Rights.

²⁹⁹ See <http://www.lathra.gr/the-news/45-announcements/559-souda-13062017>.

³⁰⁰ Greece, Doctors of the World.

³⁰¹ See <https://www.solidaritynow.org/airbnb/>.

Without Borders has offered in Athens since 2014, together with BABEL Day Centre and the Greek Council for Refugees. An event was held the same day.³⁰²

7.4.3 Child protection

The estimated number of unaccompanied children in Greece was 2,250 as of 20 June 2017. The total number of places available in shelters is 1,270. There were 52 long-term and transit shelters at the time of writing. In addition, 1,149 children were on waiting lists to be accommodated in shelters. There is a plan to increase the capacity of shelters for unaccompanied children by 60 places in the immediate future.³⁰³

7.4.4 Immigration detention

About 3,100 people were in administrative detention in mainland Greece in June 2017. The majority were in Korinthos pre-removal centre. In all pre-removal centres, the majority of people detained were Pakistani nationals.³⁰⁴

7.5. Changes in law, policy and practice

The Felony Appeal Court of Dodecanese in Rhodes decided on 19 June 2017 that the young Syrian initially sentenced to 25 years' imprisonment in the 2014 Farmakonisi case was not guilty of the deaths of the refugees, or of the illegal and dangerous transport of third-country nationals for the purpose of profit. He had initially been charged with having been in command of the boat sailing towards Greece. The court came to the conclusion that the deaths were caused after the intervention of the Greek coastguard authorities while the coastguard vessel was towing the boat carrying the refugees. Consequently, no person on the boat could have prevented the deadly outcome. The court upheld only the charge that he was captain of the boat, but not that it was for the purpose of profit. The court amended the sentence of the young Syrian to 10 years' imprisonment and according to the Code of Penal Procedure he will be released soon. The survivors, including the Syrian, have reportedly appealed to the ECtHR along with five Greek and international human rights organisations, claiming inter alia that the coastguard did not take the necessary measures for the rescue and that the investigation by the Greek authorities was inadequate and ineffective. It is added that the prosecutor of the Naval Court of Piraeus, who was investigating the alleged liability of the coastguard, archived the case, although the coastguard was responsible for the operation, as it was either a rescue or a return operation.³⁰⁵

The Hellenic League for Human Rights (HLHR) issued a press release on 6 June 2017 concerning a case of alleged *refoulement*. On 2 June 2017, a group of nine people, a family of six and three other people, were sent back to Turkey after they crossed the river to Greece. This was the second such incident after Greece returned the journalist Murat Çapan, who had been sentenced to 22.5 years' imprisonment for two news stories, and others at the end of May. The HLHR stated that the informal and forced *refoulement* of any person is

³⁰² See <https://www.msf.gr/magazine/ti-simainei-na-eisai-thyma-vasanistirion-video>.

³⁰³ See <http://www.ekka.org.gr/files/english19417.pdf>.

³⁰⁴ Hellenic Police Headquarters

³⁰⁵ See <https://www.proasyl.de/en/news/farmakonisi-case-syrian-refugee-and-survivor-discharged-by-court/>.

considered an act of violence and is a blatant violation of international law and the country's international obligations. It noted that it had already gathered data concerning the aforementioned violations and would continue to do so for the relevant authorities, both national and international, to investigate these complaints fully. The HLHR contacted the UN Refugee Agency. The League also brought the matter to the attention of Greek courts by filing a criminal report to the Greek Supreme Court asking it to investigate the aforementioned incidents further.³⁰⁶ In a related development, the Council of Europe Commissioner for Human Rights, Nils Muižnieks, posted on his Facebook account some lines expressing his deep concern about "reported collective expulsions from Greece of asylum seeking Turkish nationals".³⁰⁷ On 8 June 2017, UNHCR issued a press release expressing its deep concern over continued reports of alleged push-backs and *refoulement* at the land border between Greece and Turkey. "Such allegations of informal forced return have been recorded before, and it is of vital importance that the Greek authorities investigate them thoroughly," said the UNHCR Representative in Greece, Philippe Leclerc. "If confirmed, this is extremely worrying. The right to seek and enjoy asylum is a fundamental human right." UNHCR has raised this issue with the Greek authorities and has called on them to investigate such allegations and institute preventative measures against such practices, including clear rules of processes at the border, independent monitoring mechanisms and enhanced internal control structures.³⁰⁸ The Foreign Minister's spokesperson stated that "the Ministry and the Minister for Foreign Affairs personally have become the target of an organised and immoral attack by those who are well aware that the Ministry of Foreign Affairs has no competence and practical involvement in matters of protection, security and border guarding".³⁰⁹ Twenty-five MPs of the ruling party, Syriza, addressed a question to the Ministers for Citizens' Protection, Foreign Affairs, Justice and Migration Policy, asking for clarification of the following: if they were aware of the reports by the HLHR and what actions they had taken to investigate these allegations; and what measures they intended to take regarding Turkish citizens who ask for asylum in Greece. In their question, they highlight the recent decision by the Supreme Court not to extradite eight Turkish officials.³¹⁰ In addition, the Greek Ombudsman ordered an investigation into allegations that Greek authorities forced Turkish citizens to return to Turkey, after they had reportedly asked for international protection.³¹¹

Based on the detailed testimony of a refugee, the Network for the Social Support of Refugees and Migrants claimed that police officers and hooded men in Didymoticho, northern Greece, had forcibly returned Syrians to Turkey. The Network stated that it had valuable evidence, including written and audio messages as well as photos of the incident. According to the Network, on 26 May 2017 a Syrian man, who was a recognised refugee in Germany, contacted the Network saying that his wife and four children aged 3 to 10, as well as his brother-in-law's five-member family, were arrested in Didymoticho.

³⁰⁶ See information on the [website of the Hellenic League for Human Rights](#).

³⁰⁷ Council of Europe Commissioner for Human Rights, [FB page](#).

³⁰⁸ See <http://www.unhcr.gr/nea/artikel/e075a82d656e43bad0db25768aec44fb/unhcr-deeply-concerned-at-reports-of.html>.

³⁰⁹ See <http://www.insider.gr/eidiseis/politiki/50967/ypex-methodeymeni-kai-anithiki-i-stohopoiisi-toy-kotzia>.

³¹⁰ Greece, Hellenic League for Human Rights.

³¹¹ See <https://www.synigoros.gr/?i=kdet.el.news.435722>.

The Network immediately contacted the local police to inform them that they were Syrians who wished to apply for asylum. From Didymoticho police station, an officer told the Network to contact Orestiada police station. An officer from Orestiada asked the Network to send a fax with the Syrians' full details. On the next day, the officer informed them that there had been no such arrest. Shortly after, the Syrian father of four told the Network that his relatives had been sent back to Turkey. According to one of the arrested Syrians, as soon as the police arrested them, officers asked them to deactivate their mobile phones and took them to a detention area with some 200 people, including many families with young children. After some 11–12 hours, when it became dark, they were ordered to enter a van that took them to the river, where armed men in uniform asked them to get on dinghies, which took them back to Turkey. Some 60 persons were forcibly returned that day.³¹²

The Public Prosecutor has ordered the police to proceed with the evacuation of three buildings in Athens that squatters were occupying. The operations were to take place within the next 20 days. The squats in question were the City Plaza hotel, the building named Papoutsadiko in Chaidari and a building in Exarcheia (119 Zoodochou Pigis Street).³¹³ Following the news of the order, the City Plaza initiative issued a statement that this would be the "last chapter of the oppressive state policy". It added that, for 14 months, City Plaza had shown that there is another solution that offers solidarity and proves that refugees can live together peacefully.³¹⁴

7.6. Social response

On 13 June 2017, asylum seekers who had recently moved to the renovated accommodation site of Agia Eleni in Ioannina protested on the national highway over living conditions, arguing that they lived together with scorpions and snakes inside and outside the site, fearing for their lives, especially for children and pregnant women. They pointed out that they were seeking safety but in this situation they did not feel safe. A woman fainted and had to be taken to hospital for first-aid treatment. Refugee families were also protesting about lack of access to doctors and lack of food.³¹⁵

On 1 June 2017, the Greek Ombudsman issued a special report detailing findings and conclusions on the management of migration flows and refugee protection, and corresponding procedures. It was entitled 'Migration flows and refugee protection – administrative challenges and human rights'. The findings included a lack of central planning and coordination, overlapping jurisdictions, failure to use European funds promptly and effectively, shortcomings in reception and accommodation, and serious delays in implementing the plan for educating refugee children. The Ombudsman's report had two main thrusts. On the one side, it evaluated the administrative procedures and the institutional framework for managing populations on the move. On the other side, it focused on the

³¹² See <https://www.efsyn.gr/arthro/ntokoymento-vialis-epanaproothisis>.

³¹³ See <http://www.thetoc.gr/koinwnia/article/ksana-sto-keno-oi-eisaggelikes-entoles-gia-ekkenwsi-katalipsewn>.

³¹⁴ See <http://solidarity2refugees.gr/city-plaza-den-kabtete/>.

³¹⁵ See <http://www.epiruspost.gr/reportaz/koinonia/44743-2017-06-13-16-41-19.html>.

provision of services, based on ensuring humane, acceptable living conditions, normalising the daily life of the refugee/migrant populations and laying a basis for their smooth inclusion in and integration into society.³¹⁶

People with disabilities and other at-risk groups go unidentified in the Greek islands, Human Rights Watch stated on 1 June 2017. It alleged that the EU inappropriately pressed the Greek authorities and medical aid organisations to reduce the number of asylum seekers identified as “vulnerable”. The EU, and the Greek government, now prefer to contain all asylum seekers in the Greek islands. Previously, asylum seekers identified as “vulnerable” were allowed to be transferred to the mainland to have their cases handled there.³¹⁷

On 6 June 2017 in an interview with SKAI TV, the Minister for Migration Policy, Yannis Mouzalas, admitted that there had been a 15-month delay in evacuating the makeshift camp at Elliniko. He noted that Greece had to deal with the urgent issue of finding accommodation spaces for some 60,000 stranded refugees. Nevertheless, Elliniko had once had 6,000 residents, but on the day of the evacuation it had sheltered only about 600. The Minister noted that 12,500 refugees had been relocated to other EU Member States, an estimated 6,500 had returned to their homeland by the voluntary repatriation scheme and an additional 6,500 had been reunited with their families. Meanwhile, some 10,000 refugees were still entitled to relocation and between 6,000 and 7,000 to family reunification. The Minister noted the importance of continuing to implement the EU–Turkey agreement, which had significantly restricted the flow of migrants. He said that some 20,000 to 25,000 refugees would remain in Greece. He explained that the creation of pre-departure centres on the islands and the improvement of Reception and Identification Centres would ease the conditions, noting that this was the best way to deal with the situation and that locals should be persuaded that implementing that plan would help them avoid problems in the future. He also admitted that 70–80 % of new arrivals were irregular migrants and not refugees. As all newcomers apply for asylum, this delays the procedures. He added, though, that the asylum process has improved and that the plan for 2018 included 30 % more Asylum Service staff. Whereas in Germany examining an asylum claim can take up to 17 months, in Greece it usually takes 6–7 months. On cash aid or accommodation for refugees and the injustice felt by the Greek population, he said that the government’s goal was always to establish a “balance of human rights” so that the refugees who are entitled to this help, funded by the EU, do not enjoy more than the poor Greeks, and to ensure that the Greek population does not turn to the far right.³¹⁸

The current living conditions of beneficiaries of international protection in Greece were alarming, Pro Asyl and the team of Refugee Support Aegean (RSA) said in a legal note on 23 June 2017, as their rights and effective protection exist only on paper. Access to housing, food, toilets, water, electricity, sanitary facilities and security is not always secured, according to the note. Many survive only by relying on the solidarity of others. Most are jobless and have no prospect of finding work. Some of them work in the informal economy for very low pay,

³¹⁶ See <https://www.synigoros.gr/resources/201700601-dt-eidiki-ekthesi.pdf>.

³¹⁷ See <https://www.hrw.org/news/2017/06/01/eu/greece-pressure-minimize-numbers-migrants-identified-vulnerable>.

³¹⁸ See <http://www.skai.gr/news/greece/article/348065/mouzalas-stin-ellada-tha-meinoun-20-me-25000-prosfuges-sto-kalo-senario/>.

without insurance, and are in danger of being exploited. Most of the refugees affected do not have proper information about their rights and obligations. In many cases, they face serious legal and practical restrictions on accessing social benefits and find it very difficult to access the health and education systems. Living under such conditions, they are easily targeted and suffer from security problems, violence, exploitation and racist attacks.³¹⁹

To celebrate World Refugee Day (20 June), 15 international and national organisations together with UN agencies (Doctors of the World, Doctors Without Borders, the HLHR, the Greek Council for Refugees, the Greek Forum for Refugees, ActionAid, CARE, International Rescue Committee, Mercy Corps, Nostos, PRAKSIS, Save the Children, SolidarityNow, UNICEF and UNHCR) organised an open discussion on the life of refugees and migrants in Greece. Refugees shared their experiences of the effort to integrate, access to medical care, education, accommodation and employment. The event took place on 21 June.³²⁰

The Refugee Food Festival, a partnership between the NGO Food Sweet Food and UNHCR, took place in Athens from 18 June to 22 June 2017. During the festival, restaurants in Athens incorporated in their menus specialties cooked by professional refugee chefs, hoping to offer a unique dining experience for customers. Syrian, Iranian, Somali, Kurdish and Afghan cuisines were represented.³²¹

7.7. Hate crime incidents

Following several incidents in the Skaramangas area, the HLHR issued a press release denouncing the alleged racist behaviour of some public bus drivers, who refused to take asylum seekers and refugees on board, violating the principle of equal treatment. The League filed a criminal report concerning these incidents.³²² The Greek Ombudsman has launched an investigation.³²³

7.8. Policies against smuggling of human beings

No information was received from the Hellenic Police.

7.9. Criminal proceedings against migrants and asylum seekers

No information was received from the Hellenic Police.

³¹⁹ See <https://www.proasyl.de/wp-content/uploads/2015/12/2017-06-26-Legal-note-RSA-beneficiaries-of-international-protection-in-Greece.pdf>.

³²⁰ Greece, Hellenic League for Human Rights.

³²¹ See <http://www.refugeefoodfestival.com/athens>.

³²² See [website of Hellenic League for Human Rights](http://www.hellenicleagueforhumanrights.org).

³²³ Greece, Hellenic League for Human Rights.

8. Hungary

8.1. Overview of the situation

The police enforced the extended border control policy against some 760 people whom they apprehended in Hungarian territory in June. This is a significant increase from May, when there were about 320. Authorities do not register these people before escorting them to the southern borders and do not count them as new arrivals, given that they cannot stay within the country.³²⁴

In June, 149 people crossed the border illegally. Some of them either climbed over or ducked under the border fences and the police caught them in the act. Others attempted to enter Hungary using forged travel documents.³²⁵ Of these people, 78 % were men and 22 % were women. There were 27 people under 18 years of age. Twenty-three of those apprehended were classified as unaccompanied children, and four children crossed the border with their families.³²⁶

Since 5 July 2016, the police have published on their website the number of people they have prevented from entering the country. In June, they prevented 1,017 people from crossing the border into Hungary.³²⁷ This number shows a dramatic increase from May, when there were 282. This category covers people who attempted to enter Hungary illegally, most frequently through the border fences, and whom either the police or the army prevented from entering. It is still unclear how the police count these people and what they mean by the term “preventing from entering”, given that the measures they apply to prevent people from entering through the fences are not known.³²⁸

The increasing number of attempts to enter into the country, given above, proves that, although smart fence technology is in operation in most parts of the border fences at the southern borders of Hungary, many people still try to get into the country through the border fences.³²⁹ The smart fence technology means that speakers are installed every 300 m to warn people of the consequences of illegal border fence crossings (e.g. it is a crime and people may be placed in immigration detention). Motion sensors detect when someone gets close to the fences, and a warning message plays automatically in multiple languages: English, Arabic, Urdu and Farsi.³³⁰

8.2. Key fundamental rights concerns

A new law entered into force on 28 March 2017 and extended the scope of the deeper border control policy. Its effects remained a key concern, according to various stakeholders.³³¹ The law orders the police to escort all irregular migrants

³²⁴ Hungary, National Police Headquarters.

³²⁵ Hungary, National Police Headquarters.

³²⁶ *Ibid.*

³²⁷ *Ibid.*

³²⁸ Hungary, MigSzol.

³²⁹ *Ibid.*

³³⁰ Hungary, Ministry of Interior.

apprehended anywhere in the country to the Serbian side of the border fences, to wait there until they can submit their claims for asylum in one of the two transit zones (Röszke and Tompa) operating at the southern borders of Hungary. The enforcement of the extended border control policy prevents people from accessing asylum in Hungary, NGOs believe. Only 50 people per week are admitted to Hungary via the transit zones to seek international protection, and many applications are rejected on the basis of the safe third country rule, as Serbia is considered a safe third country.³³²

NGOs reported complaints about reception conditions in the transit zones, including alleged prison-like conditions, lack of access to medical care and insufficient amenities for families with small children. Unaccompanied children above the age of 14 were also placed in the transit zones.³³³

8.3. Fundamental rights issues in relation to registration and channelling into different procedures

8.3.1 Registration and identification

In June, the authorities reported that they registered and fingerprinted all of the people who were admitted to the transit zones at Röszke and Tompa and who claimed asylum. The authorities did not report that any people raised concerns about their registration or fingerprinting.³³⁴

Civil society organisations reported that the authorities conducted four- to six-hour-long interviews with the newly arrived asylum seekers in the transit zones. While the hearing is formally part of the asylum procedure, the authorities asked questions that were humiliating and condescending in nature, such as if the person would change his or her religion if forced, or to list 10 things that are bad in Serbia. During the long interviews, the asylum seekers did not receive food or water and many of them were too scared to ask if they could go to the toilet. NGOs believed that the purpose of these 'admission interviews' was to place psychological pressure on the asylum seekers.³³⁵

8.3.2 Asylum procedure

Since the new law on the extended border control policy entered into force, applicants have been able to submit their claims for asylum only in one of the two transit zones at the Serbian–Hungarian border: Röszke and Tompa. The applicants cannot enter Hungary until their cases have been decided. They may, however, leave the transit zone through the one-way exit leading to Serbia.³³⁶ As a result of the new law, the police have a legal obligation to escort people apprehended elsewhere in the country to the southern borders; therefore, people no longer have the chance to file an asylum claim immediately when

³³² Hungary, MigSzol, UNHCR Hungary.

³³³ Hungary, UNHCR. See also '[The transit zone is a prison where pregnant women are handcuffed](#)' (*Valójában börtön a tranzitzóna, ahol a terhes nőket is bilincsbe verik*).

³³⁴ Hungary, National Police Headquarters.

³³⁵ Hungary, UNHCR.

³³⁶ [Act XX of 2017 on amending laws on reinforcing the rules of the asylum procedures conducted at the border](#) (2017. évi XX. törvény a határőrizeti területen lefolytatott eljárás szigorításával kapcsolatos egyes törvények módosításáról), Article 7.

apprehended.³³⁷ The recognition rate for those arriving from war- and terror-torn countries remains extremely low, according to UNHCR.³³⁸

In June, some 190 people applied for asylum in Hungary. This is a slight decrease from the number of applications in May (some 210). The asylum seekers were mainly from Afghanistan (some 80), Syria (some 40) and Iraq (some 40).³³⁹

The Immigration and Asylum Office made about 90 positive decisions (accepting the asylum claims) and about 60 negative decisions (rejecting the claims) in June. The Office terminated the process in 65 of the ongoing cases, because the applicants had left the country. There are no statistics available on when these procedures started.³⁴⁰ It is still very difficult to gain protected status in Hungary, NGOs continue to report, given that most applications – even if families submit them – are rejected on the basis of the safe third country rule, because Serbia is considered a safe third country.³⁴¹ The procedure is also very slow. It can take up to a month.³⁴²

8.3.3 Return procedure

The Immigration and Asylum Office returned 13 people in June. Their procedures had started before the new law on the extended border control policy entered into force (28 March 2017); the Office decided against them in June. This number, therefore, does not include those who submitted their asylum claims in one of the two transit zones at the southern borders in June, and who received negative decisions thereafter.³⁴³ NGOs are deeply concerned about the application of the new law on the extended border control policy, given that people who have never been to Serbia before are also 'returned' there, since the two transit zones at the southern borders of Hungary have become the collection points for all of the asylum applications; this also applies to claimants who arrived in Hungary from elsewhere (e.g. through Romania or Ukraine).³⁴⁴

The police returned 62 people to Serbia (43) and Ukraine (19) in June.³⁴⁵ There is no information about these people's nationalities. The police typically return those who attempted to enter into Hungary by committing a crime or misdemeanour (mostly when they attempt to enter with forged documents), and whom the court or the police expel by a criminal or administrative procedure.

