



Monthly data collection on the current migration situation in the EU

Thematic focus: Disability

August 2016 monthly report

1–31 July 2016

Contents

Highlights: 1-31 July 2016	2
Thematic focus: Migrants with disabilities	6
1. Austria	25
2. Bulgaria	32
3. Germany	41
4. Greece	50
5. Hungary	57
6. Italy	68
7. Sweden	81

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Highlights: 1-31 July 2016

New arrivals

Arrivals in Italy increase to some 23,550 in July; many corpses, mostly women, are found at sea. IOM reports that the death toll in the Central Mediterranean reached 2,700 in 2016.

In line with its new policy, Hungary apprehends and transfers some 1,700 people found within 8 km from the border with Serbia to the Serbian side of the border fence without giving them access to asylum procedures.

Multiple cases of violence from Hungary to Serbia are reported, allegedly involving the unleashing of police dogs, the use of pepper spray and beatings.

Hungary refuses entry to some 4,170 people, while apprehensions for unauthorised border crossing increase from 10 % in June to 18 % in July.

Arrivals in Austria, mainly via Hungary, remain substantial at around 150 people per day.

Some 1,810 people arrive in Greece by sea, including around 330 children, mainly from Syria.

Criminal proceedings

Three Syrians are charged with entering Bulgaria as foreign fighters. They had received refugee status in Germany and were travelling to Syria via Bulgaria.

In Hungary, the number of criminal proceedings for border fence related crimes decreases from 401 in June to 154 in July due to the new 8 km policy.

After spending nearly 10 months in prison in poor conditions, a district court in Hungary finds 10 of the 11 refugees – some of whom are seriously ill and with disabilities – who protested against the closure of the southern border in September 2015, guilty for participating in a riot. They are given prison sentences and entry bans, including a ban for 10 years. NGOs criticise the trials.

In Italy, the police identify a major smuggling network operating in North Africa that is selling migrants who fail to pay some EUR 15,000 for their journey to Egyptian criminals for their organs.

Initial registration and processing

The pre-registration exercise, held jointly by the Hellenic authorities and UNHCR on mainland Greece is almost finished with nearly 28,000 registered asylum seekers, including 1,100 unaccompanied and separated children.

Identification and registration practices change in Sicily (Italy) as the capacity of the hotspots is exhausted; arrivals are transferred by bus to other facilities throughout Italy. Their journey can take several hours and passengers are allegedly not allowed to get off to go to the toilet.

In Bulgaria, many asylum seekers disappear before their procedure is closed. Despite increasing requests for Dublin transfers, only few are returned to Bulgaria.

Dublin returns from Austria to Hungary are often impossible due to a lack of cooperation between the two countries.

Asylum applicants in Austria increasingly return voluntarily before receiving a decision, as they may have to wait for a year for their first asylum hearing.

Asylum applications in Germany, especially repeat applications, increase by more than a third in June compared to May and registration of new arrivals remains at a high level.

Family reunification for Syrians in Germany can take nearly two years, with a current waiting time of 15 months for the first interview at the embassy in Beirut.

To speed up the assessment of asylum claims, Italy proposes to replace the hearing of applicants in Italy by an analysis of documents presented by the applicant's lawyer. Exceptions are only possible in cases of necessity.

Asylum applications in Sweden have stabilised at some 2,000 to 3,000 per month.

Reception conditions

The Hellenic Centre for Disease Control and Prevention recommends the closure of accommodation centres in Greece due to public health concerns after visiting 16 centres on the mainland.

Pre-removal centres in Bulgaria are overcrowded for the first time in 2016.

At the Hungarian border, many women and children continue to wait for weeks to be admitted to the transit zones without appropriate shelter and sanitary facilities. Around 1,400 people, some 40 % are children, wait behind the fence.

The open camp in Körmed (Hungary) is criticised for its bad conditions as people are accommodated in tents and receive multiple meals at a time, which have to be stored inside the tents without a fridge. A third of the inhabitants suffer from scabies.

A minimum level of privacy is not ensured at a reception centre in Hamburg-Boberg (Germany), where 420 beds are not separated by partitions. Another reception centre for women does not have female security staff on duty.

A Parliamentary Commission of visits the reception centre in Mineo (Sicily, Italy) and recommends its closure due to inadequate conditions. The government had planned to turn the centre into a hotspot facility.

Reception conditions in Italy deteriorate. In Sardinia, the government does not reimburse the municipalities on time putting the whole reception system at risk.

Child protection

More than 1,400 unaccompanied children in Greece are waiting for placement in specialised facilities; among them, 350 are held in hotspots or police detention.

In Palermo (Sicily, Italy), unaccompanied children live in emergency shelters for up to six months without being appointed a guardian or receiving any kind of specific assistance.

Some 400 children demonstrate against poor health and living conditions at the emergency reception centre in Reggio Calabria.

Children in Austria are increasingly accommodated in specialised facilities.

The number of unaccompanied children under the care of the Children and Youth Services in Germany has significantly decreased since the beginning of the year.

In Sweden, health staff increasingly report cases of severe mistreatment of unaccompanied children at accommodation centres, which may possibly occur due to a lack of professional staff.

Legal, social and policy responses

In Greece, the composition of the Asylum Appeals Committees changes. The new committees, which are composed of two administrative judges and a member appointed by UNHCR, will be operational in August.

The Italian authority designated for monitoring forced returns becomes operational and observes a Frontex flight from Rome to Nigeria. The return of two passengers was cancelled as their asylum applications were still pending.

Police in Bulgaria launch apprehension operations near the central mosque in Sofia and detain several foreigners.

The Hungarian government campaigns against EU mandatory relocation quota, emphasising that the terrorist attacks in Western Europe were committed by refugees and asylum seekers.

The German Parliament decides on the new Integration Act, introducing cuts in social benefits if asylum seekers reject mandatory measures, such as German language classes or non-profit jobs.

According to the new Data Exchange Act in Germany, data on profession, education, qualification, health condition and language proficiency are collected and saved in the Central Register of Foreigners, to which a total of 14,000 authorities may request access.

Many rejected asylum seekers in Sweden are expected to lose their daily allowances and accommodation in housing facilities.

Hate speech

After a demonstration against restriction orders on the island of Leros (Greece), some 200 refugees and migrants refuse to return to the hotspot area due to

safety concerns regarding conflicts in the hotspot and with the local civilian vigilante groups in the area.

The Bulgarian Helsinki Committee requests the initiation of proceedings against two militarised NGOs, formed with the aim of illegally detaining refugees. The cases against two refugee hunters in Bulgaria proceed, leading to the confirmation of incitement to discrimination, violence and hatred in one case, and to release under bail in the other.

Hate crime incidents continue to occur in Austria and Germany. Several hate crime incidents occur in Italy, including a case in Fermo, where a Nigerian asylum seeker, reacting to racist insults addressed to his wife, was attacked and killed with an iron pole.

In Hungarian social media, hate speech against refugees and asylum seekers increase.

The police in Karlstad (Sweden) wrongly accuses a group of unaccompanied asylum-seeking boys of sexual harassment during a music festival on their website after they receive 27 notifications of sexual harassment incidents, whereas in fact only two unaccompanied asylum-seeking children were concerned as suspects.

Thematic focus: Migrants with disabilities

Persons with disabilities make up around 15 % of the global population,¹ and comprise a significant minority of refugees and migrants. In addition to pre-existing physical, sensory, intellectual or psychosocial impairments, people may acquire or develop impairments during the migration process. When identified, these impairments place an obligation on Member States to provide specific support throughout the arrival, registration and asylum process.

There is little information available on the situation of migrants and refugees with disabilities recently arrived in the EU, resulting in anecdotal evidence and individual reports of particular challenges faced. This thematic focus explores practices in four areas crucial to persons with disabilities and victims of torture in the current migrant situation:

- 1) Identification of persons with disabilities in reception and detention centres
- 2) Reception conditions for persons with disabilities
- 3) Mental health determinants and support
- 4) Identification and rehabilitation of victims of torture

Article 21 of the Charter of Fundamental Rights of the European Union prohibits any discrimination on the grounds of disability, while Article 26 sets out the right of persons with disabilities "to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community".

The European Union and 27 of its Member States are also parties to the UN Convention on the Rights of Persons with Disabilities (CRPD), the preeminent international standard on the rights of persons with disabilities. The CRPD does not explicitly make reference to refugees and migrants with disabilities. Nevertheless, Article 11 on situations of risk and humanitarian emergencies requires State Parties to the convention to 'take, in accordance with their obligations under international law, including international humanitarian law and international human rights law, all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict [and] humanitarian emergencies'.² In a recent (June 2016) report on the implementation of the UN Convention on the Rights of Persons with Disabilities, the European Parliament requested the Commission and the Council to provide for special care for persons with disabilities when making proposals for resolving the refugee issue, in accordance with Article 11 of the CRPD.³

¹ World Health Organization (2011), World Report on Disability, Geneva, available at: www.who.int/disabilities/world_report/2011/en/.

² United Nations (UN), Convention on the rights of persons with disabilities, 13 December 2006, Art. 11, available at: www.un.org/disabilities/convention/conventionfull.shtml.

³ European Parliament (2016), Report on the implementation of the UN Convention on the Rights of Persons with Disabilities, with special regard to the Concluding Observations of the UN CRPD Committee (2015/2258(INI)), 16 June 2016, available at: www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A8-2016-0203&language=EN.

Other CRPD articles complement these protections, including: Article 5, which prohibits discrimination on the grounds of disability; Article 9, which requires that both the physical environment and information and communications are accessible to persons with disabilities; Article 25 on health; Article 26 on habilitation and rehabilitation. The CRPD is binding on the EU.

Terminology: disability and reasonable accommodation

Under the CRPD, people with disabilities include those with long-term physical, mental, intellectual or sensory impairments. This includes wheelchair users and people with other mobility impairments, blind and deaf people, people with mental health issues – or ‘psychosocial disabilities’ – and people with intellectual disabilities.⁴

Both EU and national legislation in the area of asylum and migration frequently refer separately to people with disabilities and people with mental health problems (also sometimes termed ‘mental illness’ or ‘mental disorders’), although both are included under the umbrella term ‘vulnerable persons’. When referring to persons with disabilities, this overview includes people with mental health problems.

Under the CRPD, the equality and non-discrimination obligation includes the duty to provide reasonable accommodation, also called reasonable adjustments. Reasonable adjustments are measures taken to offset the impact of an impairment, for example giving more time in an asylum interview to a person with speech impairments.

In its recommendations on how the EU can better implement the CRPD, the CRPD Committee underlined its ‘deep concern with the precarious situation of persons with disabilities in the current migration crisis in the EU’. In particular, it noted that:

- refugees, migrants and asylum seekers with disabilities are detained in the EU in conditions that do not provide appropriate support and reasonable adjustments;
- migration decision-making procedures are not accessible for all persons with disabilities, and information and communication are not provided in accessible formats.⁵

The CRPD Committee further recommended that the ‘EU issues guidelines to its agencies and Member States that restrictive detention of persons with disabilities

⁴ For more information see FRA (2011), The legal protection of persons with mental health problems under non-discrimination law: understanding disability as defined by law and the duty to provide reasonable accommodation in European Union Member States, Luxembourg, Publications Office.

⁵ Committee on the rights of persons with disabilities, Concluding observations on the initial report of the European Union, CRPD/C/EU/CO/1, 2 October 2015, para. 34.

in the context of migration and asylum seeking is not in line with the Convention'.⁶

Moving on to secondary EU legislation, 'disabled persons', 'persons with mental disorders', 'persons with serious illnesses' and 'persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence' are included among 'vulnerable' persons afforded particular protections and whose specific situation must be taken into account in national legislation transposing the EU asylum and return acquis.⁷ As such, this thematic focus should be read in conjunction with those relating to children, healthcare, trafficking and gender-based violence.⁸

The Asylum Procedures Directive notes that certain applicants, including those with disabilities and mental disorders, may be in need of special guarantees and that these applicants should be provided with adequate support.⁹ In addition, the Return Directive highlights a third-country national's 'physical state or mental capacity' as a potential reason for postponing removal, and that the special needs of vulnerable persons are taken into account during the period for voluntary departure or when removal has been postponed.¹⁰

Main findings

- Overall, there is a lack of formal procedures to **identify migrants and refugees with disabilities**, although some tools to support identification are available. This can have significant knock-on effects for the provision of targeted support and assistance.
- Identification is most likely to take place during **health screenings**. The high number of arrivals and limited resources have, however, reduced the opportunities for timely identification. Individuals can wait up to a year for a health screening in some areas.
- Identification of persons with disabilities often relies either on information provided by individuals themselves, or on the presence of a 'visible' disability. **Impairments which are not immediately noticeable often remain undetected** until later interviews or medical examinations, or beyond.
- Some individuals do not disclose disabilities to police, social services or migration authorities for fear of affecting their asylum application.

⁶ *Ibid*, para. 35.

⁷ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ L 180, article 21; Directive 2013/32/EU of the European Parliament and the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), OJ L 180, Recital 29; Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Article 3 (9), OJ L 348, 24 December 2008, p. 98–107.

⁸ All available at: <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews>.

⁹ Directive 2013/32/EU of the European Parliament and the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), OJ L 180, Recital 29 and Art. 24(3).

¹⁰ Directive 2011/33/EU of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, Art. 9(2)(a) and Art 14(1).

- Identification of and support for persons with disabilities relies heavily on the expertise and knowledge of individual staff, but there is a **lack of relevant training**. This can impede the identification of impairments – particularly those which are less immediately visible – and provision of appropriate support.
- There are **no systematic data on the numbers of persons with disabilities among arrivals and the breakdown per type of disability**. Anecdotal evidence suggests that mental health issues, and notably post-traumatic stress disorder (PTSD), are particularly prevalent, tied both to traumas experienced in the country of origin and on the journey. For women in particular, mental health issues are often linked to experiences of **gender-based and sexual violence**.
- Identification as a person with a disability is crucial for accessing specialised support. **All of the seven Member States have specific arrangements in place for people with disabilities in reception and detention centres**. These include specific accommodation arrangements, steps to make facilities more accessible, and the provision of assistive devices such as wheelchairs and hearing aids.
- Some form of **psychosocial support and treatment** is available in reception and detention centres in all of the seven Member States, often provided by NGOs. Limited capacity means, however, that there are often long waiting times for support and a lack of adequate interpretation services.
- In the absence of country-wide formal identification procedures, immigration authorities usually identify **victims of torture** during initial interviews and medical screening.
- Formalised support for victims of torture, such as access to rehabilitation programmes in reception and detention centres, is lacking in many locations.

Identification of persons with disabilities in reception and detention centres

Identifying persons with disabilities is an essential precursor to ensuring that they benefit from the specific protections afforded to 'vulnerable' persons. The Reception Conditions Directive requires that Member States assess whether an applicant 'is an applicant with special reception needs', and that the assessment is 'initiated within a reasonable period of time after an application for international protection is made'. The support provided to such applicants should 'take into account their special reception needs throughout the duration of the asylum procedure'.¹¹

Formal, legally defined **procedures to identify people with disabilities in reception and detention centres are lacking** in all of the seven Member States. This is in part due to the simplified or emergency procedures put in place in response to the high numbers of arrivals in 2015 and 2016. As such,

¹¹ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ L 180, Art 22.

the identification process varies widely depending on the type of facility and the region within the seven Member States.

Identifying persons with disabilities

The Swedish Migration Agency has developed an internal handbook which acts as a reference tool for staff working on migration cases, including case officers registering asylum applications. The handbook includes information about indicators that could help to identify persons with 'special needs', including people with disabilities, people with mental and physical illnesses and people who have experienced torture during registration.¹²

The European Asylum Support Office (EASO) developed a tool for the identification of persons with special needs ([IPSN tool](#)) to support Member States. The tool lists indicators which officials involved in the asylum procedure and reception can use to spot possible vulnerabilities, even if they do not have expert knowledge in medicine, psychology or related fields. Based on the EASO tool, the Bulgarian State Agency for Refugees (SAR) will introduce a specific instrument to identify vulnerable asylum seekers, including asylum seekers with disabilities, later in 2016.¹³

In Bulgaria, initial identification of persons with clearly visible disabilities can take place during the registration procedure and first interviews with asylum authorities. Similarly, in Greece, identification takes place after the registration procedure upon arrival at a Reception and Identification Centre.¹⁴ This initial identification may, however, be linked to an obvious need for medical treatment, rather than on the identification of an impairment.

In addition, initial medical checks upon arrival are an important stage in the identification process in all of the seven Member States. In Sweden, the legally required health screening must include a dialogue concerning the person's past and present physical and mental health, as well as questions to ascertain whether the person has been a victim of assault, rape or torture.¹⁵ In Germany, however, this first screening focuses on detecting infectious diseases rather than disabilities, although the health authorities in each Federal State can extend the scope of the screening.¹⁶ Furthermore, information about the identified

¹² Sweden, Swedish Migration Agency.

¹³ Bulgaria, State Agency for Refugees.

¹⁴ Greece, Ministry for Migration Policy, MDM Greece.

¹⁵ Sweden, Act concerning healthcare and medical services for asylum seekers and others, available at: www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Lag-2008344-om-halso--och-s_sfs-2008-344/; National Board of Health and Welfare, National Board of Health and Welfare's regulations and general advice concerning the health screenings of asylum seekers and others, available at: www.socialstyrelsen.se/sosfs/2011-11.

¹⁶ Germany, German Association of Towns and Municipalities.

impairments is not always communicated ahead of the transfer to the final reception centre.¹⁷

People with disabilities can also be identified later in the process, such as during admission to a longer-term reception or detention facility. According to the Central Foreigners' Authority of the State of Brandenburg, Germany, for example, all newly arrived detainees in the pre-removal detention centre Eisenhüttenstadt have been screened for particular vulnerabilities since March 2014, and the detected special need for protection is transmitted to courts, immigration authorities and legal counselling.¹⁸ However, this comprehensive screening could only be applied due to a low number of cases in the pre-removal detention centre. According to the authority, it is not transferable to the situation in reception centres.

In Austria, persons with disabilities are often identified when they reach basic care facilities, where regional caretakers have 'symptom sheets' available in numerous languages and are in regular contact with residents.¹⁹ Similarly, doctors from a Hungarian NGO often identify and report post-traumatic stress disorder (PTSD) during their visits to the camps and detention centres.²⁰

The variety of identification practices means that in practice different actors are involved in identifying persons with disabilities. In Italy, these are typically healthcare professionals. In some detention centres, NGOs offering healthcare assistance or healthcare assistance professionals might identify disabilities.²¹ In Bulgaria, identification of people with disabilities is shared among local NGOs, UNHCR and social workers from the Bulgarian State Agency for Refugees.²² However, border and migration police authorities can perform initial identification, while the interviewer and doctors can do the initial identification for those who arrive directly at the reception and registration centres.²³

Many people with disabilities are identified on an informal or *ad hoc* basis. Volunteers, staff of NGOs, healthcare and social workers, roommates and employees of residential centres have a significant role to play in identifying persons with disabilities, due to their close contact with refugees and migrants. In Austria, for example, NGOs report receiving most of their clients through recommendations from staff of other NGOs and volunteers.²⁴ This process, however, depends on the knowledge and awareness of individual staff and volunteers concerning disability.