NGOs reported a case in June in which a Kurdish family, after spending a week in the transit zone of Tompa, asked the authorities to let them return to Serbia, as they were desperate after having experienced the conditions the Hungarian transit zone offered. Half an hour after this request, police officers brought a plastic bag and ordered the family to pack their belongings and leave the transit zone. Since it was the middle of the night, the family asked if they could stay for the night and leave the next day. The authorities denied this request, and

³³⁷ Hungary, National Police Headquarters.

³³⁸ Hungary, UNHCR.

³³⁹ Hungary, Immigration and Asylum Office.

³⁴⁰ *Ibid.*

³⁴¹ Hungary, MigSzol.

³⁴² Hungary, UNHCR.

³⁴³ Hungary, Immigration and Asylum Office.

³⁴⁴ Hungary, UNHCR, MigSzol.

³⁴⁵ Hungary, National Police Headquarters.

escorted the family back to the Serbian side of the fence.³⁴⁶ The authorities denied that the event ever took place and stressed that, while anyone could leave the transit zones and return to Serbia, they had never forced anybody to do so.³⁴⁷

8.4. Challenges and developments concerning reception conditions of new arrivals, including detention

8.4.1 Reception conditions and capacity

The transit zone in Röszke was extended in June, and its capacity increased significantly. Previously, the Röszke transit zone could accommodate 250 people. Now, the transit zone's capacity is 450 beds. The extension was necessary because people cannot leave the transit zone until their claims have been decided, and the asylum procedure may take up to a month. The transit zone at Tompa can accommodate a maximum of 250 people. On 29 June 2017, 184 asylum seekers were accommodated in the Tompa transit zone and 228 were accommodated in Röszke.³⁴⁸ The Hungarian authorities continued to admit up to 10 people per day via the two transit zones (five in each transit zone), resulting in around 50 people (25 people in each transit zone) being allowed to seek asylum in Hungary every week. The transit zones do not accept people at weekends or on public holidays.³⁴⁹ Civil society organisations continually raise concerns about the transit zones' opening hours, especially in the light of the new law on the extended border control policy, which made the transit zones the only places in Hungary in which asylum seekers can submit their claims.³⁵⁰

In the transit zones, asylum seekers, including unaccompanied children over 14 years of age and children under 14 arriving with families, are accommodated in shipping containers surrounded by high razor fences for the entire length of their asylum procedures. They can leave the transit zone only through one gate, which leads to Serbia; therefore, NGOs call this practice 'detention' instead of 'accommodation'.³⁵¹ The transit zones are divided into four sectors: single adult men, single adult women, unaccompanied children over 14 years of age and families. The sectors are separated from each other, so the asylum seekers cannot see and visit other sectors and they cannot interact with people accommodated in another sector. There are typically 70–80 people accommodated in one sector, and approximately two families live in each shipping container. In each sector, there is a small yard (10 m × 10 m) outside the shipping containers where the asylum seekers may walk around and get some fresh air. There is no air conditioning in the containers, and there is no shade in the yard. Asylum seekers complained about the food they get in the transit zones. They claimed that the authorities provide the same meals every day: bread and tinned food for breakfast and dinner; pasta and chicken for

³⁴⁶ Hungary, MigSzol.

³⁴⁷ Hungary, Immigration and Asylum Office.

³⁴⁸ Hungary, Immigration and Asylum Office.

³⁴⁹ Hungary, UNHCR.

³⁵⁰ Hungary, UNHCR, MigSzol.

³⁵¹ *Ibid.*

lunch. Fruit and vegetables are not available.³⁵² The white gravel in the yard reflects the heat, leaving no escape from the sun. The asylum seekers felt that the transit zones were like prisons, and the authorities treated them like prisoners, NGOs have reported.³⁵³

The authorities claim that they have installed an ecumenical prayer room and sports equipment in each transit zone, and that they provide access to television and wifi. The asylum seekers may even watch Arabic TV channels in the transit zones.³⁵⁴

The maximum capacity of the open refugee camps in the country is still 480 beds; however, only 75 refugees were accommodated in open camps in Hungary as of 29 June 2017. This low number is a result of the extended border control policy.³⁵⁵ Only people – mostly families – whom the Immigration and Asylum Office grants protected status (refugee or subsidiary protection status) are moved into open reception centres.³⁵⁶

8.4.2 Vulnerable persons

People suffering from post-traumatic stress disorder (PTSD) or who experienced torture in their home countries do not receive assistance in the transit zones, according to NGOs.³⁵⁷ Access to medical care is very basic in the transit zones. While there is always a medical doctor on site, it can take hours before the authorities are willing to escort the person in need of medical assistance to the doctor. Allegedly, the authorities also usually handcuff them, and two or more policemen escort them to the doctor as if they were convicted felons. The authorities even handcuff pregnant women when escorting them to the doctor. Medical care in the transit zones is equivalent to rapid first aid services, and the medical personnel are not equipped to treat more serious cases.³⁵⁸ The authorities deny that they handcuff pregnant women, and they claim to provide sufficient medical care to all asylum seekers. They claim that, if the doctor diagnoses serious medical conditions or identifies people in need of special attention, the authorities transport these people to local hospitals immediately.³⁵⁹

8.4.3 Child protection

NGOs raised concerns that the new law on the extended border control policy orders authorities to keep children over 14 years old in the transit zones until their claims for asylum have been decided.³⁶⁰ Only unaccompanied children under the age of 14 are transferred to children's homes, and gain access to

³⁵² [‘The transit zone is a prison where pregnant women are handcuffed’](#) (Valójában börtön a tranzitzőna, ahol a terhes nőket is bilincsbe verik).

³⁵³ Hungary, UNHCR. See also [‘The transit zone is a prison where pregnant women are handcuffed’](#) (Valójában börtön a tranzitzőna, ahol a terhes nőket is bilincsbe verik).

³⁵⁴ Hungary, Immigration and Asylum Office.

³⁵⁵ *Ibid.*

³⁵⁶ *Ibid.*

³⁵⁷ Hungary, Cordelia Foundation.

³⁵⁸ [‘The transit zone is a prison where pregnant women are handcuffed’](#) (Valójában börtön a tranzitzőna, ahol a terhes nőket is bilincsbe verik).

³⁵⁹ Hungary, Immigration and Asylum Office.

³⁶⁰ [Act XX of 2017 on amending laws on strictening the rules of the asylum procedures conducted at the border](#) (2017. évi XX. törvény a határőrizeti területen lefolytatott eljárás szigorításával kapcsolatos egyes törvények módosításáról), Article 7.

adequate child-friendly amenities and child protection services. Moreover, only when children are under the age of 14 do the authorities notify the guardianship authority to assign guardians.³⁶¹ Only a small area in the sector for families in the transit zones is equipped with a swing, a sand box and a climbing frame for children to play on, NGOs have reported.³⁶²

Asylum seekers arriving with babies complain of getting an insufficient amount of baby formula, only four spoonfuls per day in the transit zones. Bottled water is not available, so the parents have to use tap water to mix it into the babies' food. They are not allowed to boil water in the transit zones. Nappies are not readily available, and the authorities have introduced a limit of two nappies per day.³⁶³ The authorities deny these accusations, claiming that they have an unlimited amount of baby formula, baby food, fruit and vegetable puree, and nappies available at the asylum seekers' request.³⁶⁴

8.4.4 Immigration detention

The Immigration and Asylum Office ordered alien-police detention against 30 people in June, and the police ordered it against 25 people.³⁶⁵ Alien-police detention is ordered when a person is about to be deported, or if the person allegedly committed a crime or misdemeanour when entering the country.³⁶⁶ There were 36 people in alien-police detention on 29 June 2017 in total.³⁶⁷

The Immigration and Asylum Office ordered asylum detention against three people in June. None of them were women or children. Altogether, 42 people were in asylum detention as of 25 June 2017.³⁶⁸ Many of them had been put in detention before the law on extended border control policy entered into force. The Office typically orders asylum detention to prevent claimants from leaving the country before the Dublin transfer takes place, to protect public order and national security or to establish the identity of the asylum seeker.³⁶⁹

8.5. Changes in law, policy and practice

There were no changes in the laws and policies about asylum.

8.6. Social response

MigSzol organised a special exhibition in front of the Ministry of the Interior on 9 June 2017, showing photos of victims of alleged police brutality along the Serbian–Hungarian border. Along with the photos, testimonies of beaten and/or handcuffed asylum seekers were also made available to the public. MigSzol decided to organise the exhibit because the Ministry of the Interior

³⁶¹ Hungary, MigSzol.

³⁶² Hungary, UNHCR.

³⁶³ [‘The transit zone is a prison where pregnant women are handcuffed’](#) (*Valójában börtön a tranzitzóna, ahol a terhes nőket is bilincsbe verik*).

³⁶⁴ Hungary, Immigration and Asylum Office.

³⁶⁵ *Ibid*, National Police Headquarters.

³⁶⁶ Article 54 of [Act II of 2007 on the admission and stay of third country nationals](#) (2007. évi II. törvény a harmadik országbeli állampolgárok beutazásáról és tartózkodásáról).

³⁶⁷ Hungary, National Police Headquarters.

³⁶⁸ Hungary, Immigration and Asylum Office.

³⁶⁹ Article 31/A of [Act LXXX of 2007 on the right to asylum](#) (2007. évi LXXX. törvény a menedékjogról).

systematically rejects allegations of the use of force along the southern borders, and the authorities refer to the stories of beaten asylum seekers as 'gossip' and 'hearsay'. MigSzol intended the exhibit to serve as a silent, self-explanatory way of protesting against police brutality and inhuman treatment against migrants and asylum seekers.³⁷⁰

The Hungarian Association for Migrants (*Menedék Migránsokat Segítő Egyesület*) launched a call for employers who are willing to employ refugees in Hungary.³⁷¹ The Association is willing to assist employers to integrate refugees by providing information about the administrative steps, and the potential positive outcomes of having employees from diverse cultures. The Association stresses that the paperwork associated with employing refugees in Hungary adds only an extra five minutes of administrative burden to the employment procedure.³⁷²

8.7. Hate crime incidents

There were no reported violent incidents during demonstrations in support of or against migrants in June.³⁷³

8.8. Policies against smuggling of human beings

Between April and June 2017, the police apprehended 23 people who were accused of committing the crime of human smuggling and initiated new criminal proceedings against them. The perpetrators were nationals of Serbia, Romania, Hungary and Pakistan.³⁷⁴ The Hungarian Criminal Code prescribes that human smuggling activities are punishable, even if the perpetrator facilitating irregular entry or stay is not acting for profit.³⁷⁵ The activities of volunteers helping refugees (e.g. inviting them to stay in their homes, transporting them with their cars, lending them their mobile phones) can also be interpreted as participating in human smuggling under Hungarian criminal law. Such crimes are punishable with several years of imprisonment; however, to date they have not been applied to volunteers helping refugees.³⁷⁶

8.9. Criminal proceedings against migrants and asylum seekers

In the period examined (April-June 2017), the police registered 106 persons who either climbed over or ducked under the fences at the Serbian-Hungarian border. However, there were no criminal procedures against these people. The authorities handled these cases in misdemeanour proceedings, which typically ended in fines.³⁷⁷

³⁷⁰ Hungary, MigSzol. See also https://www.facebook.com/pg/migszolcsoport/photos/?tab=album&album_id=1453209834730172.

³⁷¹ The call is available at: <http://menedek.hu/igydolgozunkmi>.

³⁷² Hungary, Association for Migrants.

³⁷³ Hungary, National Police Headquarters.

³⁷⁴ *Ibid.*

³⁷⁵ Article 353 of [Act C of 2012 on the Criminal Code](#) (2012. évi C. törvény a Büntető Törvénykönyvről).

³⁷⁶ Hungary, National Police Headquarters.

³⁷⁷ *Ibid.*

On 15 June 2017, the Regional Court of Szeged (*Szegedi Ítéltábla*) overturned the first instance court's decision in the case of Ahmed H., who had been arrested and charged with committing a terrorist act. The first instance court had sentenced Ahmed to 10 years' imprisonment. According to its verdict, Ahmed had led a riot on 16 September 2015 at Röszke when asylum seekers, protesting against the closure of the southern borders, clashed with the Hungarian police. The appellate court decided to refer the case back to the first instance court, claiming that, although the evidence was properly established, there was a lack of reasoning and interpretation. The appellate court suggested that the first instance court needed to properly examine whether Ahmed's acts (especially the alleged stone throwing) were deliberate attempts to coerce the state to do something or acts of despair or anger. That is necessary to determine if the terrorism charge is correct.³⁷⁸

Between April and June 2017, the police initiated criminal proceedings against 70 people whom they suspected of having committed the crime of forging public documents when they tried to enter Hungary.³⁷⁹

³⁷⁸ Hungary, County Court of Szeged. See also [press release](#).

³⁷⁹ Hungary, National Police Headquarters.

9. Italy

9.1. Overview of the situation

Some 22,470 people arrived in Italy by sea in June 2017, according to the data on arrivals published by the Ministry of the Interior. From 1 January to 30 June 2017, over 83,750 persons disembarked in nearly 800 operations,³⁸⁰ an increase of 18.7 % compared with the same period in 2016.³⁸¹

Because the numbers of arrivals increased sharply in the last few days of the month, on 28 June the Italian Minister for the Interior cancelled a visit to the USA to decide what action to take.³⁸² Italy's Permanent Representative to the European Union formally posed the issue to EU Commissioner Avramopoulos. The Italian Government declared that there was a risk that accommodation could not be guaranteed and consequently Italy would consider closing Italian ports to the ships engaged in SAR operations.³⁸³

Since January 2017 the ports with the highest number of people disembarked have been Augusta (13,000) and Catania (9,620), both in Sicily, followed by Pozzallo, Sicily (7,834), Reggio Calabria, Calabria (6,672), Palermo, Sicily (5,799), Vibo Valentia, Calabria (5,229), Lampedusa, Sicily (5,168), Trapani, Sicily (5,155), Messina, Sicily (4,319), Salerno, Campania (4,112), Crotone, Calabria (1,821), Cagliari, Sardinia (3,641), Corigliano Calabro, Calabria (565), Naples, Sicily (1,443), Taranto, Apulia (1,419), Porto Empedocle, Sicily (923), Brindisi, Apulia (539) and Bari, Apulia (249). The only officially established hotspots are in Pozzallo, Trapani, Lampedusa and Taranto.³⁸⁴ The main countries of origin declared upon disembarkation were Nigeria (14 %), Bangladesh (9 %), Guinea (8 %), Côte d'Ivoire (8 %), The Gambia (6 %), Senegal (5 %), Morocco (5 %), Mali (5 %), Sudan (4 %) and Eritrea (3 %).

Some 9,760 unaccompanied children reached the shores of Italy between 1 January and 27 June 2017.

9.2. Key fundamental rights concerns

Faced with an increase of arrivals and the ensuing difficulties in providing accommodation, Italy threatened to close its ports to ships engaged in SAR operations. Meanwhile, reception conditions remained critical in some locations. Asylum seekers organised several demonstrations to protest against poor reception conditions in local reception centres.

Save the Children Italy released the 'Atlas of unaccompanied children in Italy' on 14 June 2017.³⁸⁵ Over 62,000 unaccompanied migrant children arrived in Italy between 2011 and 2016. The numbers of younger children arriving have

³⁸⁰ Italy, Ministry of the Interior.

³⁸¹ See www.libertacivilimmigrazione.dlci.interno.gov.it/it/documentazione/statistica/cruscotto-statistico-giornaliero.

³⁸² See www.lastampa.it/2017/06/28/italia/cronache/la-situazione-pu-precipitare-minniti-inverte-la-rotta-dellaereo-e-cancella-gli-impegni-negli-usa-jYjC7ONLoQcHbDY8qnVIQM/pagina.html.

³⁸³ See www.ilmessaggero.it/primopiano/cronaca/migranti_blocco_navi_straniere-2531139.html.

³⁸⁴ Data is updated as of 30 June 2017.

³⁸⁵ See www.savethechildren.it/sites/default/files/AtlanteMinoriMigranti2017.pdf.

increased. On 28 June 2017, Médecins Sans Frontières (MSF) Italy denounced the situation of unaccompanied children living in the informal encampment near the French border.

The political debate during the reporting period mainly focused on the reform of Italian legislation on citizenship. More specifically, a draft law under discussion in parliament at the time of writing (pending final approval by the Italian Senate) concerns the possibility of introducing faster pathways for children of migrants living regularly in Italy to obtain Italian citizenship. This possibility should be available to those children who were born in Italy, or arrived at a very young age, and attended Italian schools.³⁸⁶ On this issue, the Italian political debate features two different positions. On the one hand, many politicians express support for the reform, seeing it as a tool to foster integration and to protect children's rights; the President of the Italian Senate³⁸⁷ and several members of the Roman Catholic Church have also supported this position.³⁸⁸ On the other hand, all right-wing political parties oppose the reform, fearing that it could lead to the 'ethnic replacement' of Italian citizens. The Northern League (*Lega Nord*) has submitted to the Italian Senate more than 50,000 amendments to the draft law, with a view to obstructing the parliamentary debate.³⁸⁹ The anti-immigrant party CasaPound Italia (CPI) organised a demonstration in Rome on 24 June 2017 to protest against the reform proposal.³⁹⁰

9.3. Fundamental rights issues in relation to registration and channelling into different procedures

9.3.1 Registration and identification

On 14 June 2017, a delegation visited the hotspot in Trapani (Sicily) to promote information exchange on migration and home security between the EU, Italian authorities and US authorities. The delegation was composed of members of the Italian Ministry of the Interior and police authorities, a spokesperson of the US Department of Homeland Security (DHS), and members of the European Commission, the European Border and Coast Guard Agency (Frontex), the European Asylum Support Office (EASO) and the European Police Office (Europol). The Prefect of Trapani explained to the delegation the procedures implemented in the hotspot for identifying, registering and fingerprinting newly arrived migrants. He also reported on reception measures in place in the province of Trapani.³⁹¹ The NGO Borderline Sicilia provided information about reception conditions in the hotspot of Trapani: according to the NGO, police

³⁸⁶ [Senate Draft Law No. 2092 of 13 October 2015](#), Amendments to Law No. 91 of 5 February 1992, and other provisions concerning citizenship (*Disegno di legge n. 2092, Modifiche alla legge 5 febbraio 1992, n. 91, e altre disposizioni in materia di cittadinanza*).

³⁸⁷ See www.huffingtonpost.it/2017/06/20/grasso-auspica-via-libera-allo-ius-soli-entro-lestate-grillo-i-a-22491636/.

³⁸⁸ See www.ilgiornale.it/news/politica/ius-soli-chiesa-insiste-chi-nasce-italia-venga-riconosciuta-1410898.html and <http://stranieriinitalia.it/attualita/attualita/attualita-sp-754/card-bassetti-si-allo-ius-soli-ok-a-nuova-legge-sulla-cittadinanza.html>.

³⁸⁹ See www.repubblica.it/politica/2017/06/20/news/ius_soli_grasso_grillo-168619202/.

³⁹⁰ See http://roma.repubblica.it/cronaca/2017/06/24/news/ius_soli_casapound_in_corteo_oggi_a_roma-168985253/.

³⁹¹ See www.interno.gov.it/sites/default/files/allegati/comunicato_stampa_visita_14-06-2017_delegazione_usa.pdf.

officers currently need four days to identify both unaccompanied children and adults. Since 2015, five migrants have been reaching the hotspot every hour. They are provided with a daily allowance of €2.50 and are allowed to use a bus to reach the city centre but they are required to go back to the hotspot at night.³⁹²

9.3.2 Asylum procedure

On 13 June 2017, the European Commission released its 13th report on relocation and resettlement.³⁹³ According to the report, over 1,000 people were relocated from Italy in May 2017, the highest number so far. This figure was close to the monthly target. It brought the total number of people relocated from Italy to 6,896. Moreover, approximately 700 additional applicants were, according to Italian authorities. Furthermore, more than 2,500 Eritreans have arrived in Italy in 2017 so far; they, too, should soon be registered for relocation. Austria, Bulgaria, the Czech Republic, Estonia, Hungary, Ireland, Poland and Slovakia are currently the only Member States that have not relocated any people from Italy. According to the European Commission, Italy should speed up, as a matter of priority, the registration of eligible applicants for relocation, cooperate with EASO on implementing an information campaign on relocation, and boost its efforts to centralise the relocation procedure, particularly the final steps.

On 14 June 2017, some Italian NGOs, including the Association for Legal Studies on Immigration (*Associazione per gli studi giuridici sull'immigrazione* – ASGI) and Naga, published a press release denouncing asylum procedures implemented by the police headquarters (*questura*) of Milan (Lombardy).³⁹⁴ According to the NGOs, when asylum seekers who live in local reception centres go to the police headquarters to provide their fingerprints – which are necessary to finalise the international protection application – police officers require them to fill in the so-called information sheet. This form asks them to state the reason for their presence in Italy. If they indicate 'work', they are prevented from applying for international protection, although police officers should wait for the Territorial Commissions for the Recognition of International Protection (*Commissioni Territoriali per il riconoscimento della protezione internazionale*) to assess them.

By the end of June 2017, 20 asylum seekers coming from Syria had arrived in Florence through a humanitarian corridor. The Health Association (*Società della Salute*) of Florence and the Municipality of Florence decided to support this initiative and to contribute to reception expenses.³⁹⁵

9.3.3 Return procedure

During the reporting period, identification and return operations were intensified, and this trend is expected to last throughout the summer. For example, on 6 June 2017, police officers at a train station identified a Nigerian woman

³⁹² See <http://siciliamigranti.blogspot.it/2017/06/trapani-dentro-lhotspot-dove-entrano.html>.

³⁹³ See www.europeanmigrationlaw.eu/documents/Thirteenth_report_on_relocation_and_resettlement_en.pdf.

³⁹⁴ See www.asgi.it/asilo-e-protezione-internazionale/protezione-internazionale-la-questura-deve-permettere-la-richiesta-asilo-non-valutarla/.

³⁹⁵ See www.redattoresociale.it/Notiziario/Articolo/538252/Rifugiati-a-Firenze-accolti-20-profughi-siriani.

irregularly living in Italy and immediately returned her to her country of origin.³⁹⁶ Since the beginning of June, police checks in the coastal zone of Rome have been intensified with a view to counteracting unauthorised street selling and to identifying irregular migrants.³⁹⁷

On 12 June 2017, an irregular migrant went to the police station in Milan to report a violent attack he had been subject to. Police officers ascertained that he did not have a regular residence permit and issued an expulsion order. The complainant – with the support of Naga, an NGO – has challenged the expulsion order. The behaviour of the police officers involved is legal but risks discouraging irregular migrants from reporting attacks, violence and aggression because they fear deportation.³⁹⁸

On 19 June 2017, a Moroccan irregular migrant detained in the prison of Vicenza (Veneto) tried to oppose the return procedure by swallowing a razor blade. He was brought to the nearest hospital and is currently detained in the repatriation centre (*Centro di Permanenza per il Rimpatrio* – CPR) in Turin (Piedmont) pending his repatriation to Morocco.³⁹⁹

9.4. Challenges and developments concerning reception conditions of new arrivals, including detention

9.4.1 Reception conditions and capacity

On 25 May 2017, the Head of the Civil Liberties and Immigration Department of the Ministry of the Interior took part in a hearing before the Parliamentary Inquiry Commission on the Reception, Identification, and Expulsion System, as well as on Migrants' Detention Conditions and Earmarked Public Resources (*Commissione parlamentare di inchiesta sul sistema di accoglienza, di identificazione ed espulsione, nonché sulle condizioni di trattenimento dei migranti e sulle risorse pubbliche impegnate*). During the hearing, she reported the creation of a national observatory for monitoring the reception system in the framework of the 'Monitoring and improvement of reception conditions' (Mireco) project. The observatory is headed by a Prefect and is composed of members of the Civil Liberties and Immigration Department, the Department of Public Security and police forces. The main goal of this observatory is to monitor reception conditions by inspecting reception facilities. These visits started on 11 May 2017 and will highlight the main shortcomings of the Italian reception system.⁴⁰⁰

During an electoral meeting on 5 June 2017, the Italian Minister for the Interior declared that the government was going to close all large reception centres for

³⁹⁶ See www.umbriadomani.it/il-fatto-di-cronaca/foligno-identificata-e-avviata-lespulsione-per-una-cittadina-irregolare-trovata-in-stazione-149215/.

³⁹⁷ See www.ilfaroonline.it/2017/06/01/ostia-guerra-ai-parcheggiatori-abusivi/176666/.

³⁹⁸ See www.redattoresociale.it/Notiziario/Articolo/537316/Va-in-questura-per-denunciare-un-aggressione-e-riceve-il-foglio-di-via.

³⁹⁹ See www.vvox.it/2017/06/19/vicenza-ingoia-lametta-per-evitare-espulsione/.

⁴⁰⁰ See [The transcription of the hearing](#).

asylum seekers. The intention was to set up a reception system based on small facilities scattered throughout the territory of Italy.⁴⁰¹

Migrants and asylum seekers previously accommodated in the Baobab reception centre were living in an informal encampment near the Tiburtina railway station in Rome, with support from NGOs and volunteers. On 6 June 2017, the camp was dismantled for the 18th time. This time, though, police officers and street cleaners took all personal belongings of the migrants living in the encampment and disposed of them.⁴⁰²

On 13 June 2017, the NGO INTERSOS reported on the poor conditions in which migrants and asylum seekers were living by the Roya river near Ventimiglia (Liguria). Around 250 people (including unaccompanied children) were reportedly living in the encampment with no support from local authorities. On that same day, one of them – a refugee from Sudan – drowned in the river.⁴⁰³

During the reporting period, asylum seekers organised several demonstrations to protest against poor conditions in local reception centres. Such demonstrations took place in various locations: in Palermo on 25 June 2017;⁴⁰⁴ in the reception centre in Mineo (Sicily) on 27 June 2017, where asylum seekers blocked a street;⁴⁰⁵ and in the reception centre for asylum seekers and refugees (*Centro per l'accoglienza dei richiedenti asilo e rifugiati* – CARA) in Bari on 26 June 2017, when demonstrators protested against an attempt by police officers to stop them celebrating the end of Ramadan.⁴⁰⁶

9.4.2 Child protection

Save the Children Italia released the 'Atlas of unaccompanied children in Italy' on 14 June 2017.⁴⁰⁷ According to the NGO, 62,672 unaccompanied migrant children arrived in Italy between January 2011 and December 2016, mainly from Egypt, Eritrea, The Gambia, Nigeria Somalia, and Syria. This figure increased six-fold between 2011 (4,209 arrivals) and 2016 (25,846 arrivals). The NGO also stressed the increase in the number of children arriving in Italy at a very young age. Even though 81 % of unaccompanied children in Italian reception centres are aged 16–18 years, there has been a persistent increase in the number of children arriving in Italy aged 0–14, from 698 in 2012 to 2,050 in 2016. The number of girls arriving increased from 440 in 2012 to 1,832 in 2016. According to the NGO, these children are subject to labour exploitation, illicit activities and sexual exploitation to pay back the debt contracted for their journey and to start helping their families in the countries of origin. The Central Service for the National Asylum Seekers and Refugees Protection System (*Servizio centrale del*

⁴⁰¹ See <http://stranieriinitalia.it/attualita/attualita/attualita-sp-754/minniti-chiudere-grandi-centri-migranti.html>.

⁴⁰² See www.redattoresociale.it/Notiziario/Articolo/536872/Migranti-diciottesimo-sgombero-del-Baobab-Ma-i-volontari-non-demordono.

⁴⁰³ See www.asgi.it/asilo-e-protezione-internazionale/ventimiglia-morto-un-giovane-rifugiato-intersos-non-puo-chiudere-gli-occhi/.

⁴⁰⁴ See www.palermotoday.it/cronaca/protesta-giovani-migranti-comunita-casteldaccia.html.

⁴⁰⁵ See http://palermo.repubblica.it/cronaca/2017/06/27/news/catania_protesta_al_cara_di_mineo_bloccata_la_strada_statale-169246355/.

⁴⁰⁶ See http://bari.repubblica.it/cronaca/2017/06/26/news/migranti_scontro_al_cara_di_bari_durante_un_controllo_sassaiola_contro_i_poliziotti-169163911/.

⁴⁰⁷ See www.savethechildren.it/sites/default/files/AtlanteMinoriMigranti2017.pdf.

sistema di protezione per richiedenti asilo e rifugiati – SPRAR), which manages many of the local reception centres throughout the country, published a similar document. The capacity of the system to host unaccompanied migrant children increased from 977 beds in 2015 to 2,039 in 2016, according to statistics from SPRAR. The Gambia is the commonest country of origin, accounting for 26.1 % of the children living in SPRAR facilities. A total of 46.8 % of these children applied for international protection, 25 % of them obtained humanitarian protection status, 4.5 % obtained subsidiary protection status and 2.4 % obtained refugee status.⁴⁰⁸

Article 11 of Law No. 47 of 7 April 2017, on measures to protect unaccompanied foreign children,⁴⁰⁹ introduced the role of voluntary guardians, as previous reports explained. In Milan and Palermo, two protocols have been introduced for the training and appointment of such voluntary guardians: they are carefully selected to assess their skills for this role, which is about not only legal protection, but also education and support. This is important considering that about 1,075 unaccompanied children live in Lombardy and 500 in Palermo.⁴¹⁰

On 28 June 2017, MSF Italia issued a press release denouncing the situation of unaccompanied migrant children living in the informal encampment near the Roya river, whose situation is described in subsection 9.4.1 above. According to the NGO, almost 100 migrants (including several unaccompanied migrant children) disappeared from the encampment after the Municipality of Ventimiglia issued the decree ordering the dismantling of the encampment.⁴¹¹

9.4.3 Immigration detention

The Authority for the Protection of People Who Are Detained or Deprived of Their Personal Freedom visited the CPR facilities (previously named identification and expulsion centres or *centri di identificazione ed espulsione* – CIEs) of Rome, Turin, Caltanissetta (Sicily) and Brindisi (Apulia) between 20 January 2017 and 25 April 2017. During the reporting period, the authority published an official report,⁴¹² which included its observations and recommendations to the Ministry of the Interior. On the whole, it described reception conditions in the CPR facilities under consideration as poor and unsatisfactory; the facilities were obsolete and the services offered were inadequate. Moreover, people detained in CPR facilities were forced to live together without consideration for their different legal statuses: international protection applicants shared the various wings of CPR facilities with irregular migrants who had been in Italian prisons and were awaiting expulsion. Most CIE facilities guarantee neither appropriate places of

⁴⁰⁸ See [http://minoristranierinonaccompagnati.blogspot.it/2017/06/i-minori-stranieri-non-accompagnati.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed:+blogspot/RzfUz+\(Minori+Stranieri+Non+Accompagnati\)](http://minoristranierinonaccompagnati.blogspot.it/2017/06/i-minori-stranieri-non-accompagnati.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed:+blogspot/RzfUz+(Minori+Stranieri+Non+Accompagnati)).

⁴⁰⁹ [Legge 7 aprile 2017, n. 47, Disposizioni in materia di misure di protezione dei minori stranieri non accompagnati](#).

⁴¹⁰ See <http://stranieriinitalia.it/attualita/attualita/attualita-sp-754/lombardia-servono-mille-tutori-per-minori-non-accompagnati.html> and www.redattoresociale.it/Notiziario/Articolo/538973/A-Palermo-arrivano-i-tutori-per-i-minori-stranieri-non-accompagnati.

⁴¹¹ See [http://minoristranierinonaccompagnati.blogspot.it/2017/06/ventimiglia-un-centinaio-di-migranti.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed:+blogspot/RzfUz+\(Minori+Stranieri+Non+Accompagnati\)](http://minoristranierinonaccompagnati.blogspot.it/2017/06/ventimiglia-un-centinaio-di-migranti.html?utm_source=feedburner&utm_medium=email&utm_campaign=Feed:+blogspot/RzfUz+(Minori+Stranieri+Non+Accompagnati)).

⁴¹² See www.garantenazionaleprivatiliberta.it/gnpl/resources/cms/documents/6f1e672a7da965c06482090d4dca4f9c.pdf.

worship nor leisure activities. The report recommended better provision of information to detainees, especially about rights and asylum procedures. Information is not always complete and clear on those points.

On 19 June 2017, a woman detained in the CPR facility in Rome tried to commit suicide in her cell. Her condition was still unknown at the time of writing.⁴¹³

9.5. Changes in law, policy and practice

On 31 May 2017, the Ministry of the Interior, the Ministry of Labour and Social Policies, and the Department for Youth and the National Volunteer Service of the Presidency of the Council of Ministers signed a protocol that aimed to design specific volunteer service projects targeting migrants who have obtained international protection status. This policy is intended to foster refugees' financial autonomy and social integration.⁴¹⁴

On 1 June 2017, ASGI held a public press conference to present its draft legislative reform of the Italian immigration legislation (Legislative Decree No. 286 of 25 July 1998, Consolidated text of provisions governing immigration and the status of aliens).⁴¹⁵ The reform proposal envisaged simplifying entry procedures by creating specific residence permits aimed at enabling migrants to find a job; improving the measures to protect children's rights and to implement faster family reunifications; reducing the number of forced expulsions and improving voluntary return measures; dismantling all the CPR facilities currently existing in Italy; ensuring respect of the non-discrimination and equal treatment principles; combating any forms of racism and hate speech; providing adequate protection to victims of human trafficking, violence and severe exploitation; guaranteeing fair judicial proceedings to all migrants; and guaranteeing the right to vote in local elections to all migrants living regularly in Italy for at least five years.⁴¹⁶

During a public conference on 22 June 2017, the Ministry of the Interior declared that in 2018 €150 million would be earmarked for those municipalities that participate in the Italian reception system targeted at asylum seekers arriving in Italy.⁴¹⁷

9.6. Social response

On 20 June 2017, several NGOs – including ASGI, Doctors for Human Rights (*Medici per i diritti umani* – MEDU) and Oxfam – sent a public letter to the Italian government, the Italian Parliament and the Italian members of the European Parliament. It asked for a thorough reform of the EU asylum system and migration management policies in the light of what had happened during the two

⁴¹³ See www.infoaut.org/migranti/cie-di-ponte-galeria-una-ragazza-tenta-il-suicidio.

⁴¹⁴ See www.redattoresociale.it/Notiziario/Articolo/536573/Servizio-civile-per-rifugiati-ora-e-possibile-Scelta-di-solidarieta.

⁴¹⁵ [*Decreto legislativo 25 luglio 1998, n. 286, Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero.*](#)

⁴¹⁶ Italy, ASGI.

⁴¹⁷ See www.interno.gov.it/it/notizie/150-milioni-euro-nel-2018-comuni-aprono-allaccoglienza.

years since the adoption of the European Agenda on Migration.⁴¹⁸ The NGOs strongly criticised the migration management approach adopted, which prioritises security issues and re-admission agreements with third countries of origin and transit. Moreover, the NGOs also stressed concerns over the development of the Italian migration management system, considering the lack of a legislative basis for the so-called hotspot system, as well as the recent legislative reform of the Italian migration and asylum system (which previous reports described in detail). The NGOs demanded that the authorities ensure that managing migration outside the EU involves fostering the sustainable development of third countries, and not only strengthening border checks and readmission procedures; improve SAR operations in the Mediterranean Sea; guarantee all migrants arriving in the EU the opportunity to lodge an international protection application (to be assessed through a fair proceeding), be informed about their rights and be offered adequate reception conditions; pay specific attention to the needs of vulnerable categories of migrants; create safe and regular entry pathways; set up a transparent mechanism for managing resettlement and humanitarian visa policies; ensure that return procedures are based on full respect for human rights; and guarantee easy access to family reunification procedures.

9.7. Hate crime incidents

The President of the Region of Liguria belongs to the right-wing party the Northern League. On 1 June 2017, he expressed racist opinions on his Facebook page, promising to repatriate all migrants as soon as his party manages to take the helm of the country.⁴¹⁹ On the same day, the Secretary of the Genoa (Liguria) branch of the Police Trade Union (*Sindacato Italiano Appartenenti Polizia – SIAP*) condemned this, calling upon the President of the Region of Liguria to apologise, as well as stressing that, in a period of social tension, useless provocations should be avoided.⁴²⁰

9.8. Policies against smuggling of human beings

No information to be provided on this issue.

9.9. Criminal proceedings against migrants and asylum seekers

Police authorities in Italy are very committed to combating irregular migration, as subsection 9.3.3 stresses. The Italian government has increased the level of protection of Italian borders to reduce irregular crossings.

⁴¹⁸ See www.asgi.it/asilo-e-protezione-internazionale/appello-congiunto-9-reti-organizzazioni-della-societa-civile-al-consiglio-europeo-del-22-23-giugno/.

⁴¹⁹ See <http://stranieriinitalia.it/attualita/attualita-sp-754/toti-forza-italia-risponde-ad-un-commento-razzista-su-fb-e-polemica.html>.

⁴²⁰ See <http://stranieriinitalia.it/attualita/attualita-sp-754/polizia-siap-toti-si-scusi-per-messaggio-razzista-su-facebook.html>.

On 12 May 2017, the Public Prosecutor of Catania arrested two Libyan citizens for the smuggling and murder of a Sierra Leonean citizen. The arrests were possible thanks to a tape recorded by the NGO Migrant Offshore Aid Station (MOAS), which cooperated with judicial authorities.⁴²¹ On the same day, the Public Prosecutor of Agrigento (Sicily) arrested three Nigerian citizens for smuggling, human trafficking, sexual violence, and aiding and abetting irregular migration.⁴²² On 8 June 2017, the police authorities of Cagliari arrested 13 Nigerian citizens and charged them with being part of an international criminal organisation responsible for human trafficking and smuggling.⁴²³ On 22 June 2017, the police authorities of Agrigento arrested a 25-year-old Nigerian man accused of being part of a criminal organisation responsible for smuggling, human trafficking, sexual violence, and aiding and abetting irregular migration.⁴²⁴

⁴²¹ See <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIB5063.TIF&subcod=20170512&numPag=1&>.

⁴²² See <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIB5037.TIF&subcod=20170512&numPag=2&>.

⁴²³ See <http://stranieriinitalia.it/attualita/attualita/attualita-sp-754/immigrazione-clandestina-13-arresti-in-tutta-italia.html>.

⁴²⁴ See <http://stranieriinitalia.it/attualita/attualita/attualita-sp-754/sicilia-arrestato-trafficante-uomini-e-torturatore.html>.

10. Netherlands

10.1. Overview of the situation

Arrivals/registration

The most recent publicly available data on numbers and patterns of new arrivals date from May 2017, when some 15,570 people migrated to the Netherlands.⁴²⁵ These numbers do not include asylum applicants and are based on only regular migration. The Immigration and Naturalisation Service (*Immigratie en Naturalisatiedienst* – IND) publishes data on asylum applications. It is responsible for the extended identification process and determining the status of all individuals arriving in the Netherlands. Some 2,810 people applied for asylum in the Netherlands in May 2017.⁴²⁶ The total number of applications decreased by 2 % compared with some 2,860 in April.⁴²⁷

The IND distinguishes between first asylum applications (some 1,160), repeated asylum applications (some 170) and family reunifications (some 1,470).⁴²⁸ The numbers of first and repeated asylum requests increased by 14 % and 11 % respectively in comparison with April. The influx due to family reunification decreased by almost 13 %.⁴²⁹

Main countries of origin

The main countries of origin were Syria (some 1,080) and Eritrea (360). In addition, a considerable number of stateless people (178) arrived in the Netherlands. For first asylum applications, Syria (187), Eritrea (80) and Morocco (78) were the main countries of origin in May. For family reunification, requests filed by Syrians (883) formed by far the largest category, followed by Eritreans (276) and stateless individuals (160).⁴³⁰ For repeated asylum applications, Afghanistan (36), Iraq (23) and Iran (14) were the main countries of origin in May.⁴³¹

Approximate proportions of children, families, women and other vulnerable groups

⁴²⁵ Statistics Netherlands (*Centraal Bureau voor de Statistiek*) (2017), "[Bevolking en bevolkingsontwikkeling: per maand, kwartaal en jaar, 2017 mei](#)".

⁴²⁶ The Netherlands , Immigration and Naturalisation Service (*Immigratie en Naturalisatiedienst*) (2017), [Asylum Trends. Monthly Report on Asylum Applications in The Netherlands and Europe](#), May 2017, The Hague, Ministry for Security and Justice.

⁴²⁷ The Netherlands, Immigration and Naturalisation Service (*Immigratie en Naturalisatiedienst*) (2017), [Asielinstroom in april over gehele linie omlaag](#), News release, 14 June 2017, The Hague, Ministry for Security and Justice.

⁴²⁸ The Netherlands , Immigration and Naturalisation Service (*Immigratie en Naturalisatiedienst*) (2017), [Asylum Trends. Monthly Report on Asylum Applications in The Netherlands and Europe](#), May 2017, The Hague, Ministry for Security and Justice.

⁴²⁹ The Netherlands, Immigration and Naturalisation Service (*Immigratie en Naturalisatiedienst*) (2017), [Asielinstroom in april over gehele linie omlaag](#), News release, 14 June 2017, The Hague, Ministry for Security and Justice.

⁴³⁰ The Netherlands , Immigration and Naturalisation Service (*Immigratie en Naturalisatiedienst*) (2017), [Asylum Trends. Monthly Report on Asylum Applications in The Netherlands and Europe](#), May 2017, The Hague, Ministry for Security and Justice.

⁴³¹ *Ibid.*

About 120 children were registered as applying for asylum as unaccompanied children in May 2017. This was an increase of some 20 % compared with some 100 in April. Of these children, 40 % (some 50) originated from Eritrea, followed by Guinea (11 %, 13 children) and Sudan and Syria (both 7 %, 8 children).⁴³² The estimated proportions of other vulnerable groups come from another source: Statistics Netherlands (*Centraal Bureau voor de Statistiek* – CBS).⁴³³ The influx of first applicants (1,300) differs more from the IND's numbers (1,162) than the influx due to family reunifications (1,472 IND/1,470 CBS).⁴³⁴

The numbers of women and children are estimates based on the CBS figures, since the IND does not break numbers down by gender and age.