¹⁷ Germany, Office Eisenhüttenstadt of the Federal Office for Migrants and Refugees, July 2016.

¹⁸ Germany, Central Foreigners' Authority of the State of Brandenburg, July 2016.

¹⁹ Austria, Caritas Styria.

²⁰ Hungary, Cordelia Foundation.

²¹ Italy, Interview with INMP held on 22 July 2016.

²² Bulgaria, Refugee Support Group.

²³ Bulgaria, State Agency for Refugees.

²⁴ Austria, Intercultural Therapy and Counselling Centre (ZEBRA).

Irrespective of when disabilities are identified, self-identification as a person with a disability often plays an important role. Migrants may provide crucial information during their various interviews, during the medical examination or in personal contact with staff and volunteers.²⁵ The lack of an available medical history can, however, make precise identification difficult.²⁶ Nevertheless, anecdotal evidence based on the low numbers of persons with disabilities recorded suggests that **many people with disabilities remain unidentified in practice.**²⁷

There are notable divergences in how different types of impairment are identified. **'Visible' disabilities, such as physical impairments or serious mental health problems are often the first to be identified, while less obvious disabilities remain undetected.** In Hungary, for example, physical and sensory impairments are typically visually identified in the transit zones at the Serbian border, and are then formally noted in the medical exams which precede being moved to an open refugee camp or detention centre.²⁸ Psychosocial disabilities, however, are usually not identified in the transit zones.²⁹ In Greece, responsibility for identification falls within the competence of the psychosocial support group, usually constituted by members of the NGOs collaborating with the Reception and Identification Service.³⁰

Supporting 'vulnerable' refugees

The pilot project 'Berlin Network for vulnerable refugees' aims to ensure that refugees identified as 'vulnerable' under EU law receive the necessary medical and material care. The network consists of four members responsible for different groups of vulnerable persons ([AWO Berlin](#), [XENION](#), [Berliner Zentrum fuer selbstbestimmtes Leben behinderter Menschen](#) and [Refugium im Paul-Gerhardt-Stiftung](#)) and is coordinated by the [Centre for Refugee and Migration Services](#).

Network members work on developing a process to detect and identify the vulnerabilities of refugees early on to provide the specific accommodation needed. Leaflets in different languages are handed out

²⁵ Bulgaria, State Agency for Refugees.

²⁶ Hungary, Office of Immigration and Nationality.

²⁷ Austria, Caritas Styria; Hungary, Office of Immigration and Nationality.

²⁸ Hungary, Decree of the Minister of Internal Affairs no. 8/2015. on the public health requirements and sanitary regulations in the detention centers, open refugee camps and community accommodations operated by the Office of Immigration and Nationality, and in the detention centres operated by the police to execute alien police detention, and on the rules for cooperation with the public health bodies, Art. 2, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1500008.BM.

²⁹ Hungary, Office of Immigration and Nationality.

³⁰ Greece, Ministry for Migration Policy, MDM Greece.

on arrival to inform vulnerable persons which members of the pilot project to contact.³¹

There are no systematic data on the number of persons with disabilities among arrivals, nor on the prevalence of different types of impairment. Moreover, that data which are collected may be based on observations by staff without specific training on disability issues, and therefore reflect perceptions of disability and more visually identifiable impairments. Anecdotal evidence from all of the seven Member States consistently suggests, however, that **psychosocial disabilities, including post-traumatic stress disorder (PTSD), are most common.** The comparative lack of physical disabilities could be attributed to the age profile of most migrants and refugees, with relatively few older people among the arrivals.³²

The gender, age and nationality of individuals identified as having a disability varies considerably. In Greece, mental health issues are most prevalent among women and children, most of whom come from Afghanistan and Syria.³³ In Austria, staff working in federal basic care facilities report that psychosocial disabilities occur most often among young males and unaccompanied children.³⁴ In contrast, Bulgarian Red Cross activists have not identified any mental health issues among children.³⁵

The National institute for the promotion of migrant populations' health and the fight against poverty-related diseases (INMP) in Italy reports that mental health issues including depression, PTSD, psychosis, bipolar disorder, anxiety, somatisation disorder, and maladjustment, are among the most common impairments among migrants. They are most prevalent among young men from conflict zones.³⁶ In Brandenburg, Germany, clients with PTSD are found in all kind of groups: single women and men, women with children (though no cases of men with children), children as well as men and women with family members.³⁷

Being identified as a person with a disability is crucial for accessing specialised support. In Austria, if personnel in contact with asylum seekers notice a need for special care, they contact a doctor or psychiatrist and file an application to the Regional Refugee Office. The office then decides, based on documentation from the support personnel and the doctor's assessment, on the need for specific care. According to NGOs, the authorities are not restrictive in their decisions.³⁸

³¹ For more information, see: [Berlin Network for vulnerable refugees \(BNS\)](#).

³² Austria, Caritas Styria.

³³ Greece, Ministry for Migration Policy, MDM Greece.

³⁴ Austria, Federal Ministry of the Interior, Department III/9.

³⁵ Bulgaria, Bulgarian Red Cross.

³⁶ Italy, Interview with INMP held on 22 July 2016.

³⁷ Germany, Central Foreigners' Authority of the State of Brandenburg, July 2016.

³⁸ Austria, Caritas Styria.

In Italy, identification as having a disability impacts where an individual will be accommodated. Once the National asylum seekers and refugees protection system (SPRAR) is informed, the facility manager can provide specific assistance in compliance with two procedures: either making use of services provided in the territory where the facility is located or requesting that the person be moved to another facility. The person with disabilities is supported throughout the procedure.³⁹ However, NGO reports suggest that proper assessments to ensure that the new centre meets the person's needs are not always conducted. They also note that the identification forms migrants complete upon arrival in Italy do not include questions concerning disability and specific impairments.⁴⁰

Identification is also important for securing support and reasonable adjustments during the asylum procedure. Once a person is identified as having PTSD in Germany, a special commissioner for victims of torture and traumatised asylum seekers must be contacted immediately to take over management of the asylum procedure.⁴¹ NGOs caution, however, that not all people get appropriate information and legal counselling regarding the asylum procedure. Furthermore, it is not always ensured that information about special requirements is passed to the Federal Office for Migrants and Refugees before the asylum interview.⁴²

Reception conditions for persons with disabilities

The Reception Conditions Directive requires that 'material reception conditions provide an adequate standard of living for all applicants', which 'protects their physical and mental health'. This includes ensuring that such 'standard of living is met in the specific situation of vulnerable persons'.⁴³

Italy transposed the Reception Conditions Directive through a 2015 legislative decree, which sets out specific modalities for so-called vulnerable groups, including people with disabilities.⁴⁴ These include that vulnerable persons are hosted together with their relatives in the same reception centre, wherever possible, and that professionals responsible for providing support receive specific training. In Austria, the Federal Law on Basic Care was amended to transpose

³⁹ Italy, Interview with INMP held on 22 July 2016.

⁴⁰ Italy, ENIL.

⁴¹ Since 1996, these special commissioners must be available in all branch offices of the Federal Office of Migrations and Refugees. There are also special commissioners for gender-specific persecution, unaccompanied children and victims of trafficking. The tasks of the special skilled staff includes advising colleagues and superiors in difficult cases, provide relevant information and, moreover, take over the most sensitive cases themselves.

⁴² Germany, Welfare Organisation Diakonie Rheinland-Pfalz, July 2016.

⁴³ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ L 180, Art 17(2).

⁴⁴ Italy, Legislative Decree No. 142 of 18 August 2015, available at: www.gazzettaufficiale.it/eli/id/2015/09/15/15G00158/sq.

the Reception Conditions Directive.⁴⁵ It now stipulates that the special needs of persons in need of protection shall be taken into account to the extent possible in the course of basic care and in the allocation of accommodation.⁴⁶

In Germany, Greece and Sweden the Reception Conditions Directive has not been transposed into national law. In Germany's case, this resulted in the European Commission introducing an infringement procedure in autumn 2015.⁴⁷ A bill that would implement elements of the specific legal status of vulnerable persons and applicants with special reception needs remains in inter-departmental consultation since October 2015.⁴⁸

In federal states, there are also notable differences in the scope and content of laws at the federal and state level. Most of Germany's 16 federal states have no specific guidelines for persons with disabilities.⁴⁹ Some regulations refer to ill or disabled persons, stating that 'if possible' their particular needs should be taken into account in determining accommodation within the large refugee centres.⁵⁰ They also provide that in individual cases supported by medical certificates, asylum seekers with disabilities can move to individual accommodation.⁵¹

There is evidence in all seven Member States of arrangements in place for people with disabilities in reception and detention centres. These are sometimes based on arrangements for all people identified as 'vulnerable'. For example, in Italy, vulnerable people are, wherever possible, hosted together with their relatives in the same reception centre.

In other cases, specific arrangements are in place for people with disabilities. In the Austrian province of Styria, there are two houses targeting asylum seekers with specific needs, one for persons with mental health issues and one for persons with physical disabilities. Other people with disabilities have places in regular accommodation, which receive additional funding to provide specialised support. There is also some barrier-free accommodation for persons using a wheelchair.⁵² In Italy, SPRAR provides reception centres that target people with mental health issues and specific therapeutic needs. However, people with specific needs – including torture victims – are often accommodated in general reception centres.⁵³ All reception units in Sweden must report relevant

⁴⁵ See Report of the Austrian Committee for Internal Affairs, available at: www.parlament.gv.at/PAKT/VHG/XXV/I/I_00610/fnameorig_410709.html.

⁴⁶ Austria, Federal law on basic care, 2005, Section 2, available at: www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10005762.

⁴⁷ See infringement procedure (No. 2015/0387).

⁴⁸ See: www.fluechtlingsinfo-berlin.de/fr/pdf/Entwurf_Richtlinienumsetzung_AsyL_011015.pdf.

⁴⁹ Germany, Evaluation of statutory and non-legislative regulations in the 16 Federal States.

⁵⁰ Germany, Regulation on shared accommodation and social assistance of the state of Thuringia.

⁵¹ Germany, i.e. Baden-Württemberg, Bavaria and Saxony.

⁵² Austria, Caritas Styria.

⁵³ Italy, Interview with SPRAR held on 19 July 2016.

information – including on vacancies in accessible accommodation, staff experience working with persons with disabilities, and local specialised services – to the Migration Agency, facilitating the placement of persons with disabilities in suitable accommodation.⁵⁴

Steps have been taken to make reception and detention facilities more accessible, for example through the installation of ramps for wheelchair users. In addition, persons with disabilities can be placed on the ground floor of accommodation centres⁵⁵ and close to medical services.⁵⁶ This is particularly the case in services specifically targeting persons with disabilities.

Both the Reception Conditions Directive and the Asylum Procedures Directive require that asylum applicants shall be informed 'in a language which they understand or are reasonable supposed to understand' of their rights.⁵⁷ In addition, the Asylum Procedures Directive includes a provision for interpretation.⁵⁸ Having information available in an accessible form is essential for ensuring that individuals are able to access the rights and support to which they are entitled. However, there was little evidence of accessible information, for example, in easy-read format for persons with intellectual disabilities, in any of the seven Member States.

The acute current situation sometimes impedes the provision of specific arrangements. In temporary reception centres lifts and ramps are still often lacking, making facilities inaccessible, particularly those with physical impairments. In Italy, detention centres are managed in compliance with emergency legislation, which exempts them from abiding by standard accessibility rules.⁵⁹ Furthermore, private actors often manage the facilities used for accommodation under the emergency measures and they may therefore not be subject to the levels of scrutiny applied to public services.

Some basic assistive devices such as wheelchairs, canes, ramps and crutches are available in reception centres and detention centres in all of the seven Member States. In Bulgaria, the Bulgarian State Agency for Refugees sometimes provides them directly,⁶⁰ while in Austria asylum seekers' health insurance covers basic technical assistive devices. In addition, it is possible to apply for special support to the regional authorities; in some cases

⁵⁴ Sweden, Swedish Migration Agency.

⁵⁵ Bulgaria, State Agency for Refugees.

⁵⁶ Austria, Intercultural Therapy and Counselling Centre.

⁵⁷ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ 2013 L 180, Art 9(4); Directive 2013/32/EU of the European Parliament and the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), OJ L 180, Art 21(1).

⁵⁸ Directive 2013/32/EU of the European Parliament and the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), OJ L 180, Art. 12(1) and Art 15(3).

⁵⁹ Italy, Interviews with ENIL held on 8 and 12 July 2016.

⁶⁰ Bulgaria, State Agency for Refugees.

NGOs, district administration authorities or donors cover the costs for special devices.⁶¹ Where not provided by public authorities, NGOs are often involved in supplying these devices.⁶²

In Greece, however, technical assistive devices are not available in the majority of the reception and detention centres, while in Germany, each technical assistive device must be applied for individually.⁶³ According to NGOs, the relevant legal provisions are restrictively interpreted, even where a medical prescription has been issued. Local authorities often reject such applications, sometimes taking up to 18 months to reach a decision.⁶⁴ A Swedish NGO similarly reports that assistive devices are only available to those with residence permits.⁶⁵

With regard to healthcare, the Reception Conditions Directive states that Member States 'shall provide necessary medical or other assistance to applicants who have special reception needs, including appropriate mental health care where needed'.⁶⁶ Both the Reception conditions Directive and the Return Directive require the provision of 'emergency healthcare and essential treatment of illness'.⁶⁷

Overall, **evidence suggests there is limited access to healthcare services beyond emergency.** In Sweden, adults seeking asylum are entitled only to medical treatment that cannot be postponed.⁶⁸ In the longer term, the Bulgarian State Agency for Refugees indicates that people with long-term disabilities can access benefits under legislation on integrating people with disabilities. The agency and the Bulgarian Red Cross have referred persons with disabilities to disability certification authorities, supplying them with accompanying persons, interpreters and transport.⁶⁹

61 Austria, Caritas Styria.

62 Hungary, Hungarian Association for Migrants.

63 Germany, Asylum Seekers' Benefit Act.

64 Germany, National working group of the psychosocial centres for refugees and victims of torture, 2016, available at: www.baff-zentren.org/wp-content/uploads/2008/05/BAfF_Abgewiesen-Weitergeschickt-Vertroestet.pdf.

65 Sweden, DHR, non-governmental organisation for persons with impaired mobility.

66 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ 2013 L 180, Art 19 (1).

67 Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ 2013 L 180, Art 19(1), Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, Art 16(3).

68 Sweden, Act concerning the healthcare and medical services for asylum seekers and others, available at: www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Lag-2008344-om-halso--och-s_sfs-2008-344/.

69 Bulgaria, State Agency for Refugees. See also: Kalcheva S., Vulnerability and Protection: Identifying vulnerable persons among asylum seekers in Bulgaria, p. 12, available at: www.airm-bq.org/dokumenti/Presentation_SKalcheva.doc.

Aside from general professional training for health practitioners, social workers and others, **there is little in the way of targeted training on the needs of people with disabilities for staff of reception and detention facilities.**

Training on the needs of people with disabilities often falls under the wider umbrella of training on 'vulnerable' groups.⁷⁰ In Italy, existing training for officials in reception centres and those involved in international protection proceedings should be complemented by specific guidelines drafted by the Ministry of Public Health: these guidelines have not yet been adopted, however.⁷¹ NGOs in Bulgaria and Hungary have also developed trainings for staff of reception and detention facilities.⁷² More specific training is in place for staff of facilities for persons with disabilities, such as those in Italy and Austria.⁷³ Staff of the psychosocial support group in Greece attend regular trainings from international NGOs.⁷⁴

There is a notable difference in the levels of training required for staff working for public and private organisations. In Sweden, training for staff employed by the Migration Agency are governed by several public acts.⁷⁵ In centres run by private companies commissioned by the Migration Agency, in contrast, there are no such requirements, since they are not public servants. Similarly, in Austria, private owners of asylum accommodation do not receive training.⁷⁶

Mental health determinants and support

The psychological strain associated with migration makes responses to mental health problems particularly important. EU legal provisions make specific reference to the importance of providing necessary mental health support. The Reception Conditions Directive highlights the "primary concern" to be given to mental health of vulnerable persons in detention, and requires that Member States 'provide necessary medical or other assistance to applicants with special reception needs, including appropriate mental health care where needed'.⁷⁷

⁷⁰ Bulgaria, Asylum and Refugees Act, 31 May 2002, Art. 6, para. 3; Italy, Legislative Decree No. 142/2015, Article 17, available at: <http://lex.bg/laws/ldoc/2135453184>.

⁷¹ Italy, Interview with INMP held on 22 July 2016.

⁷² Bulgaria, Bulgarian Red Cross; Hungary, Hungarian Association for Migrants.

⁷³ Austria, Federal Ministry of the Interior, Department III/9; Association ZEBRA – Intercultural Therapy and Counselling Centre.

⁷⁴ Greece, MDM Greece.

⁷⁵ Sweden, Act on Public Administration, 7 May 1986, available at: www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/forvaltningslag-1986223_sfs-1986-223; and Chapter 14, section 1 of the Social Services Act, 1 January 2015, available at: www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/socialtjanstlag-2001453_sfs-2001-453.

⁷⁶ Austria, Caritas Styria.

⁷⁷ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ 2013 L 180, Art. 11 and 19(1).

No reliable data are available on the determinants of mental health issues among arriving populations. Nevertheless, observational evidence suggests that mental health issues are linked to a wide range of factors, including trauma experienced in the country of origin and during the journey. Pre-existing mental health issues, which the migration experience might exacerbate, also play a significant role.

Other determinants specifically affect certain groups. For women in particular, experience of gender-based and/or sexual violence, either in the country of origin, along the migration route or in reception and detention centres plays a significant role. In Italy, attempts to escape from the formal reception system in an effort to travel to other Member States and the resulting stays in informal accommodation are a particular factor in the mental health situation of children. Persecution, and the prospect of violence and detention based on their sexual orientation, are further determinants for lesbian, gay, bisexual and transgender persons.⁷⁸

Upon arrival, several other factors can contribute to the development or worsening of mental health issues. Lengthy asylum procedures and a lack of information on the progress of applications, coupled with uncertainty about their outcome and fear of being returned put further strain on mental health. Conditions within reception and detention centres, including lack of daily activities, overcrowding, isolation and the lack of integration into the local community can also negatively affect mental health, particularly when individuals remain in these facilities for an extended period. Bad news from relatives remaining in the country of origin, along with anxiety about their safety, also have a negative impact on mental health.⁷⁹

Some form of psychosocial support and treatment is available in all of the seven Member States, often provided by NGOs. For example, clinical psychologists are available in all federal facilities for basic care in Austria,⁸⁰ while basic psychosocial support is provided in preliminary reception centres in Italy, and by staff of psychosocial support groups in Greece.⁸¹ Some German federal states employ psychologists in the reception centres: in the Eisenhüttenstadt/Brandenburg centre, for example, a one hour consultation period is available most days.⁸²

Nevertheless, **there is often limited capacity, resulting in long waiting times for support, and a focus on short-term rather than long-term support.** For example, an Austrian NGO reports that it cannot meet demands for mental health support and has to resort to waiting lists for all non-acute cases.

⁷⁸ Italy, Interview with INMP held on 22 July 2016.

⁷⁹ Austria, Intercultural Therapy and Counselling Centre.

⁸⁰ Austria, Federal Ministry of the Interior, Department III/9.

⁸¹ Greece, Ministry for Migration Policy, MDM Greece.

⁸² Germany, Zentrale Ausländerbehörde des Landes Brandenburg, July 2016.

Waiting times for therapy range from a few months for children to more than one year for adults.⁸³ Similarly, in some German states, four out of five refugees and victims of torture can wait up to a year for specialist support.⁸⁴

Provision of psychosocial support services also varies considerably depending on the individual centre.⁸⁵ In Sweden, for example, county councils organise mental health care, many of which give primary healthcare centres responsibility for the mental healthcare of all asylum seekers in the area. Others have formed support teams situated at the primary healthcare centres located close to large accommodation centres or established mobile health teams.⁸⁶ Child and adolescent mental health support has been included in the mobile teams in several counties, while 13 regions have trauma centres focusing on treating PTSD.⁸⁷

Moreover, in Hungary, there is a significant discrepancy depending on the type of facility. Individual and group therapies are held weekly in the open refugee camps. In the detention centres, however, civil society organisations report a lack of support for people with mental health problems, including victims of torture or other forms of violence.⁸⁸ The variable service provision is often compounded by the lack of a common supervision and monitoring system, which makes it impossible to assess the quality of the services and support provided in each centre.

There is also some evidence that staff in primary healthcare facilities lack the necessary training to identify and provide support for people with mental health issues. Healthcare staff may be focused primarily on physical health, lacking awareness of how to identify mental health issues, particularly in cases where individuals do not discuss them openly.⁸⁹ NGOs in Sweden highlight a particular challenge regarding children – both unaccompanied children and children with families – as trauma centres rarely treat children and, even where psychosocial support is available, staff are not trained in the specific needs of young people.⁹⁰

Access to appropriate interpretation is crucial for the provision of effective mental health support, but the availability of interpretation varies widely. The interpretation that is available is often primarily to facilitate basic communication with staff, rather than specialised mental health support. One challenge is that the legislation governing access to healthcare may not cover interpretation costs.

⁸³ Austria, Intercultural Therapy and Counselling Centre.

⁸⁴ Germany, National working group of the psychosocial centres for refugees and victims of torture, available at: www.baff-zentren.org/wp-content/uploads/2008/05/BAFF_Abgewiesen-Weitergeschickt-Vertroestet.pdf.

⁸⁵ Italy, Interviews with ENIL held on 8 and 12 July 2016.

⁸⁶ Sweden, National Board of Health and Welfare.

⁸⁷ Sweden, Red Cross.

⁸⁸ Hungary, Cordelia Foundation.

⁸⁹ Sweden, Medical Doctor and Psychiatrist at a Primary Healthcare centre.

⁹⁰ Sweden, Save the Children, Red Cross.

In Germany, for example, neither the services of the statutory health insurances nor by the Asylum Seekers' Benefit Act provide for interpretation costs.⁹¹

There is also a lack of supply of trained interpreters, which limits access to psychosocial support significantly.⁹² Instead, 'cultural mediation' services, which professionals may not provide, are sometimes a key source of interpretation.⁹³ In some cases, NGOs offering psychosocial support provide their own interpretation services,⁹⁴ while local authorities may also make use of their own multilingual staff in the absence of trained professionals.⁹⁵ There are also reports of the quality of interpretation services deteriorating, with consequences for the quality of support provided and, potentially, safety.⁹⁶

In acute or emergency mental health situations, which available medical staff cannot address, individuals are typically transferred to local medical services with competence for mental health, including doctors and hospitals. There are, however, some reports that emergency procedures are overused, due to a lack of appropriate support particularly in the longer term.⁹⁷ This can include involuntary placement and treatment.⁹⁸

Identification and rehabilitation of victims of torture

The right to freedom from torture is enshrined in many international treaties and the return of an individual to a country where he or she could face torture, inhuman or degrading treatment or punishment is prohibited by Article 19 of the EU Charter, the European Convention on Human Rights and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).⁹⁹ It may also constitute persecution in the sense of the 1951 Convention on the Status of Refugees.¹⁰⁰

Article 14 of CAT sets out the right to rehabilitation for victims of torture who are asylum seekers and obliges States Parties to 'ensure in its legal system that the victim of an act of torture obtains redress.' Redress includes the means for full

⁹¹ Germany, National working group of the psychosocial centres for refugees and victims of torture, (*Bundesweiten Arbeitsgemeinschaft der Psychosozialen Zentren für Flüchtlinge und Folteropfer (BAFF e.V.)*), 2016: *Abgewiesen. Weitergeschickt. Vertröstet. Verloren im deutschen Gesundheitssystem*, p. 21, available at: www.baff-zentren.org/wp-content/uploads/2008/05/BAfF_Abgewiesen-Weitergeschickt-Vertroestet.pdf.

⁹² *Ibid.*

⁹³ Italy, Interview with INMP held on 22 July 2016.

⁹⁴ Hungary, Cordelia Foundation; and Austria, ZEBRA.

⁹⁵ Sweden, Medical Doctor and Psychiatrist at a Primary Healthcare centre.

⁹⁶ *Ibid.*

⁹⁷ Italy, MSF.

⁹⁸ Italy, Interview with INMP held on 22 July 2016. See also FRA (2012), involuntary placement and involuntary treatment of persons with mental health problems.

⁹⁹ UN, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, Article 3 (1).

¹⁰⁰ UN, Convention relating to the Status of Refugees, 28 July 1951, Article 33.

rehabilitation, which is 'holistic and include medical and psychological care as well as legal and social services'.¹⁰¹

Evidence has shown that victims of torture are more likely to suffer from post-traumatic stress disorder or other barriers to disclose their personal experience, as may be required in an asylum interview. Trauma can severely impact on the asylum applicant's memory and his/her ability to present the claim in a credible way. Early identification is therefore crucial to ensure support of medical and legal experts.¹⁰²

The Asylum Procedures Directive¹⁰³ introduces specific procedural guarantees for asylum applicants who are victims of torture. Article 4(3) requires Member States to ensure that people interviewing asylum applicants must also have acquired general knowledge of problems which could negatively impact the applicants' ability to be interviewed, such as indications of past torture.

The Reception Conditions Directive¹⁰⁴ introduced an obligation for EU Member States to identify vulnerable asylum applicants with special reception needs, including victims of torture (Article 21), to ensure that victims of torture receive the necessary treatment, in particular access to appropriate medical and psychological treatment or care (Article 25(1)) and to provide appropriate training to those working with victims of torture (Article 25(2)).

However, **there is no formal legal or policy framework or specific procedure for the identification of victims of torture in any of the seven Member States.** In practice, victims of torture may be identified during asylum interviews or health screenings, similar to the findings in relation to identification of persons with disabilities presented above.

In Greece, either the doctor or the psychosocial support group of the medical unit conducts the identification after the registration procedure.¹⁰⁵ Medical practitioners in Sweden noted that persons who did not mention experiencing post-traumatic stress disorder during registration and who are yet to have their health screening must either themselves make an appointment with a doctor at a primary healthcare centre, or become ill enough to be taken to a psychiatric ward for emergency treatment.¹⁰⁶ In Bulgaria, NGOs report that individuals who have been victims of violence and torture prior to their arrival nonetheless sign declarations that they do not want any medical help, for fear that this will result

¹⁰¹ UN Committee against Torture. General Comment No. 3: Implementation of Article 14 by State parties, 19 November 2012, para. 11.

¹⁰² International Rehabilitation Council for Torture Victims (2013), *Recognising victims of torture in national asylum procedures*, p. 12, available at www.irct.org/files/Filer/publications/MLRweb.pdf

¹⁰³ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), OJ 2013 L 180.

¹⁰⁴ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ 2013 L 180.

¹⁰⁵ Greece, MDM Greece.

¹⁰⁶ Sweden, Medical doctor/psychiatrist at a Primary Healthcare centre and a psychiatrist at a psychiatric clinic at a hospital.

in them being transferred to a hospital, slowing down the asylum process and a possible exit from Bulgaria.¹⁰⁷

Since 2012, the Bulgarian State Agency for Refugees has applied a questionnaire developed by the Assistance Centre for Torture Survivors aiming at identification of victims of torture. A 2013-2014 project monitoring the application of the questionnaire with persons seeking protection in Bulgaria showed that this or similar instruments was used with just 7.1 % of the persons interviewed, and only 6 % were referred for health or psychological support. Based on this data, the project concluded that the application of the questionnaire is limited, and that proper referral is closely related to the existence of a formal identification procedure.¹⁰⁸

Promoting early identification and orientation for victims of torture.

The PROTECT-ABLE project

The PROTECT-ABLE project aims at promoting a process of early screening and orientation for asylum seekers suffering from consequences of traumatic experiences (torture, rape, serious forms of physical, psychological or sexual violence), to encourage EU Member States to comply with the European directives on asylum. The project started in September 2012 and involves the creation of specific screening tools and the delivery of trainings and dissemination activities in nine Member States. The project partners include 11 NGOs from nine countries involved in the rehabilitation and care of torture victims as well as IRCT (International Council for Torture Victims) and PHAROS (Netherlands). More information is available on the project's website: <http://protect-able.eu/>.

In Germany, once victims of torture are identified during asylum interviews, a special commissioner (*Sonderbeauftragte Entscheider*) for victims of torture and traumatised asylum seekers must be contacted immediately. Special commissioners must be available in all branch offices of the Federal Office of Migrations and Refugees. They have to provide expert advice and take over the most sensitive cases.¹⁰⁹ However, identification mechanisms focusing on the consequences of torture are often not in place.

¹⁰⁷ Bulgaria, Refugee Support Group.

¹⁰⁸ Bulgaria, Center for Legal Aid Voice in Bulgaria, Assistance Centre for Torture Survivors (2015), Vulnerability and Protection: Identifying vulnerable persons among asylum seekers in Bulgaria, Sofia, Center for Legal Aid Voice in Bulgaria, Assistance Centre for Torture Survivors (ACET), available at: <http://detainedinbg.com/wp-content/uploads/2015/10/%D0%A3%D1%8F%D0%B7%D0%B2%D0%B8%D0%BC%D0%BE%D1%81%D1%82-%D0%B8-%D0%B7%D0%B0%D0%BA%D1%80%D0%B8%D0%BB%D0%B0-%D0%B4%D0%BE%D0%BA%D0%BB%D0%B0%D0%B4.pdf> and summary in English available at: www.fluechtlingsrat-brandenburg.de/wp-content/uploads/2015/03/Vulnerability-and-protection-EN-Summary-Report.pdf .

¹⁰⁹ See www.bamf.de/DE/Fluechtlingschutz/Entscheider/entscheidungen-node.html.

Findings also indicate **the absence of formalised support for victims of torture in terms of access to rehabilitation programmes** in reception and detention centres. In Germany, although the professional NGO-based treatment centres for refugees and victims of torture available in some German states offer specialised and interdisciplinary support and have long experience in interpreter-based, transcultural psychotherapy, they have very limited capacity.¹¹⁰ Similarly, the Bulgarian State Agency for Refugees reported cases of both physical and psychological violence,¹¹¹ but according to NGOs has insufficient resources and personnel to deal with them thoroughly.¹¹² In Sweden, 13 municipalities have some kind of trauma centres focusing on PTSD treatment and rehabilitation of victims of torture. However, due to limited places in these centres, the majority of the patients with PTSD are treated as out-patients in the regular psychiatric healthcare of the different county councils and regions.¹¹³ Trauma centres rarely treat children.¹¹⁴

In Italy, the Ministry of Public Health recently drafted guidelines (yet to be adopted) which set out that the staff operating in reception centres shall be properly trained to cope with the specific needs of victims of torture.¹¹⁵ The guidelines also set out the rehabilitation procedure for victims of torture according to three necessary steps: understanding the trauma that the subject has suffered and its consequences on his/her mental and physical health; identification of a therapy aimed at dealing with traumatic memories; creation and strengthening of positive social relationships.¹¹⁶

¹¹⁰ Germany, National working group of the psychosocial centres for refugees and victims of torture, available at: www.baff-zentren.org/wp-content/uploads/2008/05/BAff_Abgewiesen-Weitergeschickt-Vertroestet.pdf.

¹¹¹ Bulgaria, State Agency for Refugees.

¹¹² Bulgaria, Refugee Support Group.

¹¹³ Sweden, Medical doctor/psychiatrist at a Primary Healthcare centre and a psychiatrist at a psychiatric clinic at a hospital.

¹¹⁴ Sweden, Red Cross Sweden.

¹¹⁵ Italy, Interview with INMP.

¹¹⁶ Italy, Interview with INMP.

1. Austria

1.1. Stakeholders contacted

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

- Federal Ministry of the Interior/Department II/2, Operational Affairs (*Bundesministerium für Inneres/Abteilung II/2 Einsatzangelegenheiten*);
- Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*);
- Federal Agency for State Protection and Counter Terrorism (*Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT*);
- Red Cross Austria (*Österreichisches Rotes Kreuz*);
- Caritas Styria (*Caritas Steiermark*);
- Caritas Tyrol (*Caritas Tirol*);
- Caritas Upper Austria (*Caritas Oberösterreich*);
- Anti-Discrimination Bureau Styria (*Antidiskriminierungsstelle Steiermark*).

1.2. Overview of the situation

UNHCR reports a total of 3,692 new arrivals for the period 1-25 July.¹¹⁷ The new arrivals' main countries of origin are Afghanistan, Syria and Pakistan. The main entry point is the border with Hungary. As it gets more difficult to cross the Hungarian border from Serbia, there are some indications that people will search for new routes via Croatia and Slovenia.¹¹⁸

In July, approximately 750 to 800 people per week applied for asylum in Austria.¹¹⁹ Nearly 2,500 asylum applications were filed between 1 and 24 July.¹²⁰ Most applicants came from Afghanistan and Syria, followed by Pakistan and Iraq.¹²¹

In the province of Styria, the number of asylum seekers decreased from 12,150 in June to 11,780 in July. Some asylum accommodations were closed and none were opened.¹²² In the province of Tyrol, the number of asylum seekers also decreased to 6,300.¹²³

¹¹⁷ UNHCR, Europe Refugees and Migrants Emergency Response - Daily Estimated Arrivals per Country - Flows through Western Balkans Route, available at: <http://data.unhcr.org/mediterranean/documents.php?page=1&view=grid&Search=%23%23>.

¹¹⁸ Federal Ministry of the Interior/Department II/2, Operational Affairs.

¹¹⁹ Federal Ministry of the Interior, Department III/9.

¹²⁰ Federal Ministry of the Interior/Department II/2, Operational Affairs.

¹²¹ Federal Ministry of the Interior, Department III/9.

¹²² Caritas Styria.

¹²³ Caritas Tyrol.

1.3. Criminal proceedings against migrants and people helping them

1.3.1 Criminal proceedings initiated against migrants and asylum seekers

Nothing new to report.

1.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

Nothing new to report.

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

1.4.1 Registration and identification

The procedures continue in their usual manner. New arrivals are denied entry and returned (*zurückgewiesen*) at the borders, whenever possible. A deportation (*Zurückschiebung*) to Hungary is often impossible due to a lack of cooperation with the Hungarian authorities. In 2016 (until 24 July), there had been 3,329 refusals of entry (*Zurückweisungen*) in total (3,288 to Slovenia, three to Italy, 31 to Hungary and seven to Germany).

In comparison, 799 deportations (*Zurückschiebungen*) after a return decision and 692 Dublin-transfers were completed in the same period.¹²⁴

1.4.2 Asylum procedure

Regarding asylum procedures, there is no longer a priority treatment of asylum applications from people coming from Syria. Instead, the Ministry of the Interior and the Federal Office for Asylum (*Bundesamt für Fremdenwesen und Asyl*) will now focus on processing Dublin-procedures, particularly with Croatia and Bulgaria, before time limits run out. There is also a focus on fast-track procedures concerning asylum applicants from Morocco, Tunisia, Algeria and Kosovo.¹²⁵

¹²⁴ Federal Ministry of the Interior/Department II/2, Operational Affairs.

¹²⁵ Caritas Styria.

Currently, most asylum seekers come from Afghanistan. The Afghan embassy only issues travel certificates for those who receive a negative asylum decision if they wish to return voluntarily.¹²⁶

The duration of an asylum procedure is two years on average.¹²⁷

1.4.3 Return procedure

There is a significant increase in the number of people who make use of voluntary return (*freiwillige Rückkehr*) already before receiving a decision on asylum. This trend concerns, in particular, people from Iraq, but also from Afghanistan. Many decide to return with their families three months after their arrival, while they would otherwise have to wait one year for their first hearing at the asylum authorities. This is seen as an indication that many of them come to Europe to improve their life situation, and that their lives and freedoms are not threatened in their country. They get in touch with Caritas on their own and ask about voluntary return; they receive counselling on voluntary return and are offered legal counselling as well.¹²⁸

If a person receives a negative asylum decision, counselling for voluntary return and legal counselling are obligatory. In such cases, most people decide to appeal against the negative decision.¹²⁹

Exclusion from basic care could be used as an instrument to pressure people to return voluntarily. If a person receives a negative asylum decision, it is possible to terminate his/her entitlement to basic care based on a directive from the Ministry of the Interior, if he/she is not being cooperative – for example, if he/she refuses voluntary return counselling. There have been individual cases in the past, where people were denied their 'pocket money', but were not expelled from their accommodation facility on such grounds. The draft of the amendment to the Styrian Basic Care Law foresees similar possibilities.¹³⁰

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

1.5.1 Reception conditions and capacity

There are sufficient resources in basic care (*Grundversorgung*) and a number of free places are on stand-by if urgently needed.¹³¹ All unaccompanied children and

¹²⁶ *Ibid.*

¹²⁷ Caritas Tyrol.

¹²⁸ Caritas Styria.

¹²⁹ *Ibid.*

¹³⁰ Caritas Styria.