Of the first asylum applications (1,300 in total, according to the CBS), 260 were from women, 100 from girls and 205 from boys.⁴³⁵ Arrivals for family reunification (1,470 in total, according to the CBS) included 530 women, 355 girls and 385 boys.⁴³⁶

Landing point of arrival by sea

All the migrants who came by sea landed in Rotterdam.

10.2. Key fundamental rights concerns

The NGOs Defence for Children and UNICEF Netherlands published their annual report on children's rights in June 2017. They were very critical about the way the government was implementing the special regulation of children's amnesty (*Kinderpardon*).⁴³⁷ This was reported on it in the monthly report for April. This regulation, which took effect in February 2013, entitles refugee children and their parents to a residence permit if they have gone through the asylum procedure unsuccessfully and have resided in the Netherlands for a long time. To qualify, rejected asylum seekers must meet a series of conditions including that they have lived in the Netherlands and claimed asylum for at least five years before their 18th birthday. However, in 2016, 96 % of all the children's requests were rejected and children and their families were forced to leave.⁴³⁸ The authorities rejected these requests because they claimed that the parents had not shown enough willingness to cooperate with the authorities during the regular asylum procedure. This means that most children do not qualify for the amnesty because their parents have continued to appeal against deportation. Defence for Children, UNICEF Netherlands and 12 other NGOs started a campaign in September 2016 ('Ik blijf hier' or I stay here) for a special act that entitles all children to a residence permit if they have stayed in the Netherlands

⁴³² *Ibid.*

⁴³³ Statistics Netherlands (*Centraal Bureau voor de Statistiek*) (2017), "[Asielverzoeken en nareizigers: nationaliteit, geslacht en leeftijd, 2017 Mei](#)".

⁴³⁴ The Netherlands, Immigration and Naturalisation Service (*Immigratie en Naturalisatiedienst*) (2017), [Asylum Trends. Monthly Report on Asylum Applications in The Netherlands and Europe](#), May 2017, The Hague, Ministry for Security and Justice.

⁴³⁵ Statistics Netherlands (*Centraal Bureau voor de Statistiek*) (2017), "[Asielverzoeken en nareizigers: nationaliteit, geslacht en leeftijd, 2017 Mei](#)".

⁴³⁶ *Ibid.*

⁴³⁷ UNICEF Netherlands / Defence for Children International (2017), [Jaarbericht 2017](#), The Hague / Leiden.

⁴³⁸ *Ibid.*

for more than five years before their 18th birthday.⁴³⁹ A major, new element of this plan is the removal of the condition that children qualify for a permanent residence permit only if their parents have cooperated in the past. This campaign is still ongoing. On 29 June 2017, the Dutch Ombudsman for Children (*Kinderombudsman*) launched a plan to entitle more children and their families to permanent residence permits.⁴⁴⁰

10.3. Children and vulnerable groups

In the same report,⁴⁴¹ Defence for Children and UNICEF Netherlands voiced two concerns about reception conditions for refugee children.

Their first concern was that 290 children disappeared from the reception centres in 2016. In 2015, this number was 160. Of these 290 children, 30 disappeared in special shelters meant for children who were at risk of human trafficking. In 2015, the equivalent number was 20.

The second concern was the rising number of children who had to move from one reception centre to another. In 2016, 3,500 of these transfers took place, 53 % more than in 2015. These transfers cause children a lot of stress. They have to leave the school they attend and have to adapt, yet again, to new circumstances. Moreover, these moves end friendships and interrupt special treatments.

The waiting time for asylum seekers who have applied for family reunification has increased: from 146 days in 2015 to 331 days in January to May 2017.⁴⁴² The Secretary of State for Security and Justice gives several reasons why the IND has to take longer to handle these requests.⁴⁴³ One is the rise in the number of asylum seekers arriving in the Netherlands in 2015. Other reasons are the complex nature of the requests, the unavailability of the official documents proving the identities of family members and the existence of genuine family ties with the sponsor, and new facts being introduced at late stages of the procedure.

A study by legal experts from VU University Amsterdam argued that the way the IND handled requests in Eritrean family reunification cases was not compatible with the EU Family Reunification Directive.⁴⁴⁴ One of the conditions for family reunification is that the family members prove their identity and the existence of genuine family ties with the sponsor through official documents. If no official documents are submitted, it is possible to establish the identity and family ties through alternative evidence, for example unofficial documents such as religious certificates or non-documentary evidence such as DNA investigation or

⁴³⁹ Defence for Children International (2017), '[Ik blijf hier](#)', Leiden.

⁴⁴⁰ The Netherlands, Ombudsman for Children (*Kinderombudsman*) (2017), [Standpunt: Een alternatief Kinderpardon dat recht doet aan kinderen](#), The Hague, Kinderombudsman.

⁴⁴¹ UNICEF Netherlands / Defence for Children International (2017), [Jaarbericht 2017](#), The Hague / Leiden.

⁴⁴² The Netherlands, State Secretary for Security and Justice (Sstaatssecretaris van Veiligheid en Justitie) (2017), [Antwoorden Kamervragen inzake de behandeling van verzoeken tot gezinshereniging door de IND](#), 31 May 2017.

⁴⁴³ *Ibid.*

⁴⁴⁴ Coene, R., Gafvelin, E., Otero, V. & Rondine, F. (2017), [The 'bewijsnood' policy of the Dutch immigration service: A correct interpretation of the Family Reunification Directive or an unlawful procedural hurdle?](#), Amsterdam, VU University Amsterdam.

interviews. Since the beginning of 2016, the IND's policy has been to accept alternative evidence only if the lack of official documentation cannot be attributed to the applicant. At the same time, it assumes that Eritreans are generally able to obtain such official documentation. This stricter application of the policy has led to a considerable number of rejections of Eritrean family reunification cases since the beginning of 2016. The study, published on 23 May 2017, concluded that this policy (accepting only a certain type of ideal evidence and blaming the refugee for not showing it) violates general principles of EU law in general and the Family Reunification Directive in particular.

On 24 April 2017, eight children's and human rights organisations, including Defence for Children and Amnesty International, called on the Netherlands to stop deporting vulnerable persons, including families with young children, to Afghanistan.⁴⁴⁵ The situation in the country was too unsafe and unstable and the Netherlands was taking major risks in sending failed asylum seekers back, the organisations said. The Secretary of State for Security and Justice has stated that he sees no reason to stop deporting vulnerable groups to Afghanistan.⁴⁴⁶

10.4. Changes in law, policy and practice

The Secretary of State sent a letter to the House of Representatives on the moratorium on returning asylum seekers to Burundi, which ended on 1 July 2017.⁴⁴⁷ The Secretary of State has decided that, from 1 July 2017 onwards, only specific categories of asylum seekers from Burundi qualify for asylum status: journalists, members of the opposition, members of NGOs and civil society organisations, and victims of sexual violence.

10.5. Social response

One demonstration against migrants (refugees), one demonstration in favour of them and a demonstration in favour of them that was announced but ultimately cancelled, as reported by LexisNexis (a database containing all articles published by Dutch newspapers and magazines).

The demonstration against the arrival of migrants and refugees in the Netherlands took place in Ter Apel on 10 June 2017. The Dutch Peoples-Union, a far-right organisation, organised it.⁴⁴⁸ The central reception location for asylum seekers is in Ter Apel. Some 25 persons participated in this demonstration. At the same time, a counter-demonstration by anti-fascists and pacifists took place. Some 70 persons participated in it. No incidents occurred.

A demonstration in favour of migrants took place in the town of Kampen on 30 April 2017. The organisers were the Jonge Socialisten, a political youth

⁴⁴⁵ Defence for Children (2017), [Stop uitzettingen van kwetsbare mensen naar Afghanistan](#), Press release, 24 April 2017.

⁴⁴⁶ The Netherlands, State Secretary for Security and Justice (*Staatssecretaris van Veiligheid en Justitie*) (2017), [Antwoorden Kamervragen over het terugsturen van kinderen naar Afghanistan](#), 20 June 2017.

⁴⁴⁷ The Netherlands, State Secretary for Security and Justice (*Staatssecretaris van Veiligheid en Justitie*) (2017), ['Landgebonden asielbeleid Burundi'](#), Letter to the House of Representatives (*Tweede Kamer der Staten-Generaal*), 29 May 2017.

⁴⁴⁸ Sorgdrager, M. & Wind, M. (2017), *'Ter Apel als toneel van acties voor en tegen vluchtelingen'*, *Dagblad van het Noorden*, 12 June 2017.

movement affiliated to the Dutch Labour Party. Some 10 persons participated in the demonstration.⁴⁴⁹ It was organised to protest against the Mayor of Kampen's proposal to impose a curfew preventing asylum seekers from staying in the town in the evening. No incidents took place. The mayor had made this proposal during the trial of an asylum seeker accused of raping a girl in Kampen. The asylum seeker confessed and was later convicted by the court. The demonstration focused on combating racism and bad feelings against refugees caused by this rape and the mayor's comment.

Two men, Matthijs Jaspers and Rikko Voorberg, planned a commemoration of refugees who had died in crossing to Europe. It was to take place in Amsterdam on the evening of 4 May 2017. The original plan was to place 3,000 white paper crosses on the Rembrandtplein, a square in the centre of Amsterdam. It was especially the timing of this demonstration that caused a lot of disquiet. The evening of 4 May 2017 is the time of the national commemoration of the victims of the Second World War. The plan met with resistance from the Jewish organisation Centre for Information and Documentation on Israel and the National Committee for 4 and 5 May, who wanted to keep the focus of the day on the victims of the war. The mayor gave permission for the demonstration but ordered it to take place in another square in the centre of Amsterdam (Nieuwmarkt) to avoid the risk of disorder. Because of the controversy, the initiators decided to cancel the commemoration. Their intention had been to involve a younger generation in the national commemoration of the Second World War by focusing on people who are victims of war now, but they had not expected such resistance.

Migration and asylum continue to be issues in media coverage and public debate. The public discourse in April to June 2017 focused on several issues. Below, we discuss the most important ones.

The Netherlands held a general election on 15 March 2017. The political parties were still involved in talks to form a government at the time of writing. The People's Party for Freedom and Democracy, the Cristian Democratic Appeal, the Democrats 66 and the Green Left were the first group of parties to start negotiations. These negotiations broke down twice, in May and June. Both times other parties blamed the Green Left. Traditionally, government formation negotiations always take place in secrecy so the reasons for a collapse are not always clear and parties try to blame each other. The media considered migration and asylum a major stumbling block between Green Left and the other three parties. The authoritative daily *NRC Handelsblad* quoted sources on 17 May 2017 as saying that the Green Left could not consent to an asylum deal with African countries similar to that between the EU and Turkey.⁴⁵⁰ Three weeks later, negotiations again collapsed, reportedly for the same reasons.⁴⁵¹

In an interview with the Dutch daily *Algemeen Dagblad*, the mayor of Rotterdam, Ahmed Aboutaleb, stated that "Solidarity does not mean more

⁴⁴⁹ Meijboom, J. (2017), '[Vreedzaam protest na uitspraak avondklok azc in Kampen](#)', *De Stentor*, 1 May 2017.

⁴⁵⁰ Niemantsverdriet, T. & Witt Wijnen, P. de (2017), '[Pas vorige week begon het echte onderhandelen](#)', *NRC Handelsblad*, 17 May 2017.

⁴⁵¹ Niemantsverdriet, T. & Witt Wijnen, P. de (2017), '[Klaver was echt oom, maar in zijn partij klonk `nee`](#)', *NRC Handelsblad*, 13 June 2017.

uncontrolled migration".⁴⁵² "You can only allow refugees to a certain extent. That's why it is important to change the Geneva Convention on Refugee signed in 1951 to adapt it to current times." Aboutaleb is a member of the Labour Party and was the first prominent left-wing politician to make such a statement. He also stated that "The Refugee Convention was once made for one political refugee who wanted to flee from Moscow to Sweden, nowadays it works like a channel for millions of people. That was never the goal of this Convention". Thomas Spijkerboer, a professor of migration law at VU University Amsterdam, described this last statement as nonsense in the Dutch magazine *De Groene Amsterdammer*.⁴⁵³ Spijkerboer noted that the public and political debate about migration and asylum betrays a number of misconceptions about the 1951 Refugee Convention. He tackled these misconceptions in the article and concluded that the Refugee Convention is not outdated and should be the cornerstone of a new asylum policy. The Labour Party does not share Aboutaleb's view and does not want to change the Refugee Convention. On 30 June 2017, the daily newspaper *De Telegraaf* published figures on the crimes committed by asylum seekers. The Dutch police had compiled the figures.⁴⁵⁴ The newspaper had gained access to unpublished police reports by using the Freedom of Information Act. People from so-called 'safe' countries had committed two thirds of the crimes attributed to asylum seekers in the first nine months of 2016, it reported. During that time some 570 asylum seekers were arrested. Of these, 84 came from Albania, 73 from Georgia, 67 from Morocco and 64 from Algeria – all considered 'safe' countries. Fewer than 20 suspects came from Iraq and Syria. Anonymous police sources stated that most of these crimes committed in 2016 had gone unpunished because a prosecution would make it difficult to deport the asylum seekers. The Minister for Security and Justice, reacting to the article, stated that it is not government policy not to prosecute asylum seekers.⁴⁵⁵

No new associations for or against refugees have emerged.

10.6. Hate crime incidents

Organisations dealing with asylum procedures cooperate in what is called the Aliens Chain. The Ministry of Security and Justice indicated that they do not collect this kind of information systematically.⁴⁵⁶

Consulting the Dutch version of LexisNexis, we have found no reports of violent incidents during demonstrations against migrants in April to May 2017.

The Dutch Reporting Point for Discrimination on the Internet (*Meldpunt Internetdiscriminatie Nederland* – MiND) reported 13 incidents of online hate towards refugees and/or asylum seekers in April to June 2017.⁴⁵⁷ To put these

⁴⁵² Hoedeman, J. (2017), '[Aboutaleb: Solidair betekent niet nog meer migranten](#)', *Algemeen Dagblad*, 3 Jun 2017.

⁴⁵³ Spijkerboer, T. (2017), '[Nederlandse politici begrijpen het Vluchtelingenverdrag niet](#)', *Groene Amsterdammer*, 6 June 2017.

⁴⁵⁴ Jonker, J. (2017), '[Straffeloos in de fout. Frustratie bij politie over opgepakte asielhoppers](#)', *De Telegraaf*, 30 June 2017.

⁴⁵⁵ NOS (2017), '[Kabinet: geen beleid om criminele asielzoekers niet te vervolgen](#)', NOS 30 June 2017.

⁴⁵⁶ The Netherlands, Ministry of Security and Justice.

⁴⁵⁷ The Netherlands, MiND.

figures into perspective, in 2016 MiND reported a total of 901 incidents on all non-discrimination grounds and 70 incidents targeting refugees.⁴⁵⁸ According to MiND, since 2015, when an estimated 50 % of the incidents of racist hate speech targeted refugees, online hate speech against this group has been a significant problem. MiND considers that discourse in politics and society, such as the media, fuels it.⁴⁵⁹

10.7. Policies against smuggling of human beings

The Ministry of Security and Justice indicated that the Aliens Chain does not collect this kind of information systematically.⁴⁶⁰

⁴⁵⁸ MiND (2017), Jaarverslag 2016 : [Meldpunt Internet Discriminatie, Hoevelaken](#), MiND.

⁴⁵⁹ The Netherlands, Dutch Reporting Point for Discrimination on the Internet (*Meldpunt Internetdiscriminatie Nederland, MiND*).

⁴⁶⁰ *Ibid.*

11. Poland

11.1. Overview of the situation

Arrivals/registration

The Pobyt System is a national information and communication technology system for migration purposes. From January to 22 June 2017, it registered some 720 applications for international protection, covering around 1,670 persons. During the same time around 84,350 applications for temporary and permanent stay in Poland⁴⁶¹ were submitted. After the regulation granting visa-free travel entered into force, 8,000 Ukrainians entered Poland within three days.⁴⁶²

Main countries of origin

The main nationalities of persons registered in June 2017 were Russian, Ukrainian and Turkish.

Approximate proportions of children, families, women and other vulnerable groups

No precise information is available about the proportions of children, families, women or other vulnerable groups. In April 2017, 46 % of applicants were children (45 % of them girls, 55 % boys) and 45 % of applicants were women.⁴⁶³

Applications

From the beginning of the year until 22 June, around 1,670 persons submitted some 720 first applications for asylum.⁴⁶⁴ The Head of the Office for Foreigners (*Urzędu do spraw Cudzoziemców* – UDSC) also registered around 350 subsequent applications, which covered some 820 persons, mainly Russians and Ukrainians. The number of applications submitted per month in 2017 declined continuously, continuing the trend that began in July 2016. The number of asylum applications in April was the lowest since January 2015. For comparison, in May 2017 there were some 110 first applications, which covered around 210 persons, and in May 2016 there were some 480 applications, which covered some 1,330 persons.

11.2. Key fundamental rights concerns

There were two main key fundamental rights concerns: placement of migrants in detention centres and the ongoing restricted access to the asylum procedure in Poland.

⁴⁶¹ See [Head of the Office for Foreigners](#).

⁴⁶² See <http://www.polsatnews.pl/wiadomosc/2017-06-14/w-ciagu-trzech-dni-bez-wiz-do-polski-wjechalo-ponad-8-tys-obywateli-ukrainy/>.

⁴⁶³ See <https://udsc.gov.pl/statystyki/raporty-okresowe/meldunek-miesieczny/2015-2/2017-2/>.

⁴⁶⁴ See [Head of the Office for Foreigners](#).

Access to the asylum procedure in Poland continued to be restricted. Border guards in Brest/Terespol and Medyka systematically refused entry to individuals who planned to apply for international protection, according to three interviewed partners: the Association of Legal Intervention (*Stowarzyszenie Interwencji Prawnej* – SIP), the Helsinki Foundation for Human Rights (*Helsinki Fundacja Praw Człowieka* – HFPC) and UNHCR.⁴⁶⁵

Asylum applicants from Tajikistan and Chechnya often tried to submit asylum applications 30 times or more, and only two or three families a day had their application registered successfully at the border crossing. Border Guard officers seemed to disregard the foreigners' intention to apply for international protection and refused them entry to Poland, according to NGOs. They justified such refusals by invoking the absence of a valid entry visa or other documents enabling them to stay legally in Poland. The same happened in Medyka, at the Polish-Ukrainian border crossing. In the HFPC's opinion, the non-*refoulement* rule could be breached. Asylum seekers did not have an access to legal assistance.

Because of the situation at the border crossing, a group of 14 attorneys from the Warsaw Regional Bar Association⁴⁶⁶ went to the crossing in Terespol to provide legal assistance for those who wished to claim asylum on 17 March 2017.⁴⁶⁷ This event was prepared in cooperation with the HFPC and the SIP, which have been monitoring the situation at border crossing points for years. The purpose of the presence of attorneys and representatives of NGOs such as the HFPC at the border station was to emphasise the importance of public authorities' respect for Poland's obligations under the Convention relating to the Status of Refugees, and applicable procedures for granting protection under EU law. According to NGO reports, Officers working at this border station often "cannot hear" the intent of seeking international protection declared by foreigners. Attorneys were denied access to asylum seekers who were denied to enter Poland.⁴⁶⁸

In June, the ECtHR issued interim measures in six cases of asylum seekers from Chechnya. It stated that the asylum seekers "should not be sent back to Belarus" until it could examine their claim, and that the competent authorities in Poland must examine their asylum applications. Only two families were let into Poland. Polish border guards refused to comply with the other four interim measures and did not allow the asylum seekers to enter Poland and seek asylum.⁴⁶⁹

Foreigners who are transferred to Poland on the basis of the Dublin III Regulation are often placed in detention centres, according to UNHCR, the SIP and the HFPC.⁴⁷⁰ In some cases, courts place families with children and victims of torture in detention centres for 60 days or longer. Courts justify detention by

⁴⁶⁵ See <http://interwencjaprawna.pl/granicy-raport-monitoringu-dostepu-postepowania-o-udzielenie-ochrony-miedzynarodowej-przejsciach-granicznych-terespolu-medyce-lotnisku-warszawa-okecie/>, <http://www.hfpr.pl/droga-donikad-relacja-z-przejscia-granicznego-brzesc-terespol/http://wyborcza.pl/duzyformat/7,127290,21184727,w-poczekalni-do-polskiego-razu.html>

⁴⁶⁶ See <http://www.tokfm.pl/Tokfm/7,102433,21511206,adwokaci-chcieli-pomoc-czeczenom-na-granicy-nie-dostali-na.html>.

⁴⁶⁷ See <http://pokojadwokacki.pl/adwokaci-na-granicy-brzesc-terespol/>.