¹³¹ Federal Ministry of the Interior, Department III/9; Caritas Styria.

people with special needs can be accommodated.¹³² In Traiskirchen, there are currently about 600-700 people.¹³³

The situation has also improved in other regions. For example, Caritas Upper Austria confirms that there are sufficient places in Upper Austria and that there are no homeless asylum seekers.¹³⁴

1.5.2 Vulnerable persons

Caritas Upper Austria reports that the identification of vulnerable persons is not done in an adequate manner and special care and support is not provided to a sufficient extent. Additional support is only possible if the regional authorities acknowledge a person's 'specific need for care'.¹³⁵

1.5.3 Child protection

People below the age of 18 were accommodated in facilities together with adults in the past. Children are now more often accommodated in specialised facilities.¹³⁶

As reported for Upper Austria, there are not enough child-friendly spaces for children in asylum accommodation and no rooms for studying or spending free time. NGOs are responsible for the legal representation and care of unaccompanied children. Financial resources are not sufficient to provide optimal care and support.¹³⁷

1.5.4 Healthcare

All asylum seekers are covered by health insurance.¹³⁸ The Red Cross cares for 3,500 people in basic care in line with its contractual obligation to provide healthcare.¹³⁹

1.5.5 Immigration detention

Nothing new to report.

¹³² Federal Ministry of the Interior, Department III/9.

¹³³ Caritas Styria.

¹³⁴ Caritas Upper Austria.

¹³⁵ *Ibid.*

¹³⁶ Red Cross Austria.

¹³⁷ Caritas Upper Austria.

¹³⁸ Caritas Upper Austria.

¹³⁹ Red Cross Austria.

1.6. Responses in law, policy and/or practice

The terror attacks in Germany have had an effect on the general atmosphere in Austria. Legislation and the attitudes of the population are expected to become more restrictive and more sympathetic to the views of right-wing parties. An indication is that the Austrian government is now speaking about Victor Orban's closing of the Hungarian-Serbian border in a more positive way, a development which it had criticised in the past.¹⁴⁰

Yet, there are also efforts to intensify integration measures by, for example, providing possibilities for vocational training. Linking minimum benefits with integration efforts, as it is currently discussed, might have a motivating effect.¹⁴¹

1.7. Social response to the situation

Overall, the attitudes towards immigration continue to deteriorate.¹⁴² The burning of a newly built Red Cross refugee home in Upper Austria in June 2016 is still present in the minds of many people.¹⁴³

There is still a high level of support from volunteers in spite of an increase in critical views among the population vis-à-vis asylum seekers.¹⁴⁴

Critical perceptions of migration due to a threat of Jihadist attacks have increased. The individual sense of security decreased among the population.¹⁴⁵

The following events and incidents were reported in July¹⁴⁶:

1 July, Leibnitz (Styria): Information event by *Identitäre Bewegung Österreich* (IBÖ) on the topic refugees; little public interest, no incidents.

6 July, Brenner (Tyrol, Italian border): Event 'Human Rights without Borders, Italian and Austrian pensioners meet at the Brenner'; about 50 participants, only Italian pensioners holding a banner from an Italian representative organisation of pensioners.

16 July, Linz (Upper Austria): IBÖ art event, roll out of a banner with the text 'Re-migration'; seven participants. Hardly any public interest, the event was over after three minutes, no incidents.

22 July, Leoben (Styria): IBÖ information event on islam and asylum, claiming that Islam and asylum is an immediate danger to the Austrian society.

22 July, Graz (Styria): A fountain statue was covered and red colour was put into the water; the act was promoted online as 'our future is going to be bloody'

¹⁴⁰ Caritas Styria.

¹⁴¹ *Ibid.*

¹⁴² Red Cross Austria.

¹⁴³ *Ibid.*

¹⁴⁴ Caritas Upper Austria.

¹⁴⁵ Federal Ministry of the Interior/Department II/2, Operational Affairs.

¹⁴⁶ Federal Agency for State Protection and Counter Terrorism.

(*'unsere Zukunft wird blutig'*). It is assumed that the IBÖ is responsible for the act.

22 July, Salzburg (Salzburg): A homeless man publicly does the Hitler salute at the main square. He claims that asylum seekers get everything while Austrians get nothing.

24 July, Innsbruck (Tyrol): IBÖ uses banners with Islamophobic content, referring to the terror attacks in France and Germany.

24 July, Waidhofen an der Thaya (Lower Austria): Pro-asylum demonstration, 15 participants.

22-25 July, Fehring (Styria): Unidentified persons write 'Refugees not welcome' at three different locations, adding the Greek letter lambda, which is IBÖ's identification sign.

25 July, Köflach (Styria): Stickers with 'Stop the asylum madness' at the townhall square, containing IBÖ signs.

25 July, Voitsberg (Styria): IBÖ poured red water into the fountain in the castle park and put a banner on it, saying 'Anzberg, Würzburg, Voitsberg?'

26 July, Oberweg (Styria): At the road in front of a public swimming pool, a banner saying 'we are not game for asylum seekers' (*'wir sind kein Freiwild für Asylwerber'*) was hung.

27 July, Vienna: IBÖ demonstration with the motto 'Your fault; commemoration of terror victims; against the policy of open borders'; 70 participants. Police intervention due to a forbidden tattoo; one report of a Holocaust denial by an IBÖ participant. The Green Party and related organisations organise a counter-demonstration, 200 participants.

1.8. Hate crime incidents

In the province of Styria, one physical attack against asylum seekers, six insults and 12 hate speech postings were reported to the Anti-Discrimination Bureau Styria (*Antidiskriminierungsstelle Steiermark*) in July.¹⁴⁷

In addition, examples of other hate crime incidents reported in July in other regions include:¹⁴⁸

6 July, Linz (Upper Austria): Arson attack on a Chechen mosque; an incendiary device is thrown through an open window; material damage, no one was injured. Connection to the refugee situation is unclear.

25 July, Eisenstadt (Burgenland): A person shoots three times with an alarm pistol in the direction of asylum seekers walking by. The person defends himself, stating that he just wanted to try out the alarm pistol.

¹⁴⁷ Anti-Discrimination Bureau Styria.

¹⁴⁸ Federal Agency for State Protection and Counter Terrorism.

29 July, Salzburg (Salzburg): A firecracker is burned in front of an asylum accommodation. Three men take photos of the asylum accommodation and threaten the residents with 'just wait for tonight'.

30 July, Salzburg (Salzburg): An Austrian punches an Afghan asylum seeker in the face several times and threatens him with an alarm pistol. The person is arrested.

2. Bulgaria

2.1. Stakeholders contacted

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

- Ministry of the Interior, Directorate General Border Police (MoI – DGBP) (*Министерство на вътрешните работи, Главна дирекция „Гранична полиция“, МВР – ГДГП*);
- Ministry of the Interior, Directorate General Criminal Police (MoI – DGCP) (*Министерство на вътрешните работи, Главна дирекция „Криминална полиция“, МВР – ГДКП*);
- State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*);
- State Agency for Child Protection (SACP) (*Държавна агенция за закрила на детето, ДАЗД*);
- Commission for Protection against Discrimination (CPD) (*Комисия за защита от дискриминация, КЗД*);
- Bulgarian Red Cross (BRC) (*Български червен кръст, БЧК*);
- Refugee Support Group (RSG);
- Bulgarian Lawyers for Human Rights (BLHR) (*Български адвокати за правата на човека, БАПЧ*).

2.2. Overview of the situation

In July 2016, a total of 2,157 people were apprehended at the border and within the territory of the country. More than 380 new arrivals were apprehended at the border, many more (almost 850 people) were apprehended within Bulgarian territory and over 1,000 people were apprehended while trying to leave the country (461 people who were registered in the automated fingerprint identification system and 546 without registration). The majority of new arrivals apprehended at the border were from Syria, Iraq and Afghanistan. Most of them were men (more than 180), but there were also women (about 70) and children (about 130). The majority of those apprehended while trying to leave the country were from Afghanistan (almost 70 %) and the rest were from Iraq, Pakistan, Iran and Syria. New arrivals were apprehended both at the green border (more than 300 people) and at border check points (more than 80 people). The majority of new arrivals crossed the border from Turkey (more than 245 people), but there were also some coming from Greece (more than 35 persons) and Serbia (14 people). People who were trying to leave the country were apprehended primarily at the green border (998 people, eight of whom were

apprehended at the Bulgarian-Turkish border) rather than at border check points (nine people, none at the Bulgarian-Turkish border).¹⁴⁹

During the reporting period, over 1,500 people applied for asylum, including 1,210 men (172 aged between 0 and 13 years, 218 aged between 14 and 17 years, 690 aged between 18 and 34 years, 128 aged between 35 and 64 years, and two aged 65 years or older) and 332 women (117 aged between 0 and 13 years, 36 aged between 14 and 17 years, 109 aged between 18 and 34 years, 62 aged between 35 and 64 years and eight aged 65 years or older). The most common nationalities of the asylum applicants were Afghan (more than 50 %), Iraqi, Syrian and Pakistani.¹⁵⁰

Although most incoming foreigners continue to be men, the number of families from Iraq, Afghanistan and Pakistan seem to be increasing. The average age of unaccompanied children has dropped to 10-12 years.¹⁵¹

Refugee status was granted to 50 applicants, 39 people obtained humanitarian status and 48 asylum applications were rejected.¹⁵²

2.3. Criminal proceedings against migrants and people helping them

2.3.1 Criminal proceedings initiated against migrants and asylum seekers

During the reporting period, the police arrested 23 people for smuggling of migrants.¹⁵³

The Specialised Prosecutor's Office (SPO) (*Специализирана прокуратура*, СП) submitted to the Specialised Criminal Court (SCC) (*Специализиран наказателен съд*, ЧС) a case involving three Syrians charged with entering Bulgaria with the aim of committing terrorism. The defendants had received refugee status in Germany and were passing through Bulgaria on their way from Greece to Turkey and eventually to Syria, where they planned to join terrorist organisations. The

¹⁴⁹ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 30 June 2016 to 08.00 CET on 28 July 2016.

¹⁵⁰ State Agency for Refugees.

¹⁵¹ Bulgarian Red Cross.

¹⁵² Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 30 June 2016 to 08.00 CET on 21 July 2016. Data for the last week of July are not available because the information systems of the State Agency for Refugees (SAR) were temporarily not operational at the time.

¹⁵³ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 on 30 June 2016 to 08.00 on 28 July 2016.

Bulgarian authorities already sentenced them for attempting to illegally cross the country's border. The three defendants are currently detained in custody.¹⁵⁴

The court authorised the Regional Prosecutor's Office in Slivnitza (*Районна прокуратура – Сливница*) to detain four Iranian citizens in custody for having attempted to illegally cross the country's border to get to Serbia with official documents issued to other people.¹⁵⁵

A truck with 21 migrants crashed on a highway. The driver escaped and 21 Afghan, Pakistani and Iraqi citizens were found in the freight section. Six of them were sent to a hospital with a number of injuries, while the other 15 underwent medical checks and were sent to the police.¹⁵⁶

The Prosecutor's Office presented data for the first half of 2016 on the number of pre-trial cases concerning illegal border crossing and smuggling of people opened by prosecutors in the regions close to the border with Turkey. The total number of newly opened proceedings was 346 and 244 cases were brought to court (20 of them with indictments and the remaining 224 through plea bargaining). The biggest numbers of such cases were registered in the region of Tsarevo (184 new cases), Sredets (54 new cases), Burgas (38 new cases) and Malko Tarnovo (36 new cases).¹⁵⁷

2.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

The police opened 10 pre-trial proceedings for smuggling of persons and 12 pre-trial proceedings for facilitation of entry or stay for profit. Facilitation of entry or stay is a criminal offence only when it is done for profit.

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

2.4.1 Registration and identification

Nothing new to report.

¹⁵⁴ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'The Specialised Prosecutor's Office pressed charges against three Syrian citizens for terrorism', Press release, 27 July 2016, available at: www.prb.bg/bg/news/aktualno/specializiranata-prokuratura-vnese-obvinitelen-akt/.

¹⁵⁵ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'Iranian citizens, having attempted to illegally cross the border at the border point of Kalotina, remain under arrest', Press release, 22 July 2016, available at: www.prb.bg/bg/news/aktualno/iranski-grazhdani-napravili-opit-za-nezakonno-pr-1/.

¹⁵⁶ Bulgaria, 24 chasa online (2016), '21 migrants injured in a crash on the Trakia highway', 25 July 2016, available at: www.24chasa.bg/novini/article/5669050.

¹⁵⁷ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'Extremely high workload for regional prosecutor's offices in the appellate region of Bourgas on cases for illegal entrance into the country', Press release, 6 July 2016, available at: www.prb.bg/bg/news/aktualno/izklyuchitelno-visoka-natovarenost-za-raionnite-pr.

2.4.2 Asylum procedure

Fewer people receive international protection mainly because the majority of asylum seekers disappear before their procedure is closed.¹⁵⁸ Nearly 1,300 people left SAR centres on their own will during July 2016.¹⁵⁹

There are reports about migrants being returned to Bulgaria under the Dublin regulations,¹⁶⁰ but according to NGOs, such numbers remain low, although requests for transfers to Bulgaria are increasing.¹⁶¹

2.4.3 Return procedure

During the reporting period, a total of 93 migrants were returned from Bulgaria to their country of origin or to a safe third country. One of them was sent to another EU Member State under the Dublin Regulation. Under the EU-Turkey readmission agreement, Bulgaria sent 140 requests to Turkey for the readmission of 185 people and three people were sent back to Turkey.¹⁶²

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

2.5.1 Reception conditions and capacity

As of 21 July 2016, nearly 1,350 asylum seekers accommodated at the reception centres of the State Agency of Refugees (SAR) (*Държавна агенция за бежанците*, ДАБ). The majority were from Afghanistan (some 560 people), Syria (some 370 people), Iraq (some 230 people) and Pakistan (some 80 people). The total capacity of all reception centres remained 5,130. During the reporting period, the occupancy rate ranged between 23 % and 30 %. There were also 473 asylum seekers accommodated at external addresses at their own expense.¹⁶³

During the reporting period, 1,265 people left the reception centres of their own free will.¹⁶⁴

¹⁵⁸ Bulgarian Red Cross.

¹⁵⁹ State Agency for Refugees

¹⁶⁰ For example, see Bulgaria, Mediapool online (2016), 'Austria returns to Bulgaria another 14 migrants', 20 July 2016, available at: www.mediapool.bg/avstriya-vrashta-v-bulgaria-oshte-14-migranti-news251847.html.

¹⁶¹ Refugee Support Group.

¹⁶² Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 30 June 2016 to 08.00 CET on 28 July 2016.

¹⁶³ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 30 June 2016 to 08.00 CET on 28 July 2016.

¹⁶⁴ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 30 June 2016 to 08.00 CET on 28 July 2016.

Repairs have continued at all reception and registration centres. However, according to NGOs, asylum seekers continue to cause material damage to the premises. This is sometimes done intentionally so that asylum seekers could refer to the poor conditions when they apply for protection in another country.¹⁶⁵

The reception centre in Vrazhdebna, which was kept almost empty to host relocated migrants, has started to accommodate newly arrived asylum seekers, mostly Iraqi and Syrian citizens.¹⁶⁶

2.5.2 Vulnerable persons

Nothing new to report.

2.5.3 Child protection

Nothing new to report.

2.5.4 Healthcare

The public procurement procedure for supplying the registration and reception centres with medicines is continuing. There have been talks that the government is planning to choose one hospital to be responsible for taking care of foreigners' medical needs, yet this never happened.¹⁶⁷ The Bulgarian Red Cross (BRC) (*Български червен кръст, БЧК*) continues to supply the registration and reception centres with medicines, syringes, test-tubes, etc.¹⁶⁸

2.5.5 Immigration detention

As of 28 July 2016, there were more than 1,000 people accommodated at the pre-removal detention centres called special homes for temporary accommodation of foreigners of the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*). The majority were from Afghanistan (520 people), Iraq (some 160 people), Pakistan (some 120 people), Syria (some 100 people) and Iran (some 40 people). The total capacity of the special homes remained 940. During the reporting period, a total of 1,783 new arrivals were accommodated in these special homes and 1,489 people were transferred to the facilities of the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*). For the first time this year, the special homes became

¹⁶⁵ Refugee Support Group.

¹⁶⁶ *Ibid.*

¹⁶⁷ Refugee Support Group.

¹⁶⁸ Bulgarian Red Cross.

overcrowded in July and at the end of the reporting period the occupancy rate reached 113 %.¹⁶⁹

NGOs also observed the overcrowding of two immigration detention centres in Busmantsi and Lyubimets. According to observers, the highest number of detainees were from Afghanistan and they seemed grossly misinformed, including by their smugglers, about the powers of border police and asylum authorities and about their own location and status.¹⁷⁰ For example, they asked NGO observers whether they were near Sofia and where the nearest border is.¹⁷¹

There have been talks about creating closed-type reception centres for asylum seekers, but these will probably be units linked to the existent immigration detention facilities of the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*). Asylum seekers who are posing a risk of disruptive behaviour or committing crimes against peers will be placed there and remain under the jurisdiction of the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*). Thus, institutions will avoid building new facilities and recruiting new staff.¹⁷²

2.6. Responses in law, policy and/or practice

The Prime Minister announced that the country is preparing for a serious refugee inflow after the attempted coup in Turkey. Military and police presence at the Bulgarian-Turkish border has been increased. According to the Prime Minister, Turkey is entering into an economic crisis and will soon face difficulties feeding 3 million refugees.¹⁷³

Prosecutors, investigative magistrates and police officers took part in training seminars on investigating human trafficking and irregular migration. Methodologies for investigating human trafficking and smuggling were presented and the protection of trafficking witnesses and trafficking victims was also discussed.¹⁷⁴

A young man was attacked with a knife by two migrants in Sofia. One of the migrants was an Iraqi citizen in an irregular situation and the other one was a Syrian with permanent residence. The victim explained that the two attackers

¹⁶⁹ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 30 June 2016 to 08.00 CET on 28 July 2016.

¹⁷⁰ Refugee Support Group.

¹⁷¹ *Ibid.*

¹⁷² Refugee Support Group.

¹⁷³ Bulgaria, Mediapool online (2016), 'Bulgaria is getting ready for a refugee wave from Turkey', 22 July 2016, available at: www.mediapool.bg/bulgaria-se-gotvi-za-bezhanska-valna-ot-turtsiya-news251947.html.

¹⁷⁴ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'Training seminars on investigating human trafficking and illegal migration were held in the town of Vidin and in the village of Novo selo', Press release, 6 July 2016, available at: www.prb.bg/bg/news/aktualno/obuchitelni-seminari-za-razsledvane-na-prestpleniy/.

attempted to approach a woman and he tried to protect her.¹⁷⁵ In response to the incident, the police undertook an operation to find and apprehend migrants in an irregular situation. Police officers searched the central Sofia mosque and detained several foreigners.¹⁷⁶

The police detained a total of 164 migrants in an irregular situation and asylum seekers in another special operation, conducted several days later. The detained were Syrian, Afghan and Iraqi citizens, accommodated in different houses. Among these people, there were also families with babies. Another 45 migrants were detained when attempting to cross from Bulgaria to Serbia and a number of other foreigners were detained at different locations. Some of them had registration cards of asylum applicants.¹⁷⁷ Finding migrants in an irregular situation was also among the priorities of a traffic safety operation announced by police authorities against trucks and buses.¹⁷⁸

2.7. Social response to the situation

The Open Society Institute – Sofia (OSI-Sofia) (*Институт „Отворено общество“ – София*, ИОО-София) presented the findings of a nationally representative survey on hate speech, carried out between 22 April and 13 May 2016. According to the survey, in 2016, the prevalence of hate speech has been rising compared to 2013 and 2014, while the willingness of society to resist it has been declining.¹⁷⁹ In the last four years, the share of respondents who reported that they had heard statements expressing disapproval, hatred or aggression towards members of minority groups has increased from 46 % to 58 %. The Roma are most often reported to be the victims of hate speech. However, the share of respondents who have heard statements expressing disapproval, hatred or aggression against Muslims in the last year has also significantly increased, from 11 % in 2014 to 38 % in 2016. Furthermore, in the last three years, the number

¹⁷⁵ Bulgaria, Vesti online (2016), 'A Bulgarian was wounded with a knife by migrants on Lavov most', 14 July 2016, available at: www.vesti.bg/bulgaria/incidenti/bylgarin-e-ranen-s-nozh-ot-migranti-na-lyvov-most-6056307.

¹⁷⁶ Bulgaria, Mediapool online (2016), 'Arrests of illegal immigrants around the mosque in Sofia', 15 July 2016, available at: www.mediapool.bg/aresti-na-nelegalni-imigranti-okolo-dzhamiyata-v-sofiya-news251676.html.

¹⁷⁷ Bulgaria, Mediapool online (2016), 'Over 160 illegal immigrants detained in Sofia', 19 July 2016, available at: www.mediapool.bg/nad-160-nelegalni-imigranti-sa-zadarzhani-v-sofiya-news251813.html.

¹⁷⁸ Bulgaria, Mediapool online (2016), 'Ministry of the Interior intensifies checks on trucks and buses until the end of the month', 25 July 2016, available at: www.mediapool.bg/mvr-izvarshva-zasileni-proverki-na-kamioni-i-avtobusi-do-kraya-na-mesetsa-news252059.html.

¹⁷⁹ Bulgaria, Open Society Institute – Sofia (2016), 'Public attitudes towards hate speech in Bulgaria in 2016', Press release, 12 July 2016, available at: http://osi.bg/?cy=10&lang=2&program=1&action=2&news_id=715. For the full text of the report see http://osi.bg/downloads/File/2016/Hate%20speech%20ENG%202016%20interact_final.pdf.

of people who do not approve of the use of hate speech in the public space has dropped from 85 % in 2014 to 74 % in 2016.¹⁸⁰

After the incident when the border police shot an Afghan citizen in the area of Sredetz (please see FRA weekly report 12-18 October 2015) was dismissed, the Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет*, БХК) issued a statement, questioning the impartiality and transparency of the prosecutorial actions.¹⁸¹

The Bulgarian Red Cross (BRC) (*Български червен кръст*, БЧК) held a School for Humanity for the first time in Bulgaria. Among the topics discussed were migration, discrimination, racism, radicalisation and humanity. Volunteers, children and youth, politicians and journalists, representatives of institutions and organisations working on migration were invited to participate. Migrants were invited to tell their personal life stories and their experiences of integration in Bulgaria.¹⁸²

IOM - Bulgaria and the Bulgarian Red Cross (BRC) (*Български червен кръст*, БЧК) continue to implement an AMIF project on education and training of third-country nationals and persons, who received international protection. Migrants are also counselled on residence, access to the labour market, conditions for obtaining Bulgarian citizenship, education of children and others.¹⁸³

2.8. Hate crime incidents

The case against Mr Gospodin Valev, also known as Dinko Valev, who illegally detained migrants at the border, was transferred from the Regional Prosecutor's Office in Sredets (*Районна прокуратура - Средец*) to the Sofia Regional Prosecutor's Office (*Софийска районна прокуратура*). The prosecutors in Sredets found that there was sufficient evidence of incitement to discrimination, violence and hatred based on race, nationality, ethnicity through speech and mass media and, since this was achieved thanks to the broadcast of a Sofia-

¹⁸⁰ Bulgaria, Open Society Institute – Sofia (2016), 'Public attitudes towards hate speech in Bulgaria in 2016', Press release, 12 July 2016, available at: http://osi.bg/?cy=10&lang=2&program=1&action=2&news_id=715. For the full text of the report see http://osi.bg/downloads/File/2016/Hate%20speech%20ENG%202016%20interact_final.pdf.

¹⁸¹ Bulgaria, Bulgarian Helsinki Committee (2016), 'A statement by the Bulgarian Helsinki Committee in relation to the termination of pre-trial proceedings to investigate the death of the Afghani citizen Ziaullah Vafa' Press release, 25 July 2016, available at: www.bghelsinki.org/bg/novini/press/single/poziciya-na-blgarski-helzinski-komitet-vv-vrzka-s-prekratyavane-na-dosdebnoto-proizvodstvo-za-razsledvane-na-smrtta-na-afganistanskiya-grazhdanin-ziaullah-vafa/.

¹⁸² Bulgarian Red Cross. For more information, see Bulgaria, Bulgarian Red Cross (2016), 'School for humanity for the first time in Bulgaria', Press release, 12 July 2016, available at: www.redcross.bg/news/view.html?nid=22995.

¹⁸³ Bulgarian Red Cross. For more information, see Bulgaria, International Organization of Migration - Bulgaria (2016), 'Bulgarian language lessons in Bourgas continue – and other news from the city', Press release, available at: <http://iom.bg/content/продължава-обучението-по-български-език-в-бургас-и-още-новини-от-града>.

based television channel, the case was forwarded to the authorities in Sofia. Human rights NGOs view this decision as a positive step.¹⁸⁴

Another well publicised 'refugee hunter' was released from his house arrest on BGN 3,000 (€1,536) bail. While the court deliberated on his release, a group of his followers started collecting signatures against islamisation in Europe and refugee quotas.¹⁸⁵

The Bulgarian Helsinki Committee (BHC) (*Български хелзинкски комитет*, БХК) has asked the Prosecutor General to initiate proceedings for the dismantling of two NGOs, which were acting against the Republic of Bulgaria and had created secret and militarised structures. The two organisations were among the first to form groups for the illegal detention of refugees crossing the Bulgarian-Turkish border.¹⁸⁶

¹⁸⁴ For example, see Bulgaria, Bulgarian Helsinki Committee (2016), 'Prosecutors in Sredets Find That Dinko Valev Incited Discrimination, Hatred and Violence against Refugees, Forwards the Case to the Sofia Regional Prosecutor's Office', Press release, 7 July 2016, available at: www.bghelsinki.org/en/news/press/single/20160707-press-dinko-valev-en/.

¹⁸⁵ Bulgaria, Mediapool online (2016), 'Refugee hunter Perata is no longer under house arrest', 20 July 2016, available at: www.mediapool.bg/lovetsat-na-bezhantsi-perata-veche-nyama-da-e-pod-domashen-arest-news251886.html.

¹⁸⁶ Bulgaria, Bulgarian Helsinki Committee (2016), 'On 21 June the BHC motioned the Prosecutor General to request the termination of Bulgarian Soldiers Union Vassil Levski and Bulgarian National Movement Shipka', Press release, 4 July 2016, available at: www.bghelsinki.org/bg/novini/press/single/20160704-press-ultranationalists/.

3. Germany

3.1. Stakeholders contacted

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

- Federal Ministry of the Interior (*Bundesministerium des Inneren*);
- Refugee Council Hamburg (*Flüchtlingsrat Hamburg*);
- Federal Association Unaccompanied Minor Refugees (*Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V.*).

3.2. Overview of the situation

The number of registrations in June 2016 increased slightly compared to May 2016, whereas the number of applications for asylum increased by more than 35 % compared to May 2016.¹⁸⁷ In June 2016, almost 75,000 applications for asylum were submitted and 16,335 newly arrived persons in need of international protection were registered in the EASY-System, an IT application for the initial allocation of asylum seekers to the 16 Federal States according to certain quota.¹⁸⁸

In June 2016, the people registered mainly originated from Syria (some 2,620), Afghanistan (some 2,360), Iraq (some 2,230), Russia (some 1,200) and Eritrea (some 1,160).¹⁸⁹

In the context of the EU emergency relocation mechanism, Germany agreed to relocate 150 people from Italy and Greece. So far, Germany received 37 asylum seekers who entered the EU in Greece and 20 from Italy.¹⁹⁰ Pro Asyl criticises

¹⁸⁷ Federal Ministry of the Interior, Press release, 8 July 2016, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/07/asylantraege-juni-2016.html;jsessionid=ABDA404FB8758591E92D6DF508B3FB10.2_cid287?nn=3315588.

¹⁸⁸ Federal Ministry of the Interior, Press release, 8 July 2016, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/07/asylantraege-juni-2016.html;%20jsessionid=ABDA404FB8758591E92D6DF508B3FB10.2_cid287?nn=3315588.

¹⁸⁹ Federal Ministry of the Interior, Press release, 8 July 2016, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/07/asylantraege-juni-2016.html;jsessionid=ABDA404FB8758591E92D6DF508B3FB10.2_cid287?nn=3315588.

¹⁹⁰ European Union Commission, Press release, 28 July 2016, available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf and http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/background-information/docs/20160713/factsheet_relocation_and_resettlement_-_state_of_play_en.pdf.

Germany's low commitment with respect to the EU relocation programme compared to other EU Member States like Poland, France and Slovakia.¹⁹¹

Problems and long visa procedures are repeatedly reported concerning family reunification of Syrian citizens. There is no reduced waiting time for Syrian citizens. The German government does not publish an average processing time, and several weeks or months are estimated to elapse between the first appointment and the visa granting. For example, at the German embassy in Beirut, the current waiting time for appointments for visa applications regarding family reunification (*Familiennachzug*) of Syrian citizens is 15 months. At the German embassy and consulates in Turkey, almost 45,000 appointments were booked by 17 June 2016. In Lebanon, at the end of June, some 8,000 appointments (concerning about 45,000 Syrians) were booked until September 2017. In Jordan, 828 appointments are scheduled for the next three months.¹⁹²

3.3. Criminal proceedings against migrants and people helping them

Police statistics for June were not available until 31 July 2016.

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

3.4.1 Registration and identification

In June 2016, the Federal Office for Migration and Refugees (BAMF) decided on around 51,760 applications. Some 18,910 people (36.5 %) received refugee status according to the Geneva Convention Relating to the Status of Refugees of 1951. In June 2016, 12,090 people (23.4 %) received subsidiary protection compared to some 5,600 people (15.3 %) in May 2016.

In addition, the BAMF reported suspensions of deportation orders for 709 people (1.4 %) according to Section 60 paragraph 5 or paragraph 7, sentence 1 of the Residence Act (*§ 60 Absatz 5 oder Absatz 7 Satz 1 des Aufenthaltsgesetzes*). This means expulsion is not possible if, for example, there is a substantial and specific danger to someone's life, such as a life-threatening disease; Article 60 paragraph 5 AufG also refers to cases that fall under Article 2 and 3 of the ECHR.

¹⁹¹ European Union Commission, Press release, 28 July 2016, available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf.

¹⁹² Available at: <http://dip21.bundestag.de/dip21/btd/18/091/1809133.pdf>, p. 4.

In June 2016, the BAMF rejected 12,207 applications (23.6 %). The applications of 7,845 people (15.1 %) were rejected on other grounds, such as Dublin procedures or because applicants withdrew their applications.¹⁹³

3.4.2 Asylum procedure

In June 2016, the Federal Office for Migration and Refugees (BAMF) registered 1,604 repeat applications (*Folgeanträge*). This is an increase of more than 33 % compared to May 2016. Asylum seekers from Serbia, Albania and Macedonia submit most of these applications.¹⁹⁴

Until now, there has been a problem with the long duration of asylum procedures. In June, nearly 495,800 asylum procedures were pending compared to some 459,700 in May 2016. Most of them (some 478,800) are first applications.¹⁹⁵

According to the Federal Ministry of the Interior, the increase in the number of pending cases is due to the fact that the Federal Office for Migration and Refugees (BAMF) has increased its number of staff in the past months and therefore has a greater capacity to register applications, especially of people who have entered Germany in 2015 and whose asylum case has not been opened yet.

By the end of this year, the Federal Office for Migration and Refugees intends to process all asylum procedures which have been pending since 2015 or longer, as well as the majority of applications submitted in 2016.¹⁹⁶

Pro Asyl reports that asylum seekers are invited to asylum interviews (*Asylanhörnung*) at a very short notice. Some invitations were sent even after the date of the interview at the Federal Office for Migration and Refugees (BAMF).¹⁹⁷ Furthermore, there are notification issues at big reception centres (*Erstaufnahmeeinrichtungen*), for example, with letters not being delivered to the receiver directly but to security or other unauthorised staff.¹⁹⁸

Unaccompanied children often wait longer than adults for a decision on their asylum application. Teenagers from Guinea (19.3 months), Ethiopia (17.3 months), Iran (15.0 months), Somalia (14.2 months) and Afghanistan (10.6 months) wait extremely long.¹⁹⁹ The average time required to process the

¹⁹³ Federal Ministry of the Interior, Press release, 8 July 2016, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/07/asylantraege-juni-2016.html;jsessionid=ABDA404FB8758591E92D6DF508B3FB10.2_cid287?nn=3315588.

¹⁹⁴ *Ibid.*

¹⁹⁵ *Ibid.*

¹⁹⁶ *Ibid.*

¹⁹⁷ Available at: www.proasyl.de/news/kurzfristige-oder-verfristete-ladungen-zu-asylanhoerungen/.

¹⁹⁸ Available at: <http://berlin-hilft.com/2016/07/bamf-probleme-bei-zustellung-von-anhoerungsterminen-loesungshinweise/>.

¹⁹⁹ Available at: <http://dip21.bundestag.de/dip21/btd/18/092/1809273.pdf>.

applications of unaccompanied children is 7.4 months compared to 6.3 months for other asylum seekers.

Many unaccompanied children have to wait several months before a legal guardian (*Vormund*) is appointed to them, who then is allowed to apply for asylum on their behalf.²⁰⁰

3.4.3 Return procedure

According to an instruction from the Federal Office for Migration and Refugees on the Asylum Procedures Acceleration Act (*Asylverfahrensbeschleunigungsgesetz*) of 24 October 2015, which was leaked to several human rights organisations, lawyers and NGO-refugee-networks, persons to be removed must not be informed of the date of deportation (*Abschiebung*) once the deadline for voluntary departure (*Freiwillige Rückkehr*) has expired. This rule also applies to transfers of asylum seekers under the Dublin procedure. Lawyers are prevented from getting full insight into the respective asylum files.²⁰¹

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

3.5.1 Reception conditions and capacity

In various federal states, an increasing number of asylum seekers at first reception centres (*Zentrale Erstaufnahmeeinrichtungen*) are waiting to move into regular accommodation (*Folgeunterkünfte*). In Hamburg, for example, 8,000 refugees are waiting to be transferred while five initial reception centres should be closed in 2016 and eleven in 2017.²⁰²

Unconfirmed reports by NGOs indicate that refugees experience the process of fingerprinting and photographing by uniformed staff as threatening. At some reception centres, the German army (*Bundeswehr*) and customs officers are in charge of this process, assisting the local or government authorities (*Amtshilfe*).

²⁰⁰ Bundesfachverband unbegleitete minderjährige Flüchtlinge, Press release, 26 July 2016, available at: www.b-umf.de/images/160725_PM_Asyl-Zahlen.pdf.

²⁰¹ Forwarded E-Mail (end of July 2016) of the Federal Office for Migration and Refugees: „Sie erhalten folgende Weisung mit der Bitte um Beachtung und sofortige Umsetzung: „Seit dem Inkrafttreten des Asylverfahrensbeschleunigungsgesetzes am 24.10.2015 darf nach Ablauf der Frist zur freiwilligen Ausreise der Termin der Abschiebung dem Ausländer nicht angekündigt werden, § 59 Absatz 1 Satz 8 AufenthG. Dieses Verbot gilt auch für Überstellungen im Rahmen des Dublin-Verfahrens. Nach dem Wortlaut von § 59 Absatz 1 Satz 8 AufenthG und nach Sinn und Zweck der Regelung bezieht sich das Verbot auf die Fälle der zwangsweisen Aufenthaltsbeendigung, also auch auf die Dublin-Überstellungen. Ziel der Regelung ist es nämlich, das Risiko des Untertauchens zu reduzieren.; es darf nicht über die Gewährung von Akteneinsicht ausgehebel werden. Auch in Dublin-Fällen sind deshalb ab sofort, spätestens ab dem 01.08.2016 alle Dokumente, aus denen sich der Termin der geplanten Überstellung ergibt, von der Akteneinsicht auszunehmen. Ein Einsichtsrecht besteht insoweit gem. § 29 Abs. 2 VwVfG nicht. ‘

²⁰² Zentraler Koordinierungsstab Flüchtlinge in Hamburg, Press release, 16 June 2016, available at: www.hamburg.de/zkf-pressemeldungen/6376766/2016-06-16-zkf-aktualisierte-kapazitaetsplanung/.

This is, for example, the case in the two facilities (*Warteräume*) in Erding and Freikirchen that are run by the Federal Office for Migration and Refugees.²⁰³

3.5.2 Vulnerable persons

According to the Refugee Council Hamburg (*Flüchtlingsrat Hamburg*), the hygienic and social conditions of several refugee accommodations are still not adequate. For instance, beds are not separated by a wall or partition at the reception centre in Hamburg-Boberg (Osterrade), which has 420 beds. The Refugee Council Hamburg also reports about male security staff guarding a reception facility for women.²⁰⁴

3.5.3 Child protection

The number of unaccompanied children decreased in the first six months of 2016. In July 2016, some 52,417 unaccompanied children were under care of the Children and Youth Services (*Kinder- und Jugendhilfe*), compared to 59,678 in January 2016. The Federal Association Unaccompanied Minor Refugees (*Bundesfachverband unbegleitete minderjährige Flüchtlinge*) states that in 2015 legal standards could not always be respected due to the sudden increase in the number of unaccompanied children. The decrease should therefore be used as an opportunity to ensure that proper and legally compliant measures are in place, to avoid that children are accommodated in adult or homeless shelters, assistance is stopped or procedures take long.²⁰⁵

3.5.4 Healthcare

The contacted stakeholders provided no new relevant information. See also the thematic focus on disability and victims of torture.

3.5.5 Immigration detention

At Hamburg airport, a pre-removal facility (*Ausreisegewahrsam*) with a capacity of 20 people is being built to facilitate removals. The space for 15 people is reserved for Hamburg and five spaces are reserved for returnees from Schleswig-Holstein. According to Section 62b in the Residence Act (*Aufenthaltsgesetz*), a person can be placed in custody for up to four days by

²⁰³ Available at: www.bamf.de/DE/DasBAMF/Aufbau/Standorte/Warteraeume/warteraeume-node.html.

²⁰⁴ Refugee Council Hamburg, July 2016.