⁴⁶⁸ See <http://www.tokfm.pl/Tokfm/7,102433,21511206,adwokaci-chcieli-pomoc-czeczenom-na-granicy-nie-dostali-na.html>.

⁴⁶⁹ See <http://www.hfhr.pl/en/eu-should-tackle-unsafe-returns-to-belarus-a-joint-statement-of-amnesty-international-helsinki-foundation-for-human-rights-and-human-rights-watch/>.

⁴⁷⁰ Poland, UNHCR; SIP; HFPC.

citing the necessity to gather additional information, the high probability of absconding and the lack of a permanent address. In the appeal procedure, according to these organisations, courts disregard foreigners' requests to be present during examinations of their appeal against a decision on detention. At the same time, they do not inform foreigners that a motion has been lodged to prolong their detention. They are not present during court proceedings, so they cannot present their standpoint. Furthermore, the appeal has to be prepared in Polish, so foreigners are dependent on NGOs, which provide limited legal assistance because they have limited funds. Courts do not conduct evidentiary proceedings on children's best interests and on torture victims.

Other key fundamental rights concerns reported by NGOs were:

- Ineffective provision of information for asylum seekers about the asylum procedure (UNHCR, SIP);
- Incorrect and inaccurate translations during interviews (HFPC);
- Special needs of asylum seekers were not recognised at an early stage or were not respected, contrary to EU standards. Therefore, the asylum procedure often did not take them into account (SIP, UNHCR, National Prevention Mechanism⁴⁷¹);
- Pervasive hate speech crimes and an increasing number of violent crimes motivated by prejudice (SIP, RPO);
- Asylum seekers in detention centres and open centres lacked systematic legal assistance because funding was short. The new calls for proposals are not announced or results are not published for a long time⁴⁷² (UNHCR, HFPC, SIP).

11.3. Fundamental rights issues in relation to registration and channelling into different procedures

11.3.1 Registration and identification

Foreigners who are willing to lodge their asylum application in Warsaw, in the headquarters of the Head of the UDSC, cannot register their application on the same day, the SIP reported.⁴⁷³ The Border Guard does not register the applications within three working days, although the law obliges it to do so.⁴⁷⁴ Foreigners receive a Post-it note stating the planned day of registration of their application.

Information provided to all new arrivals on registration is not designed for asylum seekers from different legal cultures, foreigners do not understand what is written and they are not aware of their duties, according to the SIP and UNHCR.⁴⁷⁵

⁴⁷¹ See <https://www.rpo.gov.pl/sites/default/files/Wyci%C4%85q%20-%20Strze%C5%BCony%20O%C5%9Brodek%20dla%20Cudzoziemc%C3%B3w%20K%C4%99trzyn%202016.pdf>

⁴⁷² See <http://fundusze.mswia.gov.pl/ue/aktualnosci/14167,OGLOSZENIE-O-NABORZE-WNIOSKOW-nr-62016-FAMI.html>.

⁴⁷³ Poland, SIP.

⁴⁷⁴ Law on granting protection to foreigners in Poland, Art. 28.

⁴⁷⁵ Poland, UNHCR; SIP.

In addition, NGOs report that interviews with asylum seekers are not recorded and foreigners' statements are written down in Polish. The interview is not carried out in confidential conditions and these conditions affect what is said during the registration. Very often it is only after receiving their first negative decision that the asylum seekers find out about inaccuracies and discrepancies in their statements from the registration point and in the asylum procedure that followed.

While monitoring the detention centre in Ketrzyn, the National Prevention Mechanism found out that Border Guard officers acted as interpreters during foreigners' visits to the doctor.⁴⁷⁶ The Polish Ombudsman (*Rzecznik Praw Obywatelskich*) stated in his letter to the Commander in Chief of the Border Guard that this approach is not correct and does not help to identify vulnerable people.⁴⁷⁷

Interview partners (SIP, UNHCR, HFPC) stated that although there are mechanisms for identifying vulnerable persons and victims of torture and violence, the mechanism used by the Head of the UDSC is not sufficient. Vulnerable persons and victims of torture and violence are not recognised early enough and they do not receive appropriate support. Very often they are placed in detention centres and are not released even once it becomes known that these detainees are vulnerable persons.⁴⁷⁸ The Polish Ombudsman and the National Prevention Mechanism confirmed that the system for identifying victims of torture does not work properly in Poland.⁴⁷⁹

11.3.2 Asylum procedure

The average length of detention in the first half of 2017 was about 71 days (without disaggregating asylum seekers and irregular migrants).⁴⁸⁰

11.3.3 Return procedure

For respect of the principle of non-*refoulement*, including non-admission and push-backs, please see subsection 11.2 above. The interviewed stakeholders and civil society organisations raised no other issues. From January to the end of March, there were 220 forced returns.⁴⁸¹

11.4. Challenges and developments concerning reception conditions of new arrivals, including detention

11.4.1 Reception conditions and capacity

Asylum seekers have a right to stay in a reception centre until their first procedure is finished. In case of a subsequent procedure, the Border Guard initiates a return procedure after a second negative decision. This means that

⁴⁷⁶ See <https://www.rpo.gov.pl/pl/content/kmp/od-1477316700-do-1477403100-krajowy-mechanizm-prewencji-przeprowadzi%C5%82-wizytacj%C4%99-w-strze%C5%BConym-o%C5%9Brodku-dla-cudzoziemc%C3%B3w-w>

⁴⁷⁷ *Ibid.*

⁴⁷⁸ *Ibid.*

⁴⁷⁹ See <https://www.rpo.gov.pl/sites/default/files/Wyst%C4%85pienie%20do%20Komendanta%20G%C5%82%C3%B3wnego%20Stra%C5%BCy%20Granicznej%20w%20sprawie%20identyfikacji%20ofiar%20tortur.pdf>

⁴⁸⁰ Poland, Border Guards.

⁴⁸¹ *Ibid.*

asylum seekers and persons in return procedures can live in the same reception centre. Asylum seekers who wished to live outside the reception centre did not receive sufficient financial support, given that it was already very difficult to rent a flat from private owners, according to the SIP.

11.4.2 Vulnerable persons

Please see subsection 11.3.1.

11.4.3 Child protection

The best interests of the child were still not considered and examined in detention decisions, according to the SIP, the HFPC and UNHCR. In a detention centre there was a child who had a gunshot wound in his foot, the Polish Ombudsman reported.⁴⁸² Very often courts, when justifying the detention of children, said that placing children with their parents in a detention centre is not against the well-being of the child, HFPC emphasised.

11.4.4 Immigration detention

Please see subsection 11.2.

11.5. Changes in law, policy and practice

In February 2017, the HFPC presented opinions on amendments to asylum legislation.⁴⁸³ The Ministry of Internal Affairs and Administration replied but did not address most of the comments. The Ministry also presented revised amendments to the act on granting international protection to foreigners, which still had serious deficiencies in the HFPC's opinion.⁴⁸⁴

NGOs (e.g. SIP, HFPC⁴⁸⁵) and the Ombudsman⁴⁸⁶ presented their opinions on the Ministry's position. The HFPC⁴⁸⁷ maintained the opinion that it had presented in February 2017, that the current version of the proposal and the direction of changes in the law still raised concerns. The Ministry still planned to introduce border procedures, lists of safe third countries and safe countries of origin, there were no effective remedies against refusal of protection, and it would be possible to deprive most asylum seekers of liberty automatically. In support of the proposal, the Ministry confirmed that the changes were designed to ensure public order and protect internal security. The changes in legislation were a response to the growing migration movements, according to the Ministry.

⁴⁸² [Letter from Ombudsman to the Border Guard Chief Commander](#), 30 of June 2017.

⁴⁸³ See <https://bip.mswia.gov.pl/bip/projekty-aktow-prawnyc/2017/24478,Projekt-ustawy-o-zmianie-ustawy-o-udzielaniu-cudzoziemcom-ochrony-na-terytorium-.html>.

⁴⁸⁴ *Ibid.*

⁴⁸⁵ See <http://www.hfhr.pl/wp-content/uploads/2017/02/HFPC-uwagi-do-projektu-zmiany-ust-o-ochronie-14-02-2017.pdf> , <http://www.hfhr.pl/en/step-backwards-in-granting-protection-to-foreigners-hfhrs-comments-on-proposed-amendment/>.

⁴⁸⁶ See <https://www.rpo.gov.pl/pl/content/opinia-rpo-w-sprawie-zmian-w-ustawie-o-udzielaniu-cudzoziemcom-ochrony-na-terytorium-rp>.

⁴⁸⁷ See <http://www.hfhr.pl/wp-content/uploads/2017/06/HFPC-odpowiedz-na-pismo-ws-uwag-do-ustawy.pdf>.

11.6. Social response

There were no demonstrations in favour of or against the migrants.

There was no change in public discourse, according to the HFPC: the media continued to present information about foreigners in a negative way and government representatives presented a negative approach to migrants and refugees.⁴⁸⁸ The Minister for Internal Affairs and Administration, Mariusz Błaszczak, said that, if Poland took 12,000 relocated refugees, a few years later “there would be several tens of thousands, then several hundred thousand, then a few million, these communities will form enclosed enclaves, which would naturally support Muslim terrorists.”⁴⁸⁹

No new associations for or against refugees emerged.

11.7. Hate crime incidents

The number of hate crime incidents has increased. In 2016, 1,631 proceedings were ongoing.⁴⁹⁰

11.8. Policies against smuggling of human beings

In the Polish Criminal Code, people or organisations can face trial for facilitating irregular entry or irregular stay even without seeking profit. This crime is punishable by between six months and eight years of imprisonment.⁴⁹¹ On 10 April 2017, there were 39 suspects, and 17 criminal proceedings were ongoing.

11.9. Criminal proceedings against migrants and asylum seekers

On 10 April 2017, there were 236 criminal proceedings and 260 suspects.⁴⁹²

The Criminal Code and the Offence Code regulate irregular crossing of the border. If the crossing involves force, threat or deceit, or is made in cooperation with other people, it is considered a crime and the person faces up to three years’ imprisonment.⁴⁹³ Common irregular crossing is punished only by a fine of up to PLN 500.⁴⁹⁴

⁴⁸⁸ See <http://www.newsweek.pl/opinie/rasizm-w-polsce-ksenofobiczna-propaganda-prawicy.artykuly.412451.1.html>.

⁴⁸⁹ See <http://www.radiozet.pl/Radio/Programy/Gosc-Radia-ZET/Mariusz-Blaszczak-Frasyniuk-jest-jak-radziecki-literat-z-czasow-PRL-wysikac-moze-sie-wszedzie>.

⁴⁹⁰ *Ibid*, see also <https://www.rpo.gov.pl/pl/content/rpo-w-sprawie-zniewazenia-musulmanki-ktora-razem-z-grupa-niemieckiej-mlodziezy-przyjechala-do-polski>, <https://www.rpo.gov.pl/pl/content/rzecznik-podj%C4%85%C5%82-spraw%C4%99-niewpuszczenia-do-autobusu-obywatela-togo>, <https://www.rpo.gov.pl/pl/content/pobicie-i-zniewa%C5%BCenie-ukrai%C5%84skich-pracownik%C3%B3w-oraz-ich-polskiego-pracodawcy-w-chwaszczynie>.

⁴⁹¹ Criminal Code, 6 June 1997 r. (Dz. U nr 88, poz 553 ze zm), Art 264par 3.

⁴⁹² Poland, Border Guards.

⁴⁹³ Criminal Code, 6 June 1997 r. (Dz. U nr 88, poz 553 ze zm), Art 264 par 2.

⁴⁹⁴ Offence Code, 20 May 1971, Art 49a.

12. Slovakia

12.1. Overview of the situation

The Migration Office recorded around 20 new asylum applications in June 2017.⁴⁹⁵ Most of them came from Sri Lanka (about five) and Vietnam (about five), fewer than five each originated in Bangladesh and Turkey, and the remaining asylum seekers came from Iraq, Syria and Ukraine. There was also one asylum seeker from India who had lodged an asylum claim earlier this year.

About five of the asylum seekers were 18–25 years old, about five were 26–39, about five were children (below the age of 18) and fewer than five were above the age of 40. Of the total of some 20 asylum seekers, the majority were male and fewer than five were female.

About five unaccompanied children lodged asylum applications, all of them originating from Vietnam and all of them aged 14–17.

The Bureau of Border and Foreigners Police provided data on newcomers in June 2017. The data are not disaggregated by gender and age of the newcomers. In total, around 200 irregular migrants arrived in Slovakia. The majority of them came from Ukraine (some 120). The other main countries of origin were Serbia (some 10), Vietnam (some 10), Syria (some 10), and Bangladesh (fewer than 10). Overall, there were 20 countries of origin.⁴⁹⁶

12.2. Key fundamental rights concerns

Ten Syrian refugees were found in three vans in the territory of Slovakia, the Human Rights League (HRL) reported. Two of them claimed asylum. Six had subsidiary protection in Romania and at the time of writing were in the detention centre in Medveďov waiting to return to Romania. The remaining two persons contacted the HRL, which provides legal support to refugees. They said that they had been transported by Slovak police to Hungary. According to them, Hungarian police transported them to the transition zone, from where they were sent to Serbia. The official response of the police was that they had been released in Slovakia. According to the representative of the HRL, there is a suspicion of violation of their rights, because such treatment could be classified as “chain *refoulement*”. No other information about this case was available at the time of writing.⁴⁹⁷

12.3. Children and vulnerable groups

During the monitoring period, no specific changes or challenges occurred regarding the reception conditions.

No specific changes or challenges regarding safeguards applied at registration and in asylum and return procedures were reported during the monitoring

⁴⁹⁵ Slovakia, Migration Office.

⁴⁹⁶ Slovakia, Bureau of Border and Foreigners Police.

⁴⁹⁷ Slovakia, Director of Human Rights League.

period. Several unaccompanied children entered a children's home in Medzilaborce, which is specifically designed for unaccompanied children: five in April, 16 in May and 14 in June. The Office of Labour, Social Affairs and Family is in charge of providing support for unaccompanied children. According to a representative, it planned to organise a special meeting with all relevant stakeholders responsible for providing care to refugee children, in July or August 2017. The main aim of this meeting would be to identify the main problems, barriers and challenges with regard to the rights of migrating children and to find effective solutions.⁴⁹⁸

On the fifth anniversary of the global campaign 'End Child Detention', the HRL, in cooperation with the International Detention Coalition, intensified its activities against the detention of families with children. These activities are part of the campaign 'Deti nepatria do väzenia' (Children do not belong in prisons), which the HRL has run since 2016. It consists of advocacy and public awareness-raising activities aimed at ending the detention of children. In June, the HRL published several stories of child refugees around the world, emphasising the negative consequences of detention.⁴⁹⁹

12.4. Changes in law, policy and practice

There were no changes in laws in the relevant fields in this reporting period. The Migration Office of the Ministry of the Interior informed about the opening of a digital platform helping persons with international protection in accessing the labour market. The platform Skills2Work is a project administered by IOM and co-funded by EU. It runs in nine countries, including Slovakia. In Slovakia, the IOM works in cooperation with the Migration Office and the Pontis Foundation.⁵⁰⁰

There have also been no changes in the implementation of existing policies, according to the NGOs working in the area of migration and asylum.⁵⁰¹ However, Marginal, an NGO providing services for refugees and persons with subsidiary protection, reported that it considered that the legislative arrangements that differentiate between persons with subsidiary protection and refugees were discriminatory. The law guarantees full protection and services to refugees but not to persons with subsidiary protection. For example, public healthcare insurance does not cover them, nor does the system of benefits for persons with severe disabilities.⁵⁰²

12.5. Social response

The Milan Šimečka Foundation and the Slovak Humanitarian Council (*Slovenská humanitná rada*) organised a public event in Bratislava on World Refugee Day (20 June 2017). It took place in the city centre and included an exhibition of

⁴⁹⁸ Slovakia, Representative of the Office of Labour, Social Affairs and Family.

⁴⁹⁹ Slovakia, Human rights League.

⁵⁰⁰ Ministry of Interior of the Slovak Republic (2017), '[Migračný úrad MV SR podporuje platformu uľahčujúcu prístup osôb s udelenou medzinárodnou ochranou na trh práce](#)', Press release, 28 June 2017. See also IOM, '[Nová webová stránka FromSkills2Work: Podpora prístupu cudzincov na trh práce](#)', information from 1 June 2017. See also <http://www.fromskills2work.eu/>.

⁵⁰¹ Slovakia, Slovak Humanitarian Council. Slovakia, Human Rights League. Slovakia, Marginal.

⁵⁰² Slovakia, Marginal.

photographs of asylum seekers, a concert and presentation of international cuisine.⁵⁰³ Furthermore, the Milan Šimečka Foundation, held an 'Umbrella March' on 18 June 2017 in Bratislava to mark World Refugee Day.⁵⁰⁴ Approximately 30 people took part in the march.⁵⁰⁵

The Slovak School Inspectorate, in cooperation with Comenius University and the Slovak Academy of Science, surveyed high-schoolers' attitudes to minorities and migrants. The survey had 3,625 respondents. It revealed that refugees, and Muslims in particular, were the most negatively perceived group. Other groups researched included the Roma, LGBTI people, Hungarians and persons with disabilities.⁵⁰⁶

The Milan Šimečka Foundation organised its annual multicultural festival, [fjúžn], on 21–28 April 2017. The festival aims to raise awareness of migration and refugee issues among the general public and promote cultural diversity. This year's was the 12th and was dedicated to integration. The festival took place in Bratislava and included exhibitions, public discussions, concerts, theatre and workshops.⁵⁰⁷ Approximately 6,000 people attended.⁵⁰⁸

The HRL launched a new e-learning tool called 'Let's give refugees a chance' in June 2017. The tool explains key migration and refugee terms in user-friendly language.⁵⁰⁹

The Islamic Foundation in Slovakia organised a joint interfaith dinner on 10 June 2017 to celebrate iftar, the breaking of the fast during Ramadan. More than 100 guests attended the event, including protestant priests and the Rabbi of Bratislava. Representatives of civic society, embassies and academia also attended.⁵¹⁰

A voluntary initiative called 'Who will help?' (*Kto pomôže?*) became more formalised. It changed its name to Mareena and opened a new community centre for both migrants and non-migrants in Bratislava. The community centre aims to provide space for intercultural interactions, language courses, games, etc. At the time of writing, it was engaged in crowdfunding to raise money to cover its running costs.⁵¹¹

The humanitarian organisation Magna launched a Facebook campaign (a virtual photo exhibition) called 'My child' on 20 June 2017. The campaign shared portraits of Syrian refugee children in Lebanon. The aim was to draw the public's

⁵⁰³ Please see <https://www.citylife.sk/ina-akcia/svetovy-den-utecencov-hviezdoslavovo-namestie-bratislava>

⁵⁰⁴ Please see <https://www.facebook.com/events/136253983593624/>

⁵⁰⁵ Slovakia, Milan Šimečka Foundation.

⁵⁰⁶ Kalmárová, V. et al. (2017), *Aké vzdelávacie faktory súvisia s postojmi slovenských stredoškôľakov a stredoškôľákov k menšinám?*, Bratislava, State School Inspection, Institute of Social Communication Research of the Slovak Academy of Science and Faculty of Social and Economic Sciences of the Comenius University.

⁵⁰⁷ Please see <https://www.facebook.com/notes/fj%C3%BA%C5%BEn/fj%C3%BA%C5%BEn-12-programme-english/1298311396913011/>.

⁵⁰⁸ Slovakia, Director of Milan Šimečka Foundation via.

⁵⁰⁹ Please see <http://www.hrl.sk/aktuality/e-learningovy-kurz-o-utecencoch-je-zverejneny-je-uplne-zadarmo>. The e-learning is available at <http://elearning.hrl.sk/uvod.html>.

⁵¹⁰ Please see <http://www.islamonline.sk/2017/06/ramadan-v-bratislave-spolocna-vecera-s-rabinom-fararkou-diplomatmi-novinarmi-a-aktivistami/>

⁵¹¹ Please see <https://www.startlab.sk/projekty/219-komunitne-centrum-mareena/>.

attention to the situation of Syrian refugees. The organisation raised €8,568 to cover medical aid that it provides in refugee camps.⁵¹²

12.6. Hate crime incidents

No demonstrations in support of or against migrants took place within the reported period.

In April, the President of the Slovak Republic announced a competition for the best project in tackling extremism. On 12 June, an initiative called #somtu won first place.⁵¹³ #somtu was set up as a Facebook community of people who infiltrate online discussions that contain hate speech. The initiative mobilises citizens and infuses online debates with decency, facts and balance so that non-hateful views will also filter through to the participants. The Office of the President received 139 proposals altogether and awarded prizes to the five best entrants.

After a terrorist attack near a London mosque on 18 June, the Islamic Foundation recorded increased hate speech on the websites of Slovak media and social networks.⁵¹⁴ The foundation praised the information website aktuality.sk for trying to manage the discussion together with the initiative #somtu, unlike the information server topky.sk, which did not take any action to manage discussions full of hate speech against Muslims.

No incidents against migrants or people in need of international protection were recorded during the reporting period.