²⁰⁵ Bundesfachverband unbegleitete minderjährige Flüchtlinge, Press release, 26 July 2016, available at: www.b-umf.de/images/160725_PM_AsyI-Zahlen.pdf, <http://dip21.bundestag.de/dip21/btd/18/092/1809273.pdf>.

judicial order if s/he has not cooperated and is expected to continue obstructing the return.²⁰⁶

Hamburg is the first federal state that is setting up a deportation custody facility (*Ausreisegewahrsam*). According to the Senate of Hamburg, no unaccompanied children will be detained there. There will be separate cells for female detainees. So far, it is unclear if female staff will be employed and how social and medical services will be covered.²⁰⁷

3.6. Responses in law, policy and/or practice

Data Exchange Act (*Datenaustauschgesetz*)

At the end of June, the second phase of implementing the reformed Data Exchange Act (*Datenaustauschgesetz*) started. From now on, data referring to profession, education, qualification, health condition and language proficiency is collected and saved in the Central Register of Foreigners (*Ausländerzentralregister* – AZR). This is intended to speed up all refugee management processes. Access to the AZR has been provided to 6,700 authorities (registration authorities, youth offices, courts etc.) in addition to the already connected reception centres, foreigners, job placement and integration authorities. The AZR is as a central information hub with, overall, 14,000 authorities able to request access to certain data.²⁰⁸

The extension of the AZR has been criticised in some parts, especially its data protection implications and the forwarding of non-anonymous data for scientific research.²⁰⁹

Integration Act (*Integrationsgesetz*)

On 7 July, the German parliament decided on the first, and heavily discussed, Integration Act (*Integrationsgesetz*). It includes both improvements and further restrictions for refugees. Asylum seekers face cuts in social benefits (*Asylbewerberleistungsgesetz*) if they reject mandatory measures such as German language classes (*BAMF Integrationskurs*) or non-profit jobs.

For applicants whose asylum procedure is still pending, up to 100,000 non-profit jobs are created, similar to the one-euro jobs for social assistance (*Hartz IV*)

²⁰⁶ Departmental authority for the interior and sports in Hamburg, July 2016.

²⁰⁷ Available at: www.buergerschaft-hh.de/ParlDok/dokument/51956/abschiebe-gewahrsam-am-hamburger-flughafen-ii-.pdf.

²⁰⁸ Federal Office of Administration, Press release, 4 July 2016, available at: www.bva.bund.de/SharedDocs/Downloads/DE/BVA/Pressemitteilungen/2016/zweite_erweiterung_azr.pdf?jsessionid=031303C17D42F88F20883E2A18B549FC.1_cid393?__blob=publicationFile&v=1 and Central Foreigners Register Act (*Gesetz über das Ausländerzentralregister (AZR-Gesetz)*), available at <http://www.gesetze-im-internet.de/azrg/>.

²⁰⁹ Federal Commissioner for Data Protection and Freedom of Information, 4 January 2016, available at: www.bundestaq.de/blob/401316/56e7403b97a9679ec41ec49f6a59e1b0/18-4-472-f-data.pdf.

recipients. However, asylum seekers should only receive €0.80 per hour instead of €1.05 to €2.00 such as German citizens or people with residence permits.

A law requiring employers to give preference to German or EU job applicants over asylum seekers will be suspended for three years.

Furthermore, the new law allows the federal states to prohibit refugees from choosing their residence within the federal state within the first three years after the Integration Act is implemented.²¹⁰

Human rights organisations like Pro Asyl, some women's organisations and opposition parties have criticised the new law. The bill was called an 'Integration Prevention Law'.²¹¹ Pro Asyl described the law as a 'huge step backwards'. Its themes are 'coercion, sanctions and precariousness'.²¹²

Sexual Offences Act (*Sexualstrafrecht*)

On 8 July 2016, the Bundestag approved the amendment of the Sexual Offences Act (*Sexualstrafrecht*). The bill extends the scope of criminal behaviour to all sexual acts without the other person's consent. The amendments in the Sexual Offences Act were said to be implemented in response to the sexual offences on New Year's Eve in Cologne and other German cities. Although 85 % of all sexual offences are committed by Germans,²¹³ the public debate focused on male asylum seekers from North African countries. Changes were also made to Section 54 (1) and 54 (2) of the Residence Act (*Aufenthaltsrecht*), enabling the expulsion of non-nationals convicted for sexual assault, sexual offence, or rape as per the revised Section 177 of the Penal Code.²¹⁴ This lowers the threshold for the expulsion of non-German criminals.

3.7. Social response to the situation

On 10 July 2016, a demonstration against the deportation of Roma (*Abschiebungen von Rom*nja stoppen!*) took place in Berlin. There are several symbolic occupations and activities concerning this issue in various cities, for example, Berlin, Regensburg, and Hamburg. They call for the withdrawal of the classification of Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia as 'safe countries of origin' (*Sichere Herkunftsstaaten*)

²¹⁰ Available at: www.bundestag.de/dokumente/textarchiv/2016/kw27-ak-integrationsgesetz/433724.

²¹¹ Available at: www.dw.com/de/bundestag-ber%C3%A4t-umstrittenes-integrationsgesetz/a-19303914.

²¹² Available at: www.proasyl.de/wp-content/uploads/2015/12/2016-05-19-PRO-ASYL-Stellungnahme-Integrationsgesetz.pdf, www.nds-fluerat.org/wp-content/uploads/2016/06/offener-Brief-an-Klingbeil-SPD-Nds-HB-29-06-2016.pdf.

²¹³ Speech, Federal Minister of Justice (*Bundesjustizminister*) Heiko Maas, February 2016, available at: www.bmjv.de/SharedDocs/Interviews/DE/2016/Namensartikel/02062016_TSP_ReformSexualstrafrecht.html.

²¹⁴ Available at: www.bundesregierung.de/Content/DE/Artikel/2016/03/2016-03-16-sexuelle-selbstbestimmung.html.

based on Section 29a (3) of the Asylum Act (*Asylgesetz*).²¹⁵ The Refugee Council Hamburg reports that several Roma in Hamburg did not want to take part in the demonstration in Berlin as they feared negative consequences, such as custody or expulsion. Furthermore, they were not sure if they could return to the protected space within a church.

The Europe-wide campaign of the Council of Europe against hate speech was launched. The organisation New German media makers (*Neuen deutschen Medienmacher*) coordinates the campaign in Germany.²¹⁶

3.8. Hate crime incidents

During July 2016 (last updated on 27 July 2016), Pro Asyl and the Amadeu Antonio Foundation recorded²¹⁷ in total 21 violent attacks directed at asylum seekers (25 injured people), including shootings with airsoft balls (*Softair-Kugeln*):

- One in Baden-Württemberg.
- Six in Bavaria.
- One in Berlin.
- One in Brandenburg.
- One in Hessen.
- Two in Lower Saxony.
- One in North Rhine-Westphalia.
- Two in Saxony.
- Three in Saxony-Anhalt.
- Three in Thuringia.

In total, three arson attacks against reception and accommodation centres were recorded:

- One in Bavaria.
- Two in Brandenburg.

In total, eight 'other attacks' against reception and accommodation centres (for example, damage of property) were recorded:

²¹⁵ Available at: www.bundesromaverband.de/, www.alle-bleiben.info/balkan-fluchtlinge-besetzen-regensburger-dom/.

²¹⁶ Available at: <https://no-hate-speech.de/de/>.

²¹⁷ Please note: The chronicle only lists 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, see, for example: www.netz-gegen-nazis.de/.

- Three in Bavaria.
- One in North Rhine-Westphalia.
- Four in Saxony.

In total, three hostile demonstrations against refugees were recorded:²¹⁸

- One in Bavaria.
- One in North Rhine-Westphalia.
- One in Saxony.²¹⁹

The racist violence against refugees significantly increased in 2016 compared to the first half of 2015. The number of attacks has more than doubled, with already 90 arson attacks and 202 injured refugees in 2016. According to the Amadeu Antonio Foundation and Pro Asyl, violent attacks on refugees are committed every day and refugee accommodations are subjected to arson attacks every three days on average. According to the Amadeu Antonio Foundation and Pro Asyl, the figure is likely to be significantly higher since many cases never appear in public – partly because the victims are afraid of the police or they do not want to attract any attention out of concern for their residence status or their current asylum procedures. Similarly, attacks on police, press or refugee supporters are only covered to a limited extent.²²⁰

²¹⁸ According to the Amadeu Antonio Foundation and Pro Asyl, there are hundreds of demonstrations and rallies against refugees. However, their chronicle is limited to demonstrations in which justiciable incidents (not having announced the rally to/at the authorities, hate speech/incitement of the people (*Volksverhetzung*), Hitler salutes, attacks on pro-refugee demonstrators, press, police, etc.) have taken place.

²¹⁹ Available at: www.mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle.

²²⁰ Available at: www.blaetter.de/archiv/jahrgaenge/dokumente/%C2%BBstarker-anstieg-rassistischer-gewalt-im-jahr-2016%C2%AB, www.mut-gegen-rechte-gewalt.de/news/reportagen/neue-dimension-der-gewalt-2016-06.

4. Greece

4.1. Stakeholders contacted

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

- Ministry for Migration Policy (*Υπουργείο Μεταναστευτικής Πολιτικής*);
- Ministry of Health (*Υπουργείο Υγείας*);
- Hellenic Police Headquarters (*Αρχηγείο Ελληνικής Αστυνομίας*);
- The Hellenic Coast Guard (*Λιμενικό Σώμα-Ελληνική Ακτοφυλακή*);
- Asylum Service Greece (*Υπηρεσία Ασύλου*);
- United Nations High Commissioner for Refugees (UNHCR) Greece (*Ύπατη Αρμοστέία του ΟΗΕ για τους Πρόσφυγες, γραφείο Ελλάδας*);
- Racist Violence Recording Network (*Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας*);
- Medecins Du Monde Greece - MDM Greece (*Γιατροί του Κόσμου, γραφείο Ελλάδας*);
- International Organization for Migration - IOM (*Διεθνής Οργανισμός Μετανάστευσης*);
- NGO PRAKSIS (*ΜΚΟ ΠΡΑΞΙΣ*);
- National Centre for Social Solidarity (*Εθνικό Κέντρο Κοινωνικής Αλληλεγγύης*).

4.2. Overview of the situation

Around 1,810 people arrived in Greece by sea in July 2016, including some 330 children, mainly from Syria (some 170).²²¹ Lesbos was the main point of entry (some 1,110), followed by Chios (some 250), Kos (some 220), Leros (some 100), Samos (some 60), Koroni (some 30), Rhodes (some 20) and Kalymnos (some 15). New arrivals include mostly Syrian (some 490), Pakistani (some 330) and Afghan (some 210) nationals.²²²

²²¹ Hellenic Coastguard.

²²² *Ibid.*

4.3. Criminal proceedings against migrants and people helping them

4.3.1 Criminal proceedings initiated against migrants and asylum seekers

No criminal proceedings were initiated against migrants and asylum seekers for irregular border crossings.²²³

4.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

In July 2016, the Greek authorities prosecuted 16 cases of suspects allegedly involved in smuggling. The majority were Pakistani nationals (nine).²²⁴

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

4.4.1 Registration and identification

The Asylum Service announced that the pre-registration exercise launched on the 8 June 2016 was completed. Those who have not been able to pre-register and wish to apply for asylum can do so, preferably by obtaining a registration appointment through Skype. Given that the vast majority of those who wish to pre-register have done so by now, access to the Skype system should function more efficiently.²²⁵

Between 1 and 27 July 2016, the Reception and Identification Service registered 1,094 people, including some 130 people belonging to vulnerable groups (specifically some 60 unaccompanied children with an average age of 12 years, some 10 persons with disabilities, some 70 single parent families, some 40 victims of physical or other abuse and three elderly persons). Out of these, 796 were men and 298 women. The majority of the registration was conducted in Lesbos.

4.4.2 Asylum procedure

In July 2016, 743 individuals have been relocated from Greece to other Member States. Around 400 were male and 340 were female. The majority of people were

²²³ Hellenic Police Headquarters.

²²⁴ Hellenic Coastguard.

²²⁵ Asylum Service: <http://goo.gl/rO4eJX>.

relocated to France (413), the Netherlands (100), Finland (81), Belgium (70), Romania (60), Portugal (5) and Estonia (4).²²⁶

The total number of asylum applications in July 2016 was some 4,000. Some 2,500 applicants were men and 1,500 were women.²²⁷ The main region of registration was Attica (some 1,400), followed by Thessaloniki (some 860), while the majority of applicants were 18-34 years of age.²²⁸ They originated mostly from Syria (some 2,880), Pakistan (some 510) and Afghanistan (some 100).²²⁹

4.4.3 Return procedure

In July 2016, there were 686 registrations for the IOM programme Assisted Voluntary Return and Reintegration. Some 420 people have been returned: approximately 250 men, 90 women and 80 children. The majority of people registered and returned were from Afghanistan, Iraq and Pakistan.²³⁰

The Hellenic Police did not provide any information regarding forced returns.

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

4.5.1 Reception conditions and capacity

On 12 July 2016, the NGO PRAKSIS issued a press release announcing that lately an increasing number of refugees, in particular mothers with children, abandon refugee sites due to the poor living conditions and remain outside their premises while requesting a place to stay. PRAKSIS, an implementing partner of the UNHCR in the Emergency Response and Relocation scheme programme, stated that the organisation is not in a position to substitute the authorities in the provision of accommodation and cannot take responsibility for matters that do not fall within its competencies.²³¹

According to reports, a clash between Afghans due to unknown reasons led to the death of a young Afghan on 14 July 2016 in the refugee camp Elliniko, the former airport in Athens.²³²

²²⁶ IOM Greece.

²²⁷ Asylum Service.

²²⁸ The Asylum Service did not provide information on whether the applicants were new arrivals.

²²⁹ Asylum Service. The Asylum Service provided the recognition rate statistics, based on data from decisions (at first instance) until 31 May 2016.

²³⁰ IOM Greece.

²³¹ NGO PRAKSIS: <http://goo.gl/wbFRcE>.

²³² Available at: www.kathimerini.gr/867478/article/epikairothta/ellada/nekros-afganos-metanasths-sto-ellhniko.

On 7 July 2016, a Syrian man threatened to commit suicide in Chios, where he was staying since April 2016. He requested that his asylum claim will be processed in a faster way.²³³

A nation-wide food and cash needs assessment requested by the Office of the Alternate Minister of Migration Policy was completed with the support of UNHCR. The outcome of the assessment is expected to be officially announced and disseminated shortly. The UNHCR, together with the members of the food security and cash working groups, are actively preparing to support Greek authorities with the implementation of recommendations from the assessment.²³⁴

4.5.2 Vulnerable persons

UNHCR met with the Greek Reception and Identification Service (RIS) and conducted seminars on ways to strengthen the identification and management of Sexual and Gender Based Violence (SGBV) cases at various sites, and prepared strategies for SGBV prevention and response at the sites that RIS manages.²³⁵

4.5.3 Child protection

More than 3,000 unaccompanied children have registered for accommodation between 1 January and 25 July 2016. All 704 beds available for unaccompanied children in specialised facilities are occupied. Over 1,400 unaccompanied children are on the waiting list for shelter; some 350 of them are detained in hotspots or kept in police custody until suitable shelter is found. There are an estimated 360 beds in the pipeline, being planned by various partners, although timelines and final plans are not yet clear. While temporary shelters can take up to four to six weeks to establish, there is an urgent need to find emergency alternative shelter and care for unaccompanied children, possibly in designated spaces within existing sites/refugee camps. There are currently 155 safe spaces at reception centers (open sites/refugee camps) that have been designated for unaccompanied children as a short term alternative to detention. It is expected that the number of unaccompanied children will continue to rise. EKKA, the state agency responsible for their accommodation, is anticipating a demand for a minimum of 520 additional spaces in specialised shelters and transit facilities.²³⁶

Nearly 27,300 people were pre-registered by 24 July 2016, out of which over 600 unaccompanied children and almost 500 separated children have been identified. The Greek Asylum Service will provide final statistics of the pre-registration exercise. In addition to identifying and referring unaccompanied and separated children, UNHCR supports the Greek authorities in providing protection

²³³ Available at: <http://tvxs.gr/news/ellada/prosfygas-apeiloyse-na-kopsei-tis-flebes-toy-sti-xio>.

²³⁴ UNHCR, weekly reports.

²³⁵ Ministry for Migration Policy.

²³⁶ National Centre for Social Solidarity.

and appropriate shelter to them, both on the islands and on the mainland. In agreement with the Secretary General for Reception under the Alternate Minister of Migration Policy, UNHCR and site managers have identified safe areas for the children at the sites Elaionas and Schisto and in the Attica region, in addition to the ones already operational in northern Greece.²³⁷

4.5.4 Healthcare

On 21 July 2016, the Hellenic Centre for Disease Control and Prevention (KELPNO) published a report on public health conditions at the accommodation centres. Following their visits to 16 refugee sites, the Centre proposed the total closure of these infrastructures due to the problems and risks to public health resulting from the living conditions there.²³⁸

Vaccinations of children continued throughout the country following the launch of the Ministry's of Health vaccination campaign.²³⁹ Since the start of the vaccination campaign, over 11,400 children have been vaccinated before 20 July 2016.²⁴⁰

4.5.5 Immigration detention

The current capacity of the pre-removal centres in Greece is 5,099. On 30 July 2016, the total number of detainees was 1,478 people, 533 of whom were asylum seekers. The total capacity for all pre-removal centres, screening centres and the First Reception Centre (Orestiada) is 5,856. On 30 July 2016, the total number of detainees was 2,593 people, which means a 44 % occupancy rate.²⁴¹ No alternatives to detention are implemented.²⁴²

4.6. Responses in law, policy and/or practice

On 20 July 2016, the Ministerial Decision no. 392/20-07-2016 was published in the Official Gazette. The decision establishes five independent Appeals Authority Committees under the new Law 4399/2016. This law provides that the Appeals Authorities Committees must be composed of two administrative judges and one

²³⁷ UNHCR, weekly reports.

²³⁸ Available at: www.keelpno.gr/Portals/0/Αρχεία/Νέα%20-%20Ανακοινώσεις/2016/Γνωμάτευση%20Κέντρων%20Φιλοξενίας_21-7-2016.pdf.

²³⁹ Ministry of Health.

²⁴⁰ Ministry of Health.

²⁴¹ Ministry for Migration Policy.

²⁴² NGO PRAKSIS.

member appointed by the UNHCR. The newly established committees will start examining appeals on 2 August 2016.²⁴³

On 27 July 2016, the riot police evacuated three refugee housing squats in Thessaloniki. The police also made 74 arrests during this large scale operation. In protest to the evacuation, symbolic squats took place in the premises of the Syriza party in Thessaloniki.²⁴⁴

The Greek Council for Refugees issued a press release, announcing that the Administrative Court of Mytilene in Lesbos suspended the deportation order of a Syrian refugee in the context of the EU-Turkey agreement until the discussion of the suspension request, which was set for 27 September 2016.²⁴⁵

The first interministerial meeting with international organisations and non-governmental actors concerning education was organised, and included UNHCR, UNICEF, representatives from the European Commission and NGOs. In view of the gradual integration of refugee children into the national education system, the authorities called on humanitarian actors to present their projects and enhance their presence at the sites. The Ministry of Education also announced the results of an educational activities assessment conducted by a government-commissioned committee at 43 temporary accommodation sites on the Greek mainland. Only in four to five locations (out of the 43 sites) had designated learning spaces. A total of 105 interventions for children and 48 for adults were recorded and carried out by a variety of actors (international and national NGOs, universities, other civil society groups, etc.). At seven sites, refugees had already initiated recreational activities, art, creative games and language lessons (mostly in English, but also in Greek and Arabic) and, in some cases, math lessons. Training of teachers and awareness raising initiatives have been foreseen in the academic year 2016/17.²⁴⁶

4.7. Social response to the situation

On 28 July 2016, a demonstration took place in the centre of Athens against the evacuation of buildings in Thessaloniki that had been occupied to accommodate refugees.²⁴⁷

²⁴³ Available at: www.et.gr/idocs-nph/search/pdfViewerForm.html?args=5C7QrtC22wFHp_31M9ESQXdtvSoClrL85ahmFUsjffJ5MXD0LzQTLWPU9yLzB8V6PZKHBUSqIM6CiBSQOpYnTy36MacmUFCx2ppFvBej56Mmc8Qdb8ZfRJqZnsIAdk8Lv_e6czmhEembNmZCMxLMtc6J1OAwUKw9pBwIqUnLrxx8FNMuzSzqfJz34cZaYqu0.

²⁴⁴ Available at: www.efsyn.gr/arthro/dekades-syllipseis-se-ypo-katalipsi-ktiria-tis-thessalonikis.

²⁴⁵ Available at: www.qcr.gr/index.php/el/news/press-releases-announcements/item/597-prosorini-anastoli-apelasis-stin-tourkia-tou-syrou-prosfyga-m-f.

²⁴⁶ UNHCR's weekly reports.

²⁴⁷ [Refugee Accommodation and Solidarity Space City Plaza](https://www.facebook.com/sol2refugeesen/photos/a.1569641766661494.1073741828.1568287556796915/1598436750448662/?type=3&theater) official Facebook page: www.facebook.com/sol2refugeesen/photos/a.1569641766661494.1073741828.1568287556796915/1598436750448662/?type=3&theater.

4.8. Hate crime incidents

The Racist Violence Recording Network (RVRN) has not recorded any incidents of racially motivated violence or hate crime, or any other related incident in the past month.²⁴⁸

On 9 July 2016, following the demonstration that took place inside the hotspot area on 7 July 2016, refugees and migrants accommodated in Leros demonstrated against their restriction orders. Some 200 people left the hotspot area and walked to the main city of Leros (Lakki), where they expressed their unwillingness to return to the hotspot due to security issues. They stated that they were feeling unsafe since tensions have risen inside the hotspot. Several locals established civilian vigilante groups to stop the demonstrations and tension was created, leading to small scale conflicts between the locals and refugees/migrants.²⁴⁹ On 12 July 2016, the Mayor of Leros sent an open letter to the Prime Minister of Greece, calling for the immediate closure of the hotspot.²⁵⁰ On 13 July 2016, some locals demonstrated outside the PIKPA building, an infrastructure belonging to the Greek Reception and Identification Service, which is used for the accommodation of vulnerable groups and is run by the Leros Solidarity Network. They called for the closure of all infrastructures that accommodate refugees and migrants on the island.²⁵¹

²⁴⁸ Racist Violence Recording Network.

²⁴⁹ Available at: www.lerosnews.gr/1/2/ta-nea-tis-lerou/8235-leros-o-nomos-sta-cheria-twn-politwn-machh-swma-me-swma-me-toys-metanastes-video.html.

²⁵⁰ Available at: www.lerosnews.gr/1/2/ta-nea-tis-lerou/8267-leros-thn-amesh-paysh-leitoyrgias-toy-hotspot-zhtaei-o-dhmarchos-apo-ton-prwthypoyrgo.html.

²⁵¹ Available at: www.efsyn.gr/arthro/ratsistiko-menos-apo-aganaktismenoys-katoikoys.

5. Hungary

5.1. Stakeholders contacted

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

- Ministry of Internal Affairs (*Belügyminisztérium*);
- National Police Headquarters (*Országos Rendőr-főkapitányság*);
- Office of Immigration and Nationality (*Bevándorlási és Állampolgársági Hivatal*);
- General Attorney's Office (*Legfőbb Ügyészség*);
- County Court of Szeged (*Szegedi Törvényszék*);
- United Nations High Commissioner for Refugees (UNHCR) Hungary;
- Hungarian Association for Migrants (*Menedék Migránsokat Segítő Egyesület*);
- MigSzol – Migrant Solidarity Group of Hungary;
- Cordelia Foundation (*Cordelia Alapítvány*).

5.2. Overview of the situation

In July 2016, only 844 people crossed the border into Hungary.²⁵² This is a dramatic decrease compared to June (some 4,200). It is the result of the new law that entered into force on 5 July 2016, which allows the police to send back migrants apprehended within 8 km of the Serbian border to the Serbian side of the fences to make them wait until they can submit their claims for asylum in one of the transit zones.²⁵³ As usual, most of the new arrivals came through the border with Serbia.²⁵⁴ Eighty percent of the new arrivals were men and 20 % were women. There were 124 people below 18 years of age, 18 of them were unaccompanied children.²⁵⁵ The police do not keep statistics of the number of people with disabilities.²⁵⁶ Most of the new arrivals came from Afghanistan, Pakistan, Syria and Iraq. Around 10 % of the new arrivals came from African countries (mostly from Algeria and Morocco).²⁵⁷

252 National Police Headquarters.

253 Article 2 of Act XCIV of 2016 on amending laws necessary to conduct asylum procedures at the border in a wide scope, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1600094.TV&xtreferer=00000003.TXT.

254 National Police Headquarters.

255 *Ibid.*

256 *Ibid.*

257 *Ibid.*

The police have been publishing statistics on the number of people they prevented from entering the country on their website since 5 July 2016. In July, the police prevented 4,167 people from crossing the border into Hungary.²⁵⁸ This figure proves that the number of people seeking entry into Hungary did not actually decrease in July. Civil society organisations are extremely worried about what the word 'prevent' might mean in this context as they are experiencing a growing number of push-back incidents and violence from the Hungarian soldiers and policemen who guard the borders.²⁵⁹

In July, 484 people applied for asylum. Asylum seekers were mainly from Afghanistan (139), Pakistan (107), Syria (66), Iraq (44) and Iran (12).²⁶⁰ Some of these applications were not submitted by new arrivals. Some people, who have already been sentenced to an entry-ban after committing the crime of unauthorised border fence crossing, also applied for asylum. Asylum seekers cannot be expelled from the country during the asylum procedure. The police claim that they always inform the apprehended asylum seekers about their right to apply for asylum; however, civil society organisations have experienced that the authorities have failed to give proper information to people about their rights in several cases.²⁶¹

5.3. Criminal proceedings against migrants and people helping them

5.3.1 Criminal proceedings initiated against migrants and asylum seekers

The police apprehended around 18 % of the new arrivals for committing the crime of unauthorised border fence crossing, as they had climbed over, or ducked under the fences installed at the Serbian-Hungarian border. The police initiated criminal proceedings against 154 of them in July.²⁶²

Due to the new procedure to return people apprehended within 8 km of the border to the Serbian side of the fence, the number of criminal trials significantly decreased in July. If the police apprehend refugees within 8 km of the Serbian and Croatian borderline, they escort them back behind the fences, and only

²⁵⁸ National Police Headquarters.

²⁵⁹ MigSzol, based on the interviews the NGOs conducted with some of the people waiting outside the border fences close to the transit zones along the Serbian borderline.

²⁶⁰ National Police Headquarters.

²⁶¹ UNHCR Hungary.

²⁶² The provision of unauthorised border crossing as an offence is set out in Article 352/A of Act C of 2012 on the Criminal Code, available at: http://njt.hu/cqi_bin/njt_doc.cgi?docid=152383.297990#foot_121_place. The provision was introduced in the Criminal Code by Act CXL of 2015 on the amendment of certain laws as a result of the migrant situation, available at: http://njt.hu/cqi_bin/njt_doc.cgi?docid=177552.298006. Act CXL of 2015 entered into force on 15 September 2015.

initiate criminal proceedings for unauthorised border fence crossing if they witness the incident. The District Court of Szeged (*Szegedi Járásbíróság*) held 45 criminal trials concerning unauthorised border fence crossings. Forty-four people involved in these trials were sentenced to expulsion. On one occasion, the Court sent the case back to the prosecutor for further investigation. The defendants originated mainly from Pakistan, Afghanistan, Syria and Iran. Thirty-nine defendants received a one-year entry ban, and five defendants received a two-year entry ban. None of the defendants appealed against the decisions, and no one requested the translation of the Court's verdict in writing.²⁶³

During the reporting period, the police initiated criminal proceedings against 55 people (most of them were new arrivals), who were suspected of having committed the crime of forging public documents when they tried to enter Hungary.²⁶⁴

The District Court of Szeged found 10 of the 'Röszke 11' group (a group of 11 refugees who were arrested by the police after they participated in a protest on 16 September 2015 at the Serbian-Hungarian border, just after the Hungarian Government had closed the southern borders) guilty of participating in a riot at the border crossing close to the city of Horgos. Six defendants were sentenced to prison for one year and two months and received a four-year entry ban, one defendant was sentenced to a three-year long imprisonment along with a 10-year entry ban, and three defendants got suspended prison sentences and a four-year entry ban. All defendants appealed against the decisions of the Court of first instance, and the Hungarian Helsinki Committee will represent them all during the appellate procedure.²⁶⁵ Civil society organisations state that the defendants were found guilty in 'show trials' that were full of mistranslations and racist rhetoric, meanwhile the seriously ill and disabled defendants had to spend nine and a half months in prison in very poor conditions.²⁶⁶ The eleventh person is charged with terrorism because he threw stones at the policemen in Horgos on 16 September 2015. His procedure is still ongoing and he is facing up to 20 years in prison.²⁶⁷

5.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

In July, the police apprehended and initiated new criminal proceedings against 23 people who were accused of committing the crime of human smuggling.²⁶⁸ Perpetrators were nationals of Hungary, Romania, Poland, Serbia, Pakistan and

²⁶³ County Court of Szeged.

²⁶⁴ National Police Headquarters.

²⁶⁵ County Court of Szeged.

²⁶⁶ MigSzol.

²⁶⁷ County Court of Szeged.

²⁶⁸ National Police Headquarters.

Afghanistan. In one case, a team of two Serbian and three Romanian human smugglers tried to assist 14 refugees in Bács-Kiskun County, a county that lies along the Serbian-Hungarian borderline, to enter Hungary illegally and travel further west. The smugglers asked for money in exchange for their services.²⁶⁹ The Hungarian Criminal Code orders human smuggling activities punishable even if the perpetrator facilitating irregular entry or stay is not acting for profit.²⁷⁰ Moreover, the activities of volunteers helping refugees (for example, inviting them to stay in their homes, transporting them with their car, lending them their mobile phones) can also be interpreted as participating in human smuggling under Hungarian criminal law. Such crimes are punishable by several years of imprisonment; however, they have not been applied to volunteers helping refugees so far.

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

5.4.1 Registration and identification

Authorities registered and fingerprinted all new arrivals, and found that the majority of people were cooperative during these procedures. The authorities experienced disobedience or resistance only in a few cases. They claim that they could successfully resolve the conflict in each case by explaining the purpose of registration and fingerprinting to the people concerned.²⁷¹

A large number of refugees (almost 1,400 people on certain days in July) were waiting to get access to one of the transit zones along the Serbian border, as in principle each transit zone accepts a maximum of 15 people per day. On 19 July 2016, around 650 people were waiting to get access to the Rösztke transit zone, and some 210 people were in front of the Tompa transit zone.²⁷² While the authorities claim that they grant priority access to those belonging to vulnerable groups (children, disabled persons, pregnant women), civil society organisations experienced that many women and children were waiting for admission to the transit zones for weeks without appropriate shelter and decent sanitary conditions.²⁷³ The limited admission policy forces many out of the transit zones and makes them wait and stand in line for weeks in the unserved border area, while several others turn back to Serbia to find shelter in one of the already overcrowded temporary shelters and camps there. The government states that the reason why they apply the limited admission policy is because they need

²⁶⁹ *Ibid.*

²⁷⁰ Article 353 of Act C of 2012 on the Criminal Code, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1200100.TV.

²⁷¹ National Police Headquarters.

²⁷² UNHCR Hungary.

²⁷³ *Ibid.*

time to thoroughly check every asylum seeker to filter terrorists or potential threats to national security.²⁷⁴

UNHCR is deeply concerned about the application of the 8 km border control policy as they believe it has led to push-backs of people seeking asylum and increased the number of violent and abusive incidents against them. Reports included cases of bites by unleashed police dogs, the use of pepper sprays and beatings. Civil society organisations continuously signal the cases of abuse to the police; however, they experience almost no cooperation to discuss or to investigate these issues.²⁷⁵

5.4.2 Asylum procedure

Asylum seekers entering through Serbia are still almost always automatically rejected on the grounds of inadmissibility as Serbia is considered a safe third country under Hungarian law.²⁷⁶ Civil society organisations believe that it is practically impossible to get protection status for single male adults in the transit zones, and even claims from women and families are often considered inadmissible.²⁷⁷ Civil society organisations reported that in several cases the authorities even pushed the claimants back to Serbia and did not allow them to submit their asylum claims.²⁷⁸ Some of the rejected applicants appealed against the Office's decision. Because the Court's review process may take up to several months, people, including single men, are transferred from the transit zones to open reception facilities. Therefore, the applicants typically do not wait for the Court's decision during the review process and proceed to their end destination in Western Europe.²⁷⁹

In July, the Administrative and Labour Court of Szeged (*Szegedi Közigazgatási és Munkaügyi Bíróság*) received 56 review appeals against negative asylum decisions (rejected asylum applications) of the Office of Immigration and Nationality. In 38 of these cases, the Court rejected the appeals and upheld the Office's decisions. In 19 cases, the Court repealed the Office's decisions and sent the cases back to the Office of Immigration and Nationality to examine the facts more precisely and to refrain from automatically applying the safe third country rule. In three cases, the Court had to terminate the process as the claimants had left the country. Some appeals have not been decided yet.²⁸⁰

²⁷⁴ We are treating the refugees so badly that they decide to turn back from the border, available at: [http://index.hu/belfold/2016/07/13/olyan durvan banunk a menekultekkel hogy inkább visszafordulnak a hatarrol/](http://index.hu/belfold/2016/07/13/olyan_durvan_banunk_a_menekultekkel_hogy_inkabb_visszafordulnak_a_hatarrol/).

²⁷⁵ UNHCR Hungary.

²⁷⁶ *Ibid.*

²⁷⁷ MigSzol.

²⁷⁸ UNHCR Hungary.

²⁷⁹ *Ibid.*

²⁸⁰ County Court of Szeged.

5.4.3 Return procedure

The vast majority of the new arrivals arrived through the border with Serbia in July.²⁸¹ Since Serbia still only readmits its own nationals, the readmission procedures remain very long and uncertain for most of the people in detention.²⁸² During the reporting period, the police expelled 81 people to the following countries: Romania (33), Ukraine (19) and Serbia (19).²⁸³ There is no information about the nationality of these people.

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

5.5.1 Reception conditions and capacity

The transit zones along the Croatian borders (Letenye and Beremend) did not host any refugees or asylum seekers during the reporting period, while the transit zones along the Serbian border (Röszke and Tompa) were active.²⁸⁴ Admission to the transit zones is extremely slow as only 15 people can enter each transit zone on a daily basis. There were days in mid-July when around 1,400 people gathered in front of the fences in the border zone. They were mainly Afghans (65 %), Syrians (21 %), Iranians (8 %) and Iraqis (5 %).²⁸⁵ Those waiting to enter the transit zones do so in dire conditions. Individuals and families stay in the open or set up makeshift tents on muddy fields close to the border fences. Health and sanitary conditions are far from acceptable. There are many infants, unaccompanied children, pregnant women and people with disabilities and specific needs among those waiting at the fences.²⁸⁶ The authorities have finally installed a few mobile toilets to ease the sanitary and hygiene difficulties.²⁸⁷

The scorching heat, followed by the rainy and windy weather in the second half of July exacerbated the difficult conditions in the border zone. Hygiene conditions outside both transit zones at the Serbian border remain unsatisfactory. UNHCR contracted a cleaning company to carry out regular cleaning and maintenance of the mobile toilets at both border sites starting from 20 July 2016. Civil society organisations increased their assistance by providing more food, water, medical and other aid. UNHCR is present to identify people with specific needs.²⁸⁸ During

281 National Police Headquarters.

282 UNHCR Hungary.

283 National Police Headquarters.

284 *Ibid.*

285 UNHCR Hungary.

286 *Ibid.*

287 MigSzol.

288 UNHCR Hungary.

the last week of July, the authorities prohibited volunteers from MigSzol and Oltalom Charity Society (*Oltalom Karitatív Szervezet*) from providing food to those waiting for admission in front of the transit zone at Röszke. The authorities never officially explained this act; however, the staff members of Migszol Szeged received a dubious explanation: the Hungarian authorities believe it is difficult for the charity organisations to keep their activities in the territory of Hungary, and they fear that volunteers may cross over to Serbia illegally, while assisting refugees in the border zone.²⁸⁹

A new reception centre opened in Kiskunhalas, in southern Hungary. Kiskunhalas has already been hosting two detention centres: an asylum detention centre and an alien police detention centre. Part of the asylum detention centre was turned into an open refugee camp that can host up to 200 people who can leave the camp during the day.²⁹⁰ Civil society organisations are concerned that the new camp is in a remote area and that numerous demonstrations have been held there against the poor conditions and limited legal aid in the past few months.²⁹¹

On 21 July 2016, around 600 people were accommodated in open refugee camps, while around 700 people were put in either asylum detention or alien police detention.²⁹² There were 362 people in the open refugee camp of Bicske and 160 in Vámoszabadi. The newly opened camp in Kiskunhalas hosted around 50 people. In the recently opened camp in Körmend, which has the capacity to accommodate 300 people, there were only 25 asylum seekers due to the dire conditions.²⁹³

The media reported on very bad reception conditions in the open refugee camp Körmend. The inhabitants are housed in tents on hot summer days without air condition. The authorities distribute food once a day, at noon, and they supply refugees and asylum seekers with their lunch, dinner and breakfast for the next morning at once. Consequently, the inhabitants of the camp are forced to store their dinner and breakfast inside their hot tents, where there are no refrigerators. There is rotting food as well as ants inside the tents. The tents are furnished only with beds and there is no storage space, so people have to store all of their belongings on the ground. Thirty percent of the inhabitants were suffering from scabies in the first half of July. There is electricity and internet in the camp, but sometimes there is no hot water for hours. Most people leave the Körmend camp after spending only a few days there, and they continue their journey towards Western Europe. Fluctuation is so high that during a two-week period, 40-45 % of the inhabitants were replaced with newcomers. People reported incidents of police abuse in the town of Körmend. They claim that the

289 MigSzol.

290 Office of Immigration and Nationality.

291 MigSzol.

292 Office of Immigration and Nationality.

293 There are less and less refugees in Hungary, available at:
http://index.hu/belfold/2016/07/22/menedekkerok_szama_csokken/.

police sometimes do not care that the camp is an open camp, where inhabitants may leave freely during the day, and the policemen apprehend the asylum seekers while they are doing shopping and transfer them back to the camp.²⁹⁴

Police ordered pre-removal police detention of 46 people in July on the basis of an expulsion decision taken by the Office of Immigration and Nationality or the Court.²⁹⁵ The maximum duration of such detention cannot exceed 12 months; however, in the majority of the cases, the authorities order detention for a much shorter period of time (usually one to two months). Once this period elapses, people typically disappear and continue their journey to Western Europe.²⁹⁶

5.5.2 Vulnerable persons

In the transit zones along the Serbian borderline, civil society organisations are concerned that, while the authorities claim to grant priority access to vulnerable persons (typically to pregnant women and children), it may still take weeks until these persons are admitted. Many of them decide to return to the aid stations and camps in Serbia. UNHCR and its partners continuously identify disabled persons and those with specific needs in the border zone to assist them since the Hungarian authorities do not provide any assistance there.²⁹⁷

5.5.3 Child protection

Civil society organisations reported that in mid-July, 42 % of the some 1,400 people who were waiting in the border zone for admission to Hungary via the transit zones, were children. They had to suffer the same inhuman conditions as other people during the heatwave.²⁹⁸ Once children are admitted to the transit zones, the authorities transport them almost immediately after registration to open reception centres, in cases of children with families, or to children's homes, in cases of unaccompanied children.²⁹⁹

5.5.4 Healthcare

The medical doctors of the Hungarian Army perform their duties in the transit zones for two hours every day, and the doctors of SOS Children's Village (*SOS Gyermekfalu*), an NGO specialised to help children in need, are also occasionally

²⁹⁴ Only dirt and ants are waiting for the asylum seekers in Körmen, available at: <http://abcug.hu/csak-mocsok-es-hangyak-varjak-menekulteket-kormenden/>.