12.7. Policies against smuggling of human beings

The IOM and the Ministry of the Interior⁵¹⁵ reported no such proceedings in the reporting period.

⁵¹² Please see <http://www.magna.sk/spravy/tlacove-spravy/1-virtualna-vystava-moje-dieta-uz-pomaha-v-terene> and <https://www.tojemojedieta.sk/>.

⁵¹³ President.sk, 'Najlepším projektom prezidentov výzvy proti extrémizmu je #somtu', [Press release](#) from 12 June 2017, Slovak Spectator, 'President Kiska awards projects against extremism', 14 June 2017.

⁵¹⁴ Islamonline.sk, 'V Londýne opäť vraždil terorista. Niektorí Slováci na internete útok schvaľujú', 19 June 2017.

⁵¹⁵ Slovakia, IOM; Border and Alien Police of the Ministry of Interior of the Slovak Republic.

13. Spain

13.1. Overview of the situation

Arrivals

The organisations consulted did not have precise overall data on the number of new arrivals during June 2017. In any case, no information about the overall number of arrivals was available at the time of writing, according to the Spanish Ministry of the Interior (*Ministerio del Interior*).

The Spanish authorities provided some relevant data on irregular arrivals. In particular, Jon Iñarritu García, a senator appointed by the Basque parliament, tabled a question on 12 January 2017,⁵¹⁶ and the following response came during the session of the Senate held on 24 May 2017:⁵¹⁷

- From 1 January 2012 until the end of December 2016, around 57,220 irregular entries took place in Spain: some 14,560 in 2016, some 16,850 in 2015, some 12,550 in 2014, some 7,120 in 2013 and some 6,140 in 2012. In this context, it may be worth emphasising that the number more than doubled from 6,140 in 2012 to 14,560 in 2016, but nevertheless the 2016 figure was slightly less than that for 2015 (some 16,850).
- The information from the Spanish government distinguishes only between land and sea entries. From 1 January 2012 until the end of December 2016, some 28,560 irregular entries took place by sea (some 9,150 in 2016, 6,360 in 2015, 5,760 in 2014, 3,450 in 2013 and 3,830 in 2012) and some 28,660 by land (5,140 in 2016, 10,490 in 2015, 6,780 in 2014, 3,670 in 2013 and 2,310 in 2012). In this connection, it is worth noting that in 2016 the number of sea entries rose by 31 % from the previous year, whereas by land the trend was the opposite: there were fewer than half as many land entries in 2016 (5,140) as in 2015 (10,490).
- The main points of entry into Spain from 1 January 2012 until the end of December 2016 were the following: the autonomous cities of Melilla (some 23,780) and Ceuta (some 8,890) and the autonomous community of Andalusia, particularly in the provinces of Almeria (around 7,850), Cadiz (around 7,200) and Granada (around 4,670). The trend during those five years can be described as an increasing use of the same entry points.. There was, however, one exception to this trend: in Melilla, the number of arrivals fell drastically in 2016 (some 3,900) in comparison with 2015 (some 9,170). During 2016, data on arrivals at those entry points were as follows: Melilla, 3,900; Ceuta, 2,540; Almeria, 2,940; Granada, 1,940; and Cadiz, 1,670.
- Finally, with regard to the methods of entry, the Spanish government has only provided information regarding the entry points of Ceuta and Melilla.

⁵¹⁶ Spain, [Written Question 684/008628 to the Spanish Senate submitted on 12 January 2017](#) by Jon Iñarritu García, a Senator appointed by the Basque parliament, available at the Official website of the Spanish Senate (*Senado*).

⁵¹⁷ Spain, [Government's response on 24 May 2017 to the question submitted on 12 January 2017](#) by Jon Iñarritu García, a Senator appointed by the Basque parliament, available at the Official website of the Spanish Senate (*Senado*).

There, people used the following methods from 1 January 2012 until the end of December 2016: boats (some 4,780), swimming (some 270), vehicles (some 950), climbing over the fence (some 4,370), on foot (some 5,200) and others (some 16,480). However, there were considerable differences between those two places, as figures from 1 January 2016 until the end of December 2016 show. The most common ways of entry into Melilla were on foot (some 410) and by vehicle (some 380); however, to enter Ceuta, boats (some 1,000), swimming (some 160) and climbing over the fence (some 800) were more commonly used. In any case, there is no detail about the category “others”, which is biggest category in Melilla (some 2,420) but not in Ceuta (no such arrivals recorded).

In addition, small boats (*pateras*) continued to arrive in Spain during June 2017. In fact, as Frontex indicated, the arrival of immigrants in Spain has almost doubled in 2017.⁵¹⁸ Thus, 250 people travelling in seven *pateras* were rescued in Spanish waters in just one day, 24 June.⁵¹⁹

Returns

In response to the question about irregular arrivals in Spain in the session of the Senate on 24 May 2017, the Spanish Government provided the following information about return decisions:

- From 1 January 2016 until the end of December 2016, the government issued around 12,770 removal orders. Of them, it carried out only around 1,550 returns with a ban on entry into Spain.
- From 1 January 2017 until the end of April 2017, the government issued around 2,250 removal orders. Of them, it carried out only around 390 returns with a ban on entry into Spain.

Main countries of origin and routes

No information about the origin of the people who arrived in Spain was available at the time of writing, according to the Ministry of the Interior.

No new information was available concerning the main countries of origin and routes into Spain for June 2017.

However, during 2016 the main nationalities of people arriving irregularly by sea and land in Spain were Guinea Conakry (2,651), Syria (1,929), Côte d'Ivoire (1,926), Algeria (2,469), Morocco (1,310), Cameroon (1,078), The Gambia (1,016), Burkina Faso (451) and Mauritania (241), according to the Spanish Government's response to the question about irregular arrivals in Spain in the session of the Senate on 24 May 2017.⁵²⁰

In addition, among the newly relocated refugees arriving in June (see the following section), the countries of origin were Syria (164) and Iraq (20).⁵²¹

⁵¹⁸ Spain, [“The arrival of immigrants in Spain”](#) (*Las llegadas de inmigrantes en patera a España se duplican en 2017*) published in *Público*, 24 June 2017.

⁵¹⁹ Spain, [“250 people travelling in 7 pateras were rescued in Spanish waters”](#) (*Rescatados 250 inmigrantes en siete pateras interceptadas en aguas españolas*) published in *El País*, 24 June 2017.

⁵²⁰ Spain, [Government's response on 24 May 2017 to the question submitted on 12 January 2017](#) by Jon Iñárritu García, a Senator appointed by the Basque parliament, available at the Official website of the Spanish Senate (*Senado*).

⁵²¹ Spain, [Official website of the Government Press Office](#) (*Oficina de Prensa de La Moncloa*).

Relocation and resettlement refugees

Around 180 refugees arrived in Spain through relocation during June 2017. Some 160 Syrian and 20 Iraq refugees (around 50 men, 40 women and 90 children) were relocated from Greece; all of them arrived on 30 June. The Spanish Government Press Office (*Oficina de Prensa de La Moncloa*) reported their arrival on its official website.⁵²²

Approximate proportions of children, families, women and other vulnerable groups

No information about age, sex or country of origin of the newcomers as of June 2017 was available according to the Ministry of the Interior.

The Jesuit Service for Migrants identified 513 women while visiting Detention Facilities for Aliens (*Centros de Internamiento para Extranjeros – CIEs*) in 2016, as well as 51 children who were originally considered to be adults, according to its latest report.⁵²³

In addition, among the newly relocated refugees arriving in June, there were around 40 women and 90 children.⁵²⁴

Applications

No new information was available concerning asylum applications in Spain for June 2017.

The only data available on asylum seekers relating to May from the Ministry of the Interior was the number of refugees hosted by Spain through relocation and resettlement: 1,488 persons seeking international protection, specifically 1,070 relocated and 418 resettled refugees.⁵²⁵

However, according to the Spanish Government's response to the question about irregular arrivals in Spain, there were around 8,910 applications for international protection in Spain from 1 January 2017 until the end of April 2017. The Spanish Government did not, however, provide information on outcomes of applications in 2017. Nevertheless, in 2016 it accepted 56 % of applications, since around 6,570 of the 11,570 case resolutions were favourable.⁵²⁶

⁵²² *Ibid.*

⁵²³ Spain, Jesuit Service for Migrants (Servicio Jesuita Migrante) 2016 CIE Report. 25.66 daily average of forced repatriations (*Informe CIE 2016. 25,66 media diaria de repatriaciones forzadas*), [Press release](#), June 2017.

⁵²⁴ Spain, [Official website of the Government Press Office](#) (*Oficina de Prensa de La Moncloa*).

⁵²⁵ *Ibid.*

⁵²⁶ Spain, [Government's response on 24 May 2017 to the question submitted on 12 January 2017](#) by Jon Iñárritu García, a Senator appointed by the Basque parliament, available at the Official website of the Spanish Senate (*Senado*).

13.2. Key fundamental rights concerns

Fundamental right to asylum, including the principle of non-refoulement

On 16 June, the Spanish Refugee Aid Commission (*Comisión Española de Ayuda al Refugiado* – CEAR) submitted its annual report.⁵²⁷ While presenting the report, representatives of CEAR highlighted that, according to their findings:

- Spain is not a country open to refugees and there is no political will to make it so. Of all the requests that the government handled in 2016, almost seven out of ten were resolved with some kind of international protection, but only 3.4 % of the total number gained refugee status, in contrast to Germany's 41 % and France's 21 %.
- Delays in the processing of requests for asylum by the Spanish Ministry of the Interior have led to over 22,000 outstanding claims, "as well as jeopardising the lives of the people." This is "an example of bad practice that the Ministry conducts, by delaying the decision on the applications for asylum without justification", according to Paloma Favières, the Policy and Campaigns Director of CEAR. Furthermore, the Ministry "systematically does not meet the six-month period provided for in the law for examining and deciding on granting international protection", in particular in Article 19 (7) of Spanish Law 12/2009 on Asylum and Subsidiary Protection (*Ley 12/2009 reguladora del derecho de asilo y de la protección subsidiaria*).⁵²⁸ This creates "a serious mismatch in the system that has an impact on the availability of places", as Estrella Galan, Secretary General of CEAR, has announced. In this regard, CEAR calls for "greater coordination" between the different administrations involved, "from the central to the autonomous communities or municipalities, each one in its role and without duplication".
- According to Carlos Berzosa, President of CEAR, there is a need for a joint approach (a 'State Pact') among all parliamentary forces to guarantee the right to asylum and "not based on political changes that may take place". In this regard, CEAR sees three important objectives: first, create a legislative framework that "really and effectively guarantees rights for refugees"; second, facilitate access to international protection to "put an end to illegal returns in Ceuta and Melilla, which forces them to resolve all requests for asylum by the deadline, and reject the agreements of the EU Member States with third countries which do not respect human rights"; and, finally, develop a system that complies with the commitments of relocation and resettlement and promotes public policies that encourage coexistence and acceptance of refugees. Berzosa recalled that the Spanish Constitution enshrines this right⁵²⁹ – in particular in Article 13 (4) – and the aforementioned Law on Asylum and Subsidiary Protection regulates it.⁵³⁰

⁵²⁷ Spain, Spanish Refugee Aid Commission (*Comisión Española de Ayuda al Refugiado*, CEAR in its Spanish acronym) 2017 Report: the Refugees in Spain and Europe (*Informe 2017: Las personas refugiadas en España y en Europa*), [Press release](#), June 2017.

⁵²⁸ Spain, Ministry of the Presidency (*Ministerio de la Presidencia*) (1978) Asylum and Subsidiary Protection Law (*Ley 12/2009 reguladora del derecho de asilo y de la protección subsidiaria*), [Press release](#), 31 October 2009.

⁵²⁹ Spain, Ministry of the Presidency (*Ministerio de la Presidencia*) (1978), Spanish Constitution (*Constitución española*), [Press release](#), 29 December 1978.

⁵³⁰ Spain, [official presentation of CEAR report, published in CEAR official website](#), 15 June 2017.

Rights of children in a situation of mobility

According to media reports, dozens of unaccompanied foreign children in the autonomous city of Melilla were effectively living in the city streets, despite being in the custody of the authority responsible for children.⁵³¹ The main concerns, as in previous months, were the following:

- *La Purísima*: the juvenile shelter in Melilla was overcrowded. It had 172 places but accommodated 350 children. The Harraga Association (*Asociación Harraga*)⁵³² prepared the report 'From being children at risk to being dangerous children' (*De niños en peligro a niños peligrosos*)⁵³³ based on interviews with 91 children who have been housed in these facilities. Of the child interviewees, 92 % reported having experienced physical violence from their peers and 75 % reported violence by their educators. However, Daniel Ventura, the Regional Minister for Social Welfare of Melilla, and María Isabel Martín, the Public Prosecutor for Children, declared that the violence in the centre was not real, and all reported cases were investigated.⁵³⁴
- *The residence card*: the Spanish law relating to aliens (Article 32 (1) of the Aliens Law⁵³⁵ and Article 12 (2) of the Regulation on the Aliens Law⁵³⁶) entitles unaccompanied children who are over 16 years old and have spent more than six months in a centre operating under the competent child protection authority to receive a residence card, which also entails the right to work. However, another reason why these children did not want to go to the Purísima centre was that they believed that staying there would result in them not being granted such a residence permit.⁵³⁷
- *Child sexual abuse*: the Public Prosecutor for Children had not been acting in situations that placed these children at extremely high risk, Sara Olcina, an activist from the Harraga Association, reported. She mentioned that the Prosecutor had not investigated a specific case of a nine-year-old boy who was being sexually abused.⁵³⁸
- *Cooperation with Morocco*: unaccompanied migrant children started arriving in Melilla in 1995, but this group has never been so numerous as in the past few months. In fact, in April 2017, the Moroccan Prime Minister, Saad Eddine Othmani, contacted the Spanish authorities for the first time with a

⁵³¹ Spain, [Children Left Behind in Melilla \(Los niños olvidados de Melilla\)](#), published in *El País*, 24 June 2017.

⁵³² Spain, [Harraga Association \(Asociación Harraga\)](#), official website.

⁵³³ Spain, Harraga Association (*Asociación Harraga*) From being children at risk to being dangerous children (*De niños en peligro a niños peligrosos*), [Press release](#), 2016.

⁵³⁴ Spain, [Children Left Behind in Melilla \(Los niños olvidados de Melilla\)](#) published in *El País*, 24 June 2017.

⁵³⁵ Spain, Ministry of the Presidency (*Ministerio de la Presidencia*) Aliens Law (*Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social*), [Press release](#), 11 January 2000.

⁵³⁶ Spain, Ministry of the Presidency (*Ministerio de la Presidencia*) Regulation of the Aliens Law (*Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009*), [Press release](#), 20 April 2011.

⁵³⁷ Spain, [Harraga Association \(Asociación Harraga\)](#).

⁵³⁸ Spain, [Children Left Behind in Melilla \(Los niños olvidados de Melilla\)](#) published in *El País*, 24 June 2017.

view to addressing the problem of Moroccan children arriving in Ceuta and Melilla.⁵³⁹

- *Unaccompanied migrant children seen as criminals*: unaccompanied migrant children “are children” and have no significant impact on crime rates in the city of Melilla, Regional Minister for Social Welfare of Melilla stressed. The city’s judge for children, Álvaro Salvador, also pointed out that “only 10 % of crimes committed in the city are attributed to unaccompanied migrant children”. However, 60 % of the citizens of Melilla felt afraid when they encountered an unaccompanied child, although 90 % of them claimed not to have been attacked physically or verbally by these children, as the Harraga Association’s aforementioned report stressed, based on the findings of a public opinion survey that it included. In this regard, the Regional Minister for Social Welfare criticised the media and users of social networks for creating a misleading image.⁵⁴⁰
- *Fifty-one children held at immigration detention facilities last year*: the number of children held at CIEs as a result of wrong initial age assessments almost tripled in 2016 compared with the previous year, according to the latest Jesuit Service for Migrants report.⁵⁴¹ During its visit, official information identified 51 adolescents as children, compared with 19 in 2015. In this regard, it is important to mention that the Jesuit Service for Migrants team had access to the Madrid CIE throughout the year 2016, but for only some of the year to the rest of the CIEs that it reviewed: Barcelona, Valencia and Tarifa. Each CIE’s operating conditions affected possibility of conducting visits, such as renovation works in Barcelona or temporary closure of the Valencia CIE because of a plague of bedbugs.

Alleged overuse of immigration detention facilities

The CIEs were used inefficiently and disproportionately, the Jesuit Service for Migrants report stated. The organisation offered the following findings:

- In practice, the CIEs were being used as “centres for the reception of immigrants” rather than pre-removal facilities: about 5,700 persons were detained in them immediately after arriving by boat on the Spanish coasts. The largest percentage of people (75 %) detained in the CIEs were at the southern border, in the Algeciras and Tarifa centres. This phenomenon was worrying, the Jesuit Service for Migrants argued, as the CIEs are intended for expulsion, not reception. Moreover, it argued that these detention facilities had disproportionate economic and personal costs: only 29 % of the persons interned in the CIEs were finally expelled, and 76 % of repatriated persons in Spain did not go through any CIE.
- CIEs held vulnerable groups in 2016: 513 women and 51 adolescents who were subsequently identified as children during their stay at a CIE (see subsection 13.1.5 above). In addition, 770 people filed asylum applications, but only 158 were declared admissible.

⁵³⁹ *Ibid.*

⁵⁴⁰ *Ibid.*

⁵⁴¹ Spain, Jesuit Service for Migrants (Servicio Jesuita Migrante) 2016 CIE Report. 25.66 daily average of forced repatriations (*Informe CIE 2016. 25,66 media diaria de repatriaciones forzadas*), [Press release](#), June 2017.

- The police tended to ask for migrants' detention just to identify them, knowing that the detention was not going to lead to return, argued the Jesuit Service for Migrants. The Public Prosecutor's Office usually complied with the police request.

Wearing the Islamic veil may lead to discrimination in access to employment

Muslim women who live in Spain claim that the decision to wear a hijab affects their working life. For this reason, many Muslim women have decided to remove their veil at work.⁵⁴²

13.3. Children and vulnerable groups

Reception conditions

Child asylum seekers living in the Centres for Temporary Stay of Immigrants (*Centros de Estancia Temporal de Inmigrantes* – CETIs) in Ceuta and Melilla found themselves in a special situation due to the restricted mobility policy of the Spanish Ministry of Employment and Social Security (*Ministerio de Empleo y Seguridad Social*), which is in charge of the asylum reception process.

According to the #HRRSouthernFrontier (*#DDHHFronteraSur*)⁵⁴³ report presented by the Irídia Centre for the Defence of Human Rights (*Irídia Centre per la Defensa dels Drets Humans*),⁵⁴⁴ the International Institute for Non-violent Action (*Instituto para la Accion Noviolenta* – NOVACT)⁵⁴⁵ and Fotomovimiento.org,⁵⁴⁶ the conditions in the CETIs did not ensure the rights laid down in the EU asylum *acquis* or in Spanish legislation. Several NGOs and international bodies, such as the UNHCR, have commented on that. The main issues that the reports highlighted included systemic overcrowding, the lack of resources necessary for physical and psychological care of the persons staying there, and the inaccessibility of information to migrants. In this context, the temporary character of their stay in the CETI, and the lack of information about when they were to be transferred to the Iberian Peninsula contributed to the very low rate of school attendance in Melilla, as the UNICEF report on reception conditions of child asylum seekers showed.⁵⁴⁷ In addition, access to education was difficult in Melilla and Ceuta, as the Spanish Ombudsman (*Defensor del Pueblo*) also noted: schools were reluctant to organise the schooling of children for a few weeks or months, and families who had not

⁵⁴² Spain, "[When wearing the Islamic veil leaves a woman without work](#)" (*Cuando llevar el velo islámico te deja sin trabajo*) published in *El País*, 6 June 2017.

⁵⁴³ Spain, Irídia Centre for the Defence of Human Rights (*Irídia Centre per la Defensa dels Drets Humans*), #HRRSouthernFrontier (*#DDHHFronteraSur*), [Press release](#), April 2017.

⁵⁴⁴ Spain, [Irídia Centre for the Defence of Human Rights \(Irídia Centre per la Defensa dels Drets Humans\) official website](#)

⁵⁴⁵ Spain, NOVACT [Institute for Nonviolent Action \(Instituto para la Accion Noviolenta, NOVACT, in its Spanish acronym\) official website](#)

⁵⁴⁶ Spain, [Fotomovimiento.org Photographic Testimony \(Fotomovimiento.org Testimonio fotográfico\) official website](#)

⁵⁴⁷ UNICEF, The reception of refugee children in Spain (*Acogida en España de los niños refugiados*), [Press release](#), 2016.

received aid (transport, paid school lunches, etc.) were reluctant to send their children to school.⁵⁴⁸

Safeguards applied at registration and in asylum and return procedures

Unaccompanied children are in a situation of particular vulnerability in Spanish territory: attacks, blackmail, physical and verbal abuse are already part of their everyday lives, according to NGOs. It was estimated that there were about 540 unaccompanied migrant children living in Melilla, of whom nearly 340 were staying at the shelter for boys between 8 and 17 years, La Purisima, and at least 100 were sleeping in the city streets. All the other children (around 100) were divided between two care facilities: La Gota de Leche, for children between 0 and 7 years, and La Divina Infantita, for girls between 8 and 17 years.⁵⁴⁹

The Purisima centre was overcrowded, which adversely affected the conditions in which the children were accommodated, according to the #HRRSouthernFrontier report. In addition, the Harraga Association⁵⁵⁰ estimated that 92 % of the children who were housed in these facilities experienced “a situation of daily violence”, so many preferred to live on the street and try to reach the Iberian Peninsula by their own means. An estimated 22 % of unaccompanied migrant children left the juvenile facilities in 2016 to try to take a boat and arrive in the Peninsula, which put them at great risk.

For many years, numerous organisations – Amnesty International, the Spanish Ombudsman, Human Rights Watch, the Association for Children’s Rights (*Asociación Pro Derechos de la Infancia* – PRODEIN)⁵⁵¹ and the World Organisation Against Torture (*Organización Mundial contra la Tortura* – OMCT)⁵⁵² – have voiced concerns over the conditions and treatment that unaccompanied children have received daily at children’s reception care centres in Ceuta and Melilla. In addition, the majority of these children are left in an irregular situation when they reach the age of 18.⁵⁵³

13.4. Changes in law, policy and practice

There were no changes in laws and/or policies in the fields of asylum, migration and border management in the reporting period.

However, the Spanish government approved a budget for financing the integration of migrants on 23 June. Specifically, it subsidised projects targeting

⁵⁴⁸ Spain, Ombudsman (*Defensor del Pueblo*) (2017). 2016 Annual Report and debates corresponding to the Spanish Parliament (*Informe Annual 2016 y debates en las Cortes Generales*) Point 4.4.4, [Press release](#), February 2017.

⁵⁴⁹ Spain, Chair of Refugees and Forced Migrants of Comillas ICAI-ICADE, INDITEX.

⁵⁵⁰ Spain, [Harraga Association \(Asociación Harraga\) official website](#).

⁵⁵¹ Spain, [Association for Children’s Rights PRODEIN \(Asociación Pro Derechos de la Infancia, PRODEIN\) official website](#).

⁵⁵² Spain, [World Organisation Against Torture OMCT \(Organización Mundial contra la Tortura, OMCT\) official website](#).

⁵⁵³ Spain, Irídia Centre for the Defence of Human Rights (*Irídia_Centre per la Defensa dels Drets Humans*), #HRRSouthernFrontier (#DDHFFronteraSur) Section 2. Video: “Unaccompanied minors” (*Menores No acompañados*), [Press release](#), April 2017.

immigrants (€30 million) and improving the protection of unaccompanied children arriving in Ceuta and Melilla (€6.45 million).⁵⁵⁴

Regarding proposals for legislative change, the political party Podemos presented a comprehensive LGBTI draft law to the Spanish Parliament on 4 May. The LGBT State Federation (*Federación Estatal de Lesbianas, Gais, Transexuales y Bisexuales* – FELGTB) drew up the document, which is intended to secure LGBTI group rights, including those of asylum seekers and refugees.⁵⁵⁵

There have been no changes in the implementation of existing policies in the field of asylum, migration and border management. During the reference period, the #HHRRSouthernFrontier (#DDHHFronteraSur) continued to report⁵⁵⁶ on 'hot returns' (*devoluciones en caliente*), the fences and police 'push backs' of persons perched on the fences jeopardising the physical integrity of the migrants and refugees crossing the Moroccan–Spanish border at Melilla and Ceuta.

13.5. Social response

Some demonstrations in favour of migrants during the reporting period can be highlighted. A demonstration took place on 17 June in Madrid, organised by more than 100 citizens' platforms and NGOs. The demonstration was attended by thousands of citizens and supported by political parties, such as the Spanish Socialist Workers' Party (*Partido Socialista Obrero Español* – PSOE) and Podemos, as well as the General Workers' Union (*Unión General de Trabajadores* – UGT) and Confederation of Labour Unions (*Confederación Sindical de Comisiones Obreras* – CCOO). The objective was to demand that the government fulfil its commitment to refugees, with the slogan 'No more excuses' (*No más excusas*). CEAR says that the Spanish Government has taken in only 7 % of the 17,000 immigrants it had pledged to accept (only 1,304 persons), but that Spain should be prepared to receive 100 % of the migrants it is supposed, and that it is a matter not only of altruism but of responsibility, given its international commitments. Further pro-refugee demonstrations followed in other cities in Spain, such as Malaga (Andalusia) and Vitoria (Basque Country).⁵⁵⁷

There have been no changes in the public discourse (media coverage, public debate) concerning the issue of migration and asylum. It is, however, interesting to note the statements about refugees that Manuela Carmena, the Mayor of Madrid City, made on the evening TV show *El Intermedio*, which is broadcast in prime time on the television channel La Sexta. During an interview the Mayor said that she "wants the refugees to know that Madrid will not forget them, that we want them". In addition, she explained why she thought the "refugees welcome" banner was "pretty" and why "it was still there and it was in English".

⁵⁵⁴ Spain, Official website of the Council of Ministers, La Moncloa (*Consejo de Ministros, La Moncloa*), [Press release](#), 23 June 2017.

⁵⁵⁵ Spain, ["Spain, destination of the persecuted LGTB" \(España, destino de los perseguidos LGTB\)](#) published in *El País*, 12 May 2017.

⁵⁵⁶ Spain, Iridia Centre for the Defence of Human Rights (*Iridia Centre per la Defensa dels Drets Humans*), #HHRRSouthernFrontier (#DDHHFronteraSur), [Press release](#), April 2017.

⁵⁵⁷ Spain, ["Thousands of citizens demand that the Government fulfil its commitment to refugees: No more excuses" \(Miles de ciudadanos exigen al Gobierno que cumpla su compromiso con los refugiados: "Basta de excusas"\)](#), published in *El Mundo*, 17 June 2017.

She said that the city had been criticised for putting it in English, but “it is safe to say that the refugees do not understand Spanish and in English it is easier”. She added: “the refugees are in a desperate situation, thinking that the world has forgotten them, I want them to know that Madrid does not forget them, we want them and we’d like to have them with us”.⁵⁵⁸

Moreover, on the public discourse concerning migration and security, it is important to mention the interview with Dolores Delgado, Coordinating Prosecutor Against Jihadist Terrorism in the Spanish High Court (*Audiencia Nacional*), that Gonzo, a journalist and reporter from the above-mentioned show *El Intermedio*, conducted. Dolores Delgado declared that there is a need to investigate and analyse what factors contribute to the radicalisation of a person, to determine what stops a person integrating into a society, given that second- or third-generation descendants of immigrants were born and live in a country where their parents have worked and suffered, yet do not feel that they belong to that country. The Coordinating Prosecutor’s message on terrorism and refugees is: “We forget that a refugee is a victim, we need them to deal with it.”⁵⁵⁹

Some associations launched activities in support of refugees:

- Amnesty International Spain launched a campaign under the hashtag #SoyRefugio. It asks Spaniards to sign a petition asking the government to comply with the commitment to take in 17,337 refugees.⁵⁶⁰
- UNHCR Spain has launched a campaign entitled ‘We can’t change history, but we can change stories’.⁵⁶¹ Matilde Fernández, President of UNHCR Spain, wants this campaign to demonstrate to the government that Spanish citizenry offers more solidarity with refugees.
- The Catalan Association has launched a campaign on social media under the hashtag #helpgayrefugees.⁵⁶²

13.6. Hate crime incidents

No violent incidents happened during demonstrations in support of migrants, according to the analysed information, including the Raxen report.⁵⁶³

On online hate speech, Carmen Aguilera Carnerero and Abdul Halik Azeez have mapped cyber-Islamophobia in Spain. Cyber-Islamophobia is “a serious threat to co-existence” there, according to the experts. They have analysed thousands of comments on Twitter directed against the Muslim population. The most popular hashtags were, in descending order, #stopislamización (Stop

⁵⁵⁸ Spain, [Interview with Manuela Carmena, the Mayoress of Madrid, in the programme “El Intermedio” for La Sexta, published 7 June 2017.](#)

⁵⁵⁹ Spain, [Interview with Dolores Delgado, Coordinating Prosecutor Against Jihadist Terrorism in the Spanish High Court, in the programme “El Intermedio” for La Sexta, published June 2017.](#)

⁵⁶⁰ Spain, [Amnesty International Spain campaign #SoyRefugio.](#)

⁵⁶¹ Spain, [UNHCR Spain campaign.](#)

⁵⁶² Spain, [Catalan Association campaign #helpgayrefugees.](#)

⁵⁶³ [News service provided by the NGO Movement against Intolerance \(Movimiento contra la Intolerancia\)](#)

islamisation), #nosinvaden (We are being invaded), #EslaYihad (It is jihad) and #NoalaMezquita (No to the mosque).⁵⁶⁴

Regarding racist, xenophobic and related incidents against migrants and people in need of international protection, including attacks on reception and accommodation centres, the Raxen report⁵⁶⁵ recorded the following between 1 April and 30 June:

- one incident related to negrophobia (recorded on 10 May 2017⁵⁶⁶);
- in total, twelve racist and xenophobic incidents: six racist attacks (recorded on 3 April 2017,⁵⁶⁷ 10 May 2017,⁵⁶⁸ 17 May 2017,⁵⁶⁹ 25 May 2017,⁵⁷⁰ 5 June 2017⁵⁷¹ and 11 June 2017⁵⁷²), five racist insults (recorded on 3 April 2017,⁵⁷³ 15 May 2017,⁵⁷⁴ 30 May 2017,⁵⁷⁵ 5 June 2017⁵⁷⁶ and 22 June 2017⁵⁷⁷) and one refusal of entry (recorded on 11 May 2017⁵⁷⁸);
- in total, four incidents related to Islamophobia: two related to racism and xenophobia (recorded on 12 May 2017⁵⁷⁹ and 3 June 2017⁵⁸⁰) and two related to hate speech (recorded on 5 April 2017⁵⁸¹ and 1 June 2017⁵⁸²).

In particular, in relation to Islamophobia, cases of insults, harassment and physical attacks in Spain have doubled over the past year, the Citizens' Platform Against Islamophobia (*Plataforma Ciudadana contra la Islamofobia*) notes.⁵⁸³ In this context, 573 incidents have been registered, of which 80 were against

⁵⁶⁴ Spain, "Radiography of the cyber-Islamophobia in Spain: "a serious threat to co-existence." (*Radiografía de la ciberislamofobia en España: "Es una amenaza real a la convivencia"*), published in *El Diario* 8 April 2017.

⁵⁶⁵ News service provided by the NGO Movement against Intolerance (*Movimiento contra la Intolerancia*).

⁵⁶⁶ See <http://www.informeraxen.es/un-arbitro-vizcaino-denuncia-una-agresion-e-insultos-racistas-y-machistas/>

⁵⁶⁷ See <http://www.informeraxen.es/detenidos-por-pinchar-arrastrar-del-pelo-y-dar-una-brutal-paliza-a-una-mujer-marroqui-por-motivos-racistas/>

⁵⁶⁸ See <http://www.informeraxen.es/el-profesor-de-la-complutense-acusado-de-racismo-y-machismo-quieren-cercenar-mi-libertad-de-catedra/>

⁵⁶⁹ See <http://www.informeraxen.es/la-policia-detiene-a-un-hombre-en-valencia-por-una-agresion-racista/>

⁵⁷⁰ See <http://www.informeraxen.es/denuncian-agresion-xenofoba-a-haitiano-en-terminal-pesquero-de-santiago/>

⁵⁷¹ See <http://www.informeraxen.es/un-juzgado-investiga-a-una-cuidadora-por-agresion-e-insultos-racistas-a-uno-de-los-ninos-trasladados-del-centro-de-segorbe/>

⁵⁷² See <http://www.informeraxen.es/un-grupo-neonazi-aleman-irrumpe-en-un-concierto-en-mallorca/>

⁵⁷³ See <http://www.informeraxen.es/suspendido-en-valencia-un-partido-de-juveniles-por-insultos-racistas-contra-un-jugador-colombiano/>

⁵⁷⁴ See <http://www.informeraxen.es/escoria-y-negro-traidor-entre-los-insultos-racistas-que-sufre-un-edil-de-albacete-en-twitter/>

⁵⁷⁵ See <http://www.informeraxen.es/polemica-racista-de-un-partido-politico-a-raiz-del-ascenso-del-cultural-areas-a-tercera/>

⁵⁷⁶ See <http://www.informeraxen.es/un-juvenil-del-real-madrid-enfrenta-una-sancion-por-racismo/>

⁵⁷⁷ See <http://www.informeraxen.es/detenida-una-profesora-por-insultos-a-sus-alumnos-sois-hijos-de-p-porreros-y-drogadictos/>

⁵⁷⁸ See <http://www.informeraxen.es/denuncian-a-una-disco-teca-de-madrid-por-negar-el-acceso-a-siete-juvenes-negros/>

⁵⁷⁹ See <http://www.informeraxen.es/una-plataforma-xenofoba-azuza-el-rechazo-a-las-mezquitas-de-sants-y-nou-barris/>

⁵⁸⁰ See: <http://www.informeraxen.es/despedita-una-profesora-que-humillo-a-un-estudiante-musulman-dandole-alcohol/>

⁵⁸¹ See <http://www.informeraxen.es/reparten-octavillas-racistas-contra-la-nueva-mezquita-en-porreres/>

⁵⁸² See <http://www.informeraxen.es/detenido-un-jefe-de-democracia-nacional-joven-por-incitar-a-actos-como-el-de-blanquerna/>

⁵⁸³ Spain, [official website of Islamophobia, the Citizens' Platform Against Islamophobia \(*Plataforma Ciudadana contra la Islamofobia*\)](http://www.informeraxen.es/official-website-of-Islamophobia-the-Citizens-Platform-Against-Islamophobia-Plataforma-Ciudadana-contra-la-Islamofobia).

women. Muslim women are subject to double discrimination, based on gender and religion.⁵⁸⁴

13.7. Policies against smuggling of human beings

Persons or organisations acting on humanitarian considerations have faced charges of smuggling, as have other people who did not facilitate irregular entry or stay for profit. Recently, a football player was expelled from the Ceuta Sports Association (*Agrupación Deportiva de Ceuta* – AD Ceuta) because of involvement in smuggling migrants. The striker, Ismael Abded-Lah Hamed, alias Ismael Maruja, was arrested following an investigation by the Immigration Network Unit (*Unidad Central de Redes de Inmigración Ilegal y Falsedades Documentales* – UCRIF), which began in January. This police operation involved the arrest of three people and the immigrants as well as the investigation of a possible organisation dedicated to the smuggling of immigrants from Ceuta to the Peninsula. The footballer was arrested when AD Ceuta was travelling on a ship to Algeciras (Cadiz) to play a game, and a member of the coaching staff realised that there was an unfamiliar face among the players. It was a Moroccan immigrant wearing the team's tracksuit.⁵⁸⁵

In addition, Spain is investing large amounts of money to combat irregular immigration. A total of €168 million is intended to stop the arrival of small wooden boats (*cayucos*) coming to the Canary Islands. The question tabled by Senator Jon Iñarritu García (see above), has revealed how much the Spanish government has spent on stopping irregular immigration since the administration of José Luis Rodríguez Zapatero, as the newspaper *El País* pointed out. The Spanish model of combating irregular immigration originated in 2006, when boats were arriving in the Canary Islands from Mauritania and Senegal (the so-called crisis of the *cayucos*). Spain aimed to stop the vessels leaving those countries with irregular migrants by deploying detachments of the Civil Guard to carry out joint patrols with the local security forces. In total, Mauritania has received €108.45 million, of which €88.6 million was for border controls and €19.8 million for development aid. Senegal has had €59.7 million of Spanish aid in total: €34.9 million for border controls and €24.8 million for development. In 2015, the Spanish Court of Auditors criticised the absence of any control over such aid.⁵⁸⁶

⁵⁸⁴ Spain, [“When wearing the Islamic veil leaves a woman without work”](#) (*Cuando llevar el velo islámico te deja sin trabajo*) published in *El País*, 6 June 2017.

⁵⁸⁵ Spain, [“Ceuta Sports Association fired a player convicted of smuggling”](#) (*AD Ceuta despide a jugador condenado por tráfico de inmigrantes*) published in *La Vanguardia*, 28 May 2017.

⁵⁸⁶ Spain, [“Spain has spent €168 million to stop the arrival of cayucos in the Canary Islands”](#) (*España ha gastado 168 millones en frenar la llegada de cayucos a Canarias*) published in *El País*, 20 June 2017.

14. Sweden

14.1. Overview of the situation

Between 1 June and 30 June 2017, Sweden received 2,350 new asylum applications, compared with 1,940 in May and 1,575 in April.⁵⁸⁷ The number of new asylum seekers exceeded 2,000 per month for the first time since November 2016.⁵⁸⁸ On 10 May, the government announced a decision to extend and strengthen the border controls from 12 May 2017 for a maximum of six months.⁵⁸⁹ The police were to increase the number of border controls and also the use of X-ray inspections of vehicles and camera surveillance. The government stated that this strengthening of border controls would make it possible to phase out the temporary requirement for all carriers plying the Öresund strait to conduct identity checks, which would make everyday life easier for people who commute on a daily basis between Sweden and Denmark.⁵⁹⁰

The main countries of origin of the asylum applicants arriving in June were Syria, Iraq and Afghanistan.⁵⁹¹ Of the asylum seekers, 1,454 were men, 896 were women and 774 were children. The number includes both unaccompanied children and children arriving with their families. Unaccompanied children accounted for 104 asylum seekers, which is an increase from May (97) and April (76).⁵⁹²

14.2. Key fundamental rights concerns

The main fundamental rights concerns still centred on the temporary law restricting residence permits for asylum applicants, Red Cross Sweden (*Röda Korset*) stated. It entered into force in July 2016 and will be valid at least until July 2019.⁵⁹³ The Act on temporary restrictions of the possibility to obtain a residence permit in Sweden (*Lag [2016:752] om tillfälliga begränsningar av möjligheten att få uppehållstillstånd*)⁵⁹⁴ also includes restrictions on family reunification.⁵⁹⁵ The temporary law continued to be a source of great frustration among many asylum applicants, according to the police, as the possibility of obtaining a permanent residence permit has changed considerably since the majority of them decided to apply for asylum in Sweden.⁵⁹⁶

The psychological health of young asylum seekers and migrants, especially unaccompanied children, was the main current fundamental rights concern to

⁵⁸⁷ Sweden, Swedish Migration Agency (*Migrationsverket*).

⁵⁸⁸ Sweden, Swedish Migration Agency (*Migrationsverket*).

⁵⁸⁹ Sweden, Government Offices of Sweden, [Press release](#), 'Internal border controls prolonged', published 15 May 2017.

⁵⁹⁰ Sweden, Government Offices of Sweden, [Press release](#), 'Government tightens border controls', (*Regeringen skärper gränskontrollerna*) published 15 May 2017.

⁵⁹¹ Sweden, Swedish Migration Agency (*Migrationsverket*).

⁵⁹² Sweden, Swedish Migration Agency (*Migrationsverket*).

⁵⁹³ Sweden, [Act on temporary restrictions of the possibility to obtain a residence permits in Sweden \(Lag \[2016:752\] om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige\) 20 July 2016](#)

⁵⁹⁴ *Ibid.*

⁵⁹⁵ Swedish Police (*Polisen*), Red Cross Sweden (*Röda Korset*), Save the Children (*Rädda Barnen*).

⁵⁹⁶ Swedish Police (*Polisen*).

the National Board of Health and Welfare (*Socialstyrelsen*). Many of them were afraid that an age assessment would consider them to be 18, which would mean losing their privileges as children, losing their support from social services and other institutions and being subject to expulsion.⁵⁹⁷

The expulsions of young Afghans to Kabul have emerged as a major fundamental rights concern. As the security situation in the country appeared to be deteriorating, many civil society actors demanded the prohibition of all expulsions to Afghanistan.⁵⁹⁸

Children and vulnerable groups

The reception of children was reportedly working well. However, because there had been fewer new arrivals, some schools and specially assigned accommodation centres for unaccompanied children had closed down. So had regular asylum accommodation centres where some children with families lived. This in turn led to new relocations and the resultant loss of friends and teachers. Municipalities in the northern parts of Sweden, for example Piteå, offered to receive more unaccompanied children than the Swedish Migration Agency could allocate, since the arrivals have decreased to around 100 per month in comparison with the numbers arriving during 2015/2016, the National Board of Health and Welfare stated.⁵⁹⁹ The municipalities' main reason for their requests was demographic change and the lack of young persons in the area.⁶⁰⁰

14.3. Changes in law, policy and practice

Municipalities are not obliged to give financial support to children if their application was rejected or if their parent's application was rejected and the parent has gone into hiding, a ruling by the Supreme Administrative Court (*Högsta förvaltningsdomstolen*) on 5 June 2017 clarified.⁶⁰¹ It had been unclear whether Chapter 4, section 1 of the Social Service Act (*Socialtjänstlag [2001:453]*) concerning the right to financial support⁶⁰² covers these children or not, especially since Chapter 1, section 2 of the same act states that, when dealing with children, the best interests of the child shall be a primary concern. In decisions or other measures relating to healthcare or other treatment, the best interests of the child must be decisive.⁶⁰³

The Swedish Association of Local Authorities and Regions (*Sveriges kommuner och landsting*) interprets the verdict as allowing municipalities to choose whether to provide or deny financial support.⁶⁰⁴ Morgan Johansson, Minister for Justice

⁵⁹⁷ Sweden, National Board of Health and Welfare (*Socialstyrelsen*).

⁵⁹⁸ Save the Children, Sweden (*Rädda Barnen*); Red Cross Sweden (*Röda Korset*).

⁵⁹⁹ Sweden, Save the Children (*Rädda Barnen*), Migration Agency (*Migrationsverket*).

⁶⁰⁰ Sweden, National Board of Health and Welfare (*Socialstyrelsen*).

⁶⁰¹ Sweden, [Supreme Administrative Court \(Högsta förvaltningsdomstolen\), judgement 1527-1529-16, 5 June 2017](#)

⁶⁰² Sweden, [Social Service Act \(Socialtjänstlag \[2001:453\]\), chapter 4, section 1, 1 July 2016](#), section 1 states that anyone who cannot meet their needs or otherwise receive support is entitled to assistance from the social welfare committee for their everyday life.

⁶⁰³ Sweden, [Social Service Act \(Socialtjänstlag \[2001:453\]\), chapter 4, section 1, 1 January 2013](#), Swedish [Association of Local Authorities and Regions \(Sveriges kommuner och landsting\)](#) 'Not obligated to give financial support to undocumented migrants in hiding' (*Ingen skyldighet att ge nödbistånd till gömda*), 9 June 2017.

and Migration, in a televised debate on migration, criticised municipalities that do not continue to give financial support to rejected asylum seekers who have children and have gone into hiding – even though it is within the municipalities' rights to do so.⁶⁰⁵

On 1 June 2017, an amendment to the Act on temporary limitations of the possibility to be granted residence permit in Sweden (*Lag [2016:752] om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*)⁶⁰⁶ entered into force. The amendment enables unaccompanied children enrolled in upper secondary schools to obtain an extension of their temporary residence permits so that they can finish school and establish themselves in the labour market. The reason for this change is to encourage children and young people to focus on their studies without having to worry about whether they will be able to complete them or not. After they finish their education they have an additional six months to find an employment, which will grant them residence rights.⁶⁰⁷

The new system of reimbursing municipalities for receiving unaccompanied children entered into force on 1 July 2017.⁶⁰⁸ This system reduces the amount of financial support that the municipalities receive, especially for young persons between 18 and 21 years of age, *Socialstyrelsen* stated. This means that, for example, if 16-year-old children are considered adults after the Swedish Migration Agency assesses their ages, there is even less incentive for the municipalities to keep providing support for them, such as social workers and guardians *ad litem* (*god man*). Many municipalities have already adjusted their practice in accordance with the coming changes, so they send anyone who is declared to be 18 years old to an asylum accommodation centre for adults as soon as possible.⁶⁰⁹

The municipality of Mariestad has announced that it will start to report asylum seekers that have had their age re-assessed, from under 18 to 18 and above, to the police for benefit fraud (*bidragsbrott*). This is because asylum seekers who have lied about their age, and thus gained certain benefits, should be treated equally with anyone who have claimed benefits on false grounds.⁶¹⁰

Since March 2017, the National Board of Forensic Medicine (*Rättsmedicinalverket*) has overseen the medical age assessments in asylum cases where the asylum applicants have not been able to prove their age in a way acceptable to the Migration Agency, and consequently have agreed to medical age assessments. The age assessment is done by X-raying the wisdom teeth to see how far they have developed and conducting a magnetic resonance imaging (MRI) scan of the knee joints to see if they have stopped growing.

⁶⁰⁵ SVT (2017) '[Political counterparts agree that the undocumented migrants should leave the country](#)' (Unofficial translation) (*Politiska motpoler överens om att papperslösa bör lämna landet*) 13 June 2017.

⁶⁰⁶ Sweden, [Act on temporary limitations of the possibilities to be granted residence permit in Sweden \(Lag \[2016:752\] om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige\)](#), amendments of sections 5, 6, 7, 8, 10, 12, 15, 17, 18 and 19 and inclusion of the new sections 16 a, 16 b, 16 c, 16, d, 16 e, 16 f, 16 g, 16 h §§, 17 a, 20, 21 and 22, 1 June 2017.

⁶⁰⁷ *Ibid.*

⁶⁰⁸ Sweden, [Government Offices \(Regeringskansliet\), Decision taken on a new imbursement system for the reception of unaccompanied children and young persons \(Beslut fattat om nytt ersättningssystem för mottagandet av ensamkommande barn och unga\)](#), published 9 March 2017.

⁶⁰⁹ Sweden, The National Board of Health and Welfare (*Socialstyrelsen*).

⁶¹⁰ Granath, Andreas (2017) '[Mariestad municipality will report unaccompanied children to police](#)' (unofficial translation) (*Mariestads kommun ska polisanmäla ensamkommande*) SVT nyheter, 23 June 2017.

Previously, it has been up to the asylum applicants and their appointed guardians *ad litem* to arrange medical assessments through the regular healthcare system. The National Board of Forensic Medicine issued its first report on the age assessments of unaccompanied asylum-seeking children on 30 May 2017. So far, it has assessed 581 asylum applicants. Of them, 442 assessments indicated that the applicants in question were 18 or over, and in five cases there was a *possibility* that the applicant was 18 or over. In 134 cases, the age assessments indicated that the applicants were under 18.⁶¹¹

However, the newspaper *Dagens Nyheter* has investigated the age assessments made so far. It showed that over 30 % of the persons assessed as adults were in fact assessed as over 18 based on the knee scan but under 18 based on the wisdom teeth X-rays or vice versa.⁶¹² In the same article, the National Board of Forensic Medicine replied that both methods are significantly more reliable at detecting adults than children; the margin of error is smaller if the test estimates that the person is over 18 than if it estimates that the person is under 18.⁶¹³ Consequently, the age assessment can be considered correct even when only one method estimates a person's age as over 18.⁶¹⁴

In another article in *Dagens Nyheter*, the Secretary General of the Swedish Bar Association (*Advokatsamfundet*), Anne Ramberg, severely criticised those medical age assessments. The procedures cannot be interpreted as legally secure (*rättsäker*) or in compliance with the rule of law, according to her and the Swedish Bar Association.⁶¹⁵ The Migration Agency's decisions are too influenced by unreliable medical age assessments, in the Bar Association's opinion. Even though the Migration Agency is supposed to make an individual assessment of each case taking all circumstances into account, Ms Ramberg had indications from the legal counsels of young asylum seekers that this did not happen. If one of two medical age assessments contradicted other information about the person in question, it was still the basis of the decision. The Association had previously issued guidance about medical age assessments; it urged its members not to advise their clients to undergo a medical age assessment unless there are strong reasons for doing so.⁶¹⁶

⁶¹¹ Sweden, National Board of Forensic Medicine (*Rättsmedicinalverket*) (2017) *The first medical age assessments carried out (De första medicinska åldersbedömningarna klara)*, 30 May 2017.

⁶¹² Sweden, Ritzén, Jessica (2017) *X-rays show different ages – unaccompanied children are considered as adults. (Röntgen visar olika ålder – ensamkommande anses vara vuxna)*, *Dagens Nyheter* (daily newspaper), 11 June 2017.

⁶¹³ *Ibid.*

⁶¹⁴ *Ibid.*

⁶¹⁵ Sweden, Ritzén, Jessica (2017) *Swedish Bar Association: "It is not legally secure" (Advokatsamfundet: "det är inte rättssäkert")*, *Dagens Nyheter* (daily newspaper) 11 June 2017.

⁶¹⁶ Swedish Bar Association (2016) 'Indicative statement regarding medical age assessments in asylum cases' (Unofficial translation) (*Vägledande uttalande angående medicinska åldersbedömningar i asylärenden*), 20 December 2016.

14.4. Social response

There have been smaller protests about expulsions to Afghanistan. On 30 May 2017, around 70 people gathered in the municipality of Åstorp to protest against the expulsion of 20 young Afghans.⁶¹⁷

The public debate regarding expulsions to Afghanistan in relation to the security situation in the country has intensified.⁶¹⁸ The Centre for Country of Origin Information and Analysis (*Center för landinformation och landanalys inom migrationsområdet* – Lifos), the Swedish Migration Agency expert body, has reported continued and gradual deterioration of the situation in Afghanistan. However, this is not a legal assessment and will not by itself lead to any changes in the Migration Agency's current legal position or practice.⁶¹⁹ In the media, people have voiced increasing criticism of expelling individuals to Afghanistan.⁶²⁰ One deported youth reportedly died shortly thereafter in a terror attack in Kabul.⁶²¹ Many civil society actors demand the prohibition of all expulsions to Afghanistan.⁶²² Two of the political parties in Parliament, the Left Party (*Vänsterpartiet*) and the Liberal Party (*Liberalerna*), have also demanded a temporary stop of all expulsions to Afghanistan.

14.5. Hate crime incidents

During this period, there was a small increase in reported arson attacks on accommodation centres in comparison with the previous period.⁶²³

On 11 June, around 20 Iraqi nationals protested against Sweden's stricter new asylum rules outside the Migration Agency in Malmö. A 22-year-old man ran his car, decorated with a Nazi symbol, into the demonstration. He then stepped out of his vehicle and started using pepper spray on the protesters. The man later had to take cover in his car to protect himself against the angry protesters, who kept him there until police arrived and arrested him. There were no reports of injuries at the event.⁶²⁴ The perpetrator later pleaded guilty and stated that his action was a way of show his opposition to the protesters, because he did not think that they should be allowed to live in Sweden. He also pleaded guilty to a previous incident on 10 June, when a car also ran into a demonstration in

⁶¹⁷ Sweden, Nilsson, Maja (2017), 'Protests during expulsion of Afghan citizens' (Unofficial translation) (*Protester när afghaner tvångsutvisade*) Aftonbladet 30 May 2017.

⁶¹⁸ Sweden, Red Cross (*Röda Korset*).

⁶¹⁹ Centre for Country of Origin Information and Analysis (*Center för landinformation och landanalys inom migrationsområdet*), 'Situation analysis: Afghanistan', (Unofficial translation) (*Lägesanalys: Afghanistan*) 16 June 2017.

⁶²⁰ Sweden, Red Cross (*Röda Korset*); Save the Children (*Rädda Barnen*).

⁶²¹ Sweden, Schibbye, Martin. *Deported from Sweden stated having been killed in Kabul* (*Utvisad från Sverige uppges ha dödats i Kabul*), Blank Spot, 11 June 2017

⁶²² Sweden, Save the Children (*Rädda Barnen*); Red Cross Sweden (*Röda Korset*).

⁶²³ SVT (2017), 'Heavy fire in asylum accommodation' (*Kraftig brand i asylboende*) 4 June 2017. Svenska Dagbladet (2017), 17 May 2017, *Three asylum accommodation evacuated after fires, (Tre asylboenden evakuerade efter bränder)*.

⁶²⁴ Sweden, Svensson, Adam (2017), 'Drove car into manifestation – police had to protect 22-year-old' (*Körde bil mot demonstration – polis fick skydda 22-åring*) Dagens Nyheter (daily newspaper) 12 June 2017.

Malmö. The police stated that they were investigating the offence as a hate crime and suspected hate speech.⁶²⁵

14.6. Policies against smuggling of human beings

According to the Swedish police, the most common incidents of smuggling human beings involved family members of asylum applicants, already residing in Sweden, who went to Germany to bring their relatives back to Sweden. Some taxi drivers also brought asylum applicants over the Öresund Bridge for compassionate reasons, not for profit.⁶²⁶

⁶²⁵ Sweden, Bäckström Lerneby, Johanna (2017) ' [22-year-old admits: drove down Iraqi demonstration](#) ' (22-åring erkänner: Körde ned irakisk demonstration), Aftonbladet (daily newspaper) 13 June 2017.

⁶²⁶ Sweden, Swedish Police (*Polisen*).

Stakeholders interviewed in July 2017

Country	Stakeholders interviewed
Austria	<ul style="list-style-type: none"> • Austrian Red Cross (<i>Österreichisches Rotes Kreuz</i>); • Caritas Styria (<i>Caritas Steiermark</i>); • Caritas Vienna (<i>Caritas Wien</i>); • Federal Agency for State Protection and Counter Terrorism (<i>Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT</i>); • Antidiscrimination Office Styria (<i>Antidiskriminierungsstelle Steiermark</i>); • Federal Ministry of the Interior, Department III/9 (<i>Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung</i>); • Federal Ministry of the Interior, Department III/5 (<i>Bundesministerium für Inneres, Abteilung III/5 Asyl und Fremdenwesen</i>); • Federal Ministry of the Interior/Department II/2, Operational Affairs (<i>Bundesministerium für Inneres/Abteilung II/2 Einsatzangelegenheiten</i>).
Bulgaria	<ul style="list-style-type: none"> • Ministry of the Interior, Directorate General Border Police (MoI – DGBP) (<i>Министерство на вътрешните работи, Главна дирекция „Гранична полиция“, МВР – ГДГП</i>); • Ministry of the Interior, Directorate General Criminal Police (MoI – DGCP) (<i>Министерство на вътрешните работи, Главна дирекция „Криминална полиция“, МВР – ГДКП</i>); • State Agency for Refugees (SAR) (<i>Държавна агенция за бежанците, ДАБ</i>); • State Agency for Child Protection (SACP) (<i>Държавна агенция за закрила на детето, ДАЗД</i>); • Bulgarian Red Cross (BRC) (<i>Български червен кръст, БЧК</i>); • Refugee Support Group (RSG); • Caritas Bulgaria (<i>Каритас България</i>); • Bulgarian Lawyers for Human Rights (BLHR) (<i>Български адвокати за правата на човека, БАПЧ</i>); • Council of Refugee Women in Bulgaria (CRWB) (<i>Съвет на жените бежанки в България, СЖББ</i>).
Denmark	<ul style="list-style-type: none"> • The Danish Red Cross (<i>Røde Kors</i>); • The Danish Refugee Council (<i>Dansk Flygtningehjælp</i>); • The Danish Ministry of Justice (<i>Justitsministeriet</i>); • The Danish Immigration Service (<i>Udlændingestyrelsen</i>).
Finland	<ul style="list-style-type: none"> • Amnesty Finland; • National Police Board (<i>Poliisihallitus/Polisstyrelsen</i>); • Finnish Immigration Service (<i>Maahanmuuttovirasto/Migrationsverket</i>); • Finnish Ombudsman for Children (<i>Lapsiasiavaltuutettu/Barnombudsmannen</i>).

Country	Stakeholders interviewed
France	<ul style="list-style-type: none"> • Ministry of the Interior (<i>Ministère de l'Intérieur</i>); • Public Defender of Rights (<i>Le Défenseur des droits – DDD</i>); • National Consultative Committee on Human Rights (<i>Commission nationale consultative des droits de l'homme – CNCDH</i>); • Service centre for migrants in Calais (<i>Plateforme de service aux migrants à Calais</i>); • La Cimade (Inter-Movement Committee for evacuees – <i>Comité inter mouvements auprès des évacués</i>); • The Immigrant Information and Support Group (<i>Le Groupe d'information et de soutien des immigrés</i>); • National Association of Border Assistance for Foreigners (ANAFÉ) (<i>Association nationale d'assistance aux frontières pour les étrangers</i>); • Human Rights League (<i>Ligue des Droits de l'Homme</i>); • France Terre d'Asile; • The voice of the child (<i>La voix de l'enfant</i>); • Roya citizen (<i>Roya Citoyenne</i>); • Catholic Relief (<i>Secours catholiques</i>).
Germany	<ul style="list-style-type: none"> • Federal Ministry for Family Affairs, Senior Citizens, Women and Youth (<i>Bundesministerium für Familie, Senioren, Frauen und Jugend</i>); • Jesuit Refugee Service (<i>Jesuiten Flüchtlingsdienst, JRS</i>); • Federal Police (<i>Bundespolizei</i>); • German Red Cross (<i>Deutsches Rotes Kreuz</i>); • German Caritas Association (<i>Deutscher Caritasverband</i>).
Greece	<ul style="list-style-type: none"> • Asylum Service Greece (<i>Υπηρεσία Ασύλου</i>); • Hellenic Police Headquarters (<i>Αρχηγείο Ελληνικής Αστυνομίας</i>); • United Nations High Commissioner for Refugees (UNHCR) Greece (<i>Υπατη Αρμοσσία του ΟΗΕ για τους Πρόσφυγες, γραφείο Ελλάδας</i>); • Hellenic League for Human Rights (<i>Ελληνική Ένωση για τα Δικαιώματα του Ανθρώπου</i>); • Racist Violence Recording Network (<i>Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας</i>); • Medecins Du Monde-Doctors of the World (<i>Γιατροί του Κόσμου</i>); • International Organization for Migration (<i>Διεθνής Οργανισμός Μετανάστευσης</i>); • National Centre for Social Solidarity (<i>Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης</i>).

Country	Stakeholders interviewed
Hungary	<ul style="list-style-type: none"> • Ministry of Interior (<i>Belügyminisztérium</i>); • Ministry of Human Capacities (<i>Emberi Erőforrások Minisztériuma</i>); • Immigration and Asylum Office (<i>Bevándorlási és Menekültügyi Hivatal</i>); • National Police Headquarters (<i>Országos Rendőr-főkapitányság</i>); • UNHCR Hungary; • MigSzol; • MigSzol Szeged; • Cordelia Foundation (<i>Cordelia Alapítvány</i>); • Hungarian Association for Migrants (<i>Menedék Migránsokat Segítő Egyesület</i>); • Catholic Charity (<i>Katolikus Karitás</i>).
Italy	<ul style="list-style-type: none"> • Ministry of the Interior; • Authority for the Protection of People who are Detained or Deprived of their Personal Freedom (Garante nazionale per i diritti delle persone detenute o private della libertà personale); • Association for Legal Studies on Immigration (Associazione per gli studi giuridici sull'immigrazione, ASGI); • Italian Refugees Council (Consiglio Italiano per i Rifugiati, CIR); • Doctors Without Borders Italy (Medici Senza Frontiere Italia); • Save the Children Italia Onlus; • UNHCR; • Italian Red Cross (IRC); • Jesuit Refugee Service 'Centro Astalli'; • Community of Sant'Egidio (Comunità di Sant'Egidio); • 'Melting Pot Europa' project; • NGO 'Borderline Sicilia'; • NGO 'Naga'.
Netherlands	<ul style="list-style-type: none"> • Ministry for Security and Justice, providing information on behalf of Immigration and Naturalisation Service, Aliens Police and Central Agency for the Reception of Asylum Seekers; • Statistics Netherlands (<i>Centraal Bureau voor de Statistiek</i>); • Defence for Children Netherlands; • Amnesty International Netherlands; • MiND-the Dutch Reporting Point for Discrimination.
Poland	<ul style="list-style-type: none"> • Association for Legal Intervention (<i>Stowarzyszenie Interwencji Prawnej, SIP</i>); • Helsinki Foundation For Human Rights (<i>Helsińska Fundacja Praw Człowieka, HFPC</i>); • UNHCR.

Country	Stakeholders interviewed
Slovakia	<ul style="list-style-type: none"> • Ministry of the Interior of the Slovak Republic; • Central Office of Labour, Social Affairs and Family; • Office of Border and Alien Police of the Police Presidium; • Marginal; • Human Rights League; • Milan Šimečka Foundation; • Islamic Foundation; • Slovak Humanitarian Council; • International Organization of Migration – branch in Bratislava.
Spain	<ul style="list-style-type: none"> • Asylum and Refugee Office of the Spanish Ministry of the Interior (<i>Oficina de Asilo y Refugio del Ministerio del Interior, OAR</i>); • Chair of Refugees and Forced Migrants of Comillas ICAI-ICADE, INDITEX (<i>Cátedra de Refugiados y Migrantes Forzados de Comillas ICAI-ICADE, INDITEX</i>); • Jesuit Migrant Service (<i>Servicio Jesuita Migrantes, SJM</i>); • Spanish Refugee Aid Commission (Comisión Española de Ayuda al Refugiado, CEAR); • SOS-Racism (SOS Racismo); • Spanish Committee of UNICEF (UNICEF, Comité Español).
Sweden	<ul style="list-style-type: none"> • Swedish Migration Agency (Migrationsverket); • Swedish Police Authority (Polismyndigheten); • National Board of Health and Welfare (Socialstyrelsen); • The Swedish Red Cross (Röda korset); • Save the children Sweden (Rädda barnen).