²⁹⁵ Article 54 of Act II of 2007 on the admission and stay of third country nationals, available at: [http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0700002.TV \(2 February 2016\)](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0700002.TV (2 February 2016)).

²⁹⁶ UNHCR Hungary.

²⁹⁷ UNHCR Hungary; MigSzol.

²⁹⁸ UNHCR Hungary.

²⁹⁹ Office of Immigration and Nationality.

on duty there.³⁰⁰ They, however, do not provide medical assistance to those waiting outside the transit zones and are in need of medical assistance. At the detention centres, access to medical assistance is also very poor and limited.³⁰¹ In the open refugee camp of Körmend, a case was reported where a Pakistani man needed specialised medical assistance in Budapest (approximately 240 km away), and the authorities only allowed him to leave the camp for just one day. There was no explanation as to why the authorities changed their usual practice of allowing medical leave for three to four days, taking into account the time needed to travel back and forth.³⁰²

5.5.5 Immigration detention

During the reporting period, the police held around 60 people in permanent and temporary detention facilities, while waiting for the execution of the Court's expulsion order.³⁰³

Around 700 people were in asylum detention during the reporting period.³⁰⁴ The Office typically orders asylum detention of the claimants to prevent them from leaving the country before the asylum request is adjudged. The detention centres almost reached their full capacity in July. In Kiskunhalas, there were 500 beds for the 427 detainees, in Békéscsaba, 165 of the 185 beds available were occupied, and in Nyírbátor, there were 105 beds for the 102 asylum seekers on 21 July 2016.³⁰⁵ Civil society organisations found that the detention facilities run by the Office of Immigration and Nationality, where people in asylum detention are accommodated, have very bad conditions in terms of facilities (proper beds, clean items and sanitary facilities) due to the continuous and increased use of them over the past months.³⁰⁶ Tensions remain very high at the detention centres. On 27 July 2016, an Iraqi man and a Syrian man climbed to the top of the detention facility in Kiskunhalas, cut themselves with knives, and threatened the authorities that they would commit suicide if the authorities did not turn the detention centre into an open camp. Five other detainees joined the protest. The authorities convinced them to climb down and transported the wounded to the local hospital.³⁰⁷ On 26 July 2016, seven detainees (five Algerian and two

³⁰⁰ National Police Headquarters.

³⁰¹ UNHCR Hungary.

³⁰² Only dirt and ants are waiting for the asylum-seekers in Körmend, available at: <http://abcug.hu/csak-mocsok-es-hangyak-varjak-menekulteket-kormenden/>.

³⁰³ National Police Headquarters.

³⁰⁴ Office of Immigration and Nationality.

³⁰⁵ There are fewer and fewer refugees in Hungary, available at: http://index.hu/belfold/2016/07/22/menedekkerok_szama_csokken/.

³⁰⁶ MigSzol.

³⁰⁷ National Police Headquarters.

Moroccan men) escaped from the Kiskunhalas asylum detention centre. The police captured five of them on the same day.³⁰⁸

5.6. Responses in law, policy and/or practice

The new law that extended the power to apprehend and return migrants and asylum seekers who are stopped within 8 km of the border, entered into force on 5 July 2016.³⁰⁹ Apprehended migrants are transferred to the Serbian side of the border fences to make them wait until they can submit their claims for asylum in one of the transit zones. The police sent 1,701 migrants and asylum seekers back behind the fences during July.³¹⁰ Civil society organisations report that in several cases, the police applied the same procedure against those apprehended more than 8 km away from the Serbian borders (for example, in Budapest, which is around 170 km away from the southern border), and escorted them back behind the fences to wait outside the transit zones in inhuman conditions.³¹¹

Hungarian and Austrian authorities control heavily the Hungarian-Austrian border. Civil society organisations report that the infamous practice from last summer (selling international tickets to people on the move and then prohibiting them from boarding the train) seems to be emerging again. They registered a case where the authorities ordered 59 people travelling with valid tickets off the train in Hegyeshalom, at the Hungarian border with Austria, and prohibited them from continuing their journey to Austria.³¹²

5.7. Social response to the situation

MigSzol launched a letter campaign on 24 July 2016 against the violence committed by the border police and soldiers who guard the border of southern Hungary. Due to the increasing number of reports about serious violence and push-back incidents at the Serbian-Hungarian border, MigSzol urges people to email the police to ask them to stop the violence at the border, take the cases seriously, and start investigations on the violent actions at the borders.³¹³

MigSzol organised a protest (Freedom for the Rösztke 11!) on 4 July 2016 against the unfair criminal procedure and the 'show trials' against the 11 defendants of the so-called 'Rösztke trials', who were sentenced to prison and expulsion for

³⁰⁸ National Police Headquarters.

³⁰⁹ Article 2 of Act XCIV of 2016 on amending laws necessary to conduct asylum procedures at the border in a wide scope, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1600094.TV&txtreferer=00000003.TXT.

³¹⁰ National Police Headquarters.

³¹¹ BBC: Refugees are sent back even from Budapest, available at: www.168ora.hu/itthon/lapszemle-menekultek-magyarorszag-hatar-kitoloncolas-147265.html.

³¹² MigSzol.

³¹³ MigSzol call to Action: Email the police to investigate the violence at the border, available at: www.migszol.com/blog/migszol-call-to-action-email-the-police-to-investigate-the-violence-at-the-border.

participating in a riot at Horgos (Serbian-Hungarian border) on 16 September 2015. MigSzol claimed that the 11 people were used to state an example with which the Hungarian Government wanted to create an atmosphere of fear.³¹⁴

5.8. Hate crime incidents

There were no attacks or incidents reported against the refugee camps and transit zones during the reporting period.³¹⁵ After the terrorist attack in Nice on 14 July 2016, the number of hateful comments against refugees and asylum seekers significantly increased on social media sites, especially among comments on the reports of the NGOs' Facebook pages.³¹⁶ The Hungarian Government is campaigning heavily against the EU's mandatory relocation quota scheme as the date of the national referendum (2 October 2016) is getting closer. Billboards and TV ads emphasise that refugees and asylum seekers committed the terrorist attacks against Western Europe ('More than 300 people died in Europe since the beginning of the refugee crisis', 'The number of sexual harassment cases has been dramatically increasing since the beginning of the refugee crisis', 'The Paris attacks were committed by migrants').³¹⁷

³¹⁴ Invitation to the protest 'Freedom for the 11 accused in the Rösztke trials!', available at: www.facebook.com/events/1343563382338579/.

³¹⁵ National Police Headquarters.

³¹⁶ Personal observation of the expert during the period between 15-31 July 2016.

³¹⁷ These slogans are advertised by the Government before the quota referendum (*Ezeket a plakátokat tolja az arcunkba a kormány a kvótanépszavazás előtt*), available at: <http://nol.hu/belfold/ezeket-a-plakatokat-tolja-az-arcunkba-a-kormany-a-kvotanepszavazas-elott-1624327>.

6. Italy

6.1. Stakeholders contacted

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

- Ministry of the Interior;
- Association for Legal Studies on Immigration (*Associazione per gli studi giuridici sull'immigrazione*, ASGI);
- Italian Refugees Council (*Consiglio Italiano per i Rifugiati*, CIR);
- NGO 'Doctors Without Borders Italy' (*Medici Senza Frontiere Italia*, MSF Italia);
- Save the Children Italia Onlus;
- United Nations High Commissioner for Refugees (UNHCR);
- Italian Red Cross (IRC);
- Jesuit Refugee Service 'Centro Astalli';
- Community of Sant'Egidio (*Comunità di Sant'Egidio*);
- 'Melting Pot Europa' project;
- Association 'Senza confine';
- NGO 'Borderline Sicilia'.

6.2. Overview of the situation

As stated in the previous monthly report, the Ministry of Interior has started to publish data on arrivals.³¹⁸ In July, some 23,550 people were disembarked in around 200 operations.

Since the beginning of the year, the port with the highest number of people disembarked is Augusta (some 13,750), followed by Pozzallo (some 9,970), Reggio Calabria (some 8,630), Palermo (some 7,790), Catania (some 7,100), Messina (6,920), Lampedusa (some 6,840), Trapani (some 6,250), Crotone (some 4,220), Cagliari (some 3,870), Taranto (some 3,540).³¹⁹ It is worth remembering that the only officially established hotspots are in Pozzallo, Trapani, Lampedusa and Taranto.

According to IOM, between January and July, some 2,700 people died crossing the Mediterranean, 50 % more than in 2015. In July, some 25 corpses were

³¹⁸ Information available at: www.libertaciviliimmigrazione.dlci.interno.gov.it/it/documentazione/statistica/cruscotto-statistico-giornaliero.

³¹⁹ These data were updated on 29 July 2016.

found at sea, in particular during the rescue of a dingy on 20 July, when 21 women and one man were found dead.³²⁰

6.3. Criminal proceedings against migrants and people helping them

6.3.1 Criminal proceedings initiated against migrants and asylum seekers

The number of migrants and asylum seekers undergoing criminal proceedings for irregular crossing of borders is not available nor publicly accessible. During the reporting period, many newly arrived migrants of different nationalities, including asylum seekers, have been arrested for smuggling and some of them for human trafficking.³²¹

Two of these cases deserve special attention. At the beginning of July, an important police investigation concerning smuggling and human trafficking identified a criminal network of smugglers operating in North Africa, whose work was to organise the journey for migrants to Europe and Sicily in particular. The cost of the journey was about €15,000; those who could not pay were sold to Egyptian criminals, who murdered them to sell their organs. A member of the organisation who is cooperating with the judicial authorities provided this information to the police, but it has not been confirmed yet.³²²

Moreover, 13 people of different nationalities were arrested on 21 July 2016 and accused of smuggling migrants. The arrested people had received money to help third-country nationals travelling from northern Italy to get to other

³²⁰ Information available at: Coast Guard Press release www.0766news.it/guardia-costiera-tratti-salvo-945-migranti/; www.0766news.it/guardia-costiera-14/; Twitter accounts of MSF (@MSF_Sea); Italian Navy (@Italian_Navy), Sea Watch (@seawatch crew).

³²¹ Information available at: <http://dirittiefrontiere.blogspot.co.at/2016/07/arresti-di-presunti-trafficienti-in.html>; http://palermo.repubblica.it/cronaca/2016/07/08/news/migranti_arrestato_scafista_a_palermo_grasso_a_lampedusa_l_europa_inizia_o_finisce_qui_-143683556/?ref=search; http://palermo.repubblica.it/cronaca/2016/07/13/news/sbarco_di_281_migranti_a_pozzallo_arrestati_tre_scafisti-143966266/?ref=search.

³²² Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIA2028.TIF&subcod=20160705&numPag=1&>; <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=LL32025.TIF&subcod=20160705&numPag=1&>; <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIF2034.TIF&subcod=20160705&numPag=3&>; <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB52004.TIF&subcod=20160705&numPag=1&>.

EU Member States in northern Europe: this highlights the fact that smuggling does not only affect the Mediterranean, but also takes place inside the EU.³²³

6.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

On 25 July 2016, the Italian police arrested a French activist from the 'No Border' movement near the border with France. He is accused of facilitating irregular entry of migrants because he was driving a family of Nigerian irregular migrants (three adults and two children) in his car to France. He immediately stated that his aim was non-profit solidarity with irregular migrants crossing the European border. The migrants travelling with him are being hosted at a local reception centre.³²⁴

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

6.4.1 Registration and identification

At the end of June, the NGO 'Borderline Sicilia' and OXFAM reported that a new procedure concerning identification and registration has been implemented in Sicily. People arriving at the docks, especially in Catania, are not immediately identified and registered but transferred to other first reception and identification centres in different parts of Italy. In some cases, the journey towards these centres is a several hours long bus ride and passengers are not allowed to get off the bus to go to the toilet because police officers are afraid that they could flee and avoid identification.³²⁵

On 13 July 2016, ASGI reported that police officers stopped passengers from leaving the train station in Verona by train selecting those who had a non-Caucasian physical appearance irrespectively of their citizenship. The aim of this operation, according to the police officers, was to stop irregular migrants and asylum seekers from leaving Italy and moving on to other EU Member States. However, the operation did not only concern passengers travelling on trains to Germany, but also passengers travelling to other parts of northern Italy.³²⁶

³²³ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM4004.TIF&subcod=20160721&numPag=1&> and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=LL34248.TIF&subcod=20160721&numPag=1&>.

³²⁴ Information available at: www.riviera24.it/2016/07/ventimiglia-no-border-arrestato-dai-carabinieri-mentre-trasportava-migranti-in-francia-230199/.

³²⁵ Information available at: <http://siciliamigranti.blogspot.it/2016/06/migranti-poca-acqua-e-niente-sostenei.html>.

³²⁶ Information obtained through ASGI mailing list.

6.4.2 Asylum procedure

On 21 June 2016, the Parliamentary Commission of Inquiry on identification procedures and reception conditions auditioned the Ministry of Justice. The Ministry explained the upcoming developments concerning the asylum procedure. New measures will be introduced to speed up asylum procedures and reduce the backlog of Territorial Commissions. These measures include the suppression of oral hearings with the applicant, which will be replaced by an analysis of the documents presented by the applicant through his/her legal counsellor; oral hearings will only be implemented in case of necessity. The appeal against the denial of international protection can only be presented to the Court of Cassation and no longer to the Administrative Court in order to shorten the length of the procedures. The hearing of an applicant has to be video recorded and the participation of an applicant who is detained in a Identification and Expulsion Centre (CIE) during the Court hearing should be arranged via a video conference to avoid transportation from the detention centre to the Court.³²⁷

6.4.3 Return procedure

On 6 July 2016, the border police at the border between Italy and Switzerland found a 21-year-old Eritrean immigrant hidden in a suitcase, trying to cross the border. Both he and his friend, who was travelling with him, have been returned to Italy.³²⁸

On 14 July 2016, the Italian Authority for the protection of the rights of persons deprived of their personal freedom (*Garante Nazionale dei diritti delle persone detenute o private della libertà personale*) organised the first supervision of a Frontex deportation flight, operating from Rome to Nigeria. The passengers were 22 Nigerian irregular migrants, who had been detained in several Italian CIEs, as well as returnees from Switzerland and Belgium. During the supervision, the Authority checked the passengers' documents and pointed out that two of the female passengers had applied for international protection; their removal was interrupted and their expulsion orders cancelled.³²⁹

³²⁷ The auditioning transcription is available at: www.camera.it/leg17/1058?idLegislatura=17&tipologia=audiz2&sottotipologia=audizione&anno=2016&me se=06&giorno=21&idCommissione=69&numero=0051&file=indice_stenografico#stenograficoCommissione .tit00020.int00020.

³²⁸ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIF3018.TIF&subcod=2016 0706&numPag=1&>.

³²⁹ Information available at: www.agenpress.it/news/monitoraggio-volo-charter-frontex-organizzato-dallitalia/.

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

6.5.1 Reception conditions and capacity

An increasing number of international protection applicants are currently being transferred from the disembarking points to Lombardy in accordance with the national plan of immigration management. The Ministry of the Interior described the situation in a report to the Chamber of Deputies on 14 July, highlighting that one of the most important reception centres for unaccompanied children (614 are currently living at the centre) is located in Milan.³³⁰ On 6 July 2016, the local Prefect and the Ministry of the Interior authorised the possibility to host some 150 asylum seekers in the 2015 Expo area, which is currently unused. The first arrival is scheduled for September.³³¹ Regional authorities have expressed their opposition to this decision.³³²

On the same day, a parliamentary question was posed to the Ministry of the Interior concerning the reception system in Sardinia, which is collapsing. Municipalities are asked to carry the financial costs of the reception, especially of unaccompanied children, while, the government's reimbursement to the municipalities is postponed and insufficient.³³³

On 8 July 2016, the Parliamentary Commission of Inquiry on identification procedures and reception conditions visited the reception centre for asylum seekers and refugees in Mineo (Sicily), which is currently hosting more than 3,000 people who are waiting for the Territorial Commissions to judge their applications. According to the Commission, reception conditions at this centre are completely inadequate and the centre should be closed by the end of July. Prior to this, the Ministry of the Interior had declared their intention to transform the centre into a hotspot facility to replace the one in Augusta, which could not be opened due to administrative issues.³³⁴

330 Information available at: www.interno.gov.it/it/notizie/accoglienza-migranti-lombardia-alfano-riferisce-alla-camera.

331 Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=CB93145.TIF&subcod=20160727&numPag=2&>.

332 Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIH3002.TIF&subcod=20160706&numPag=2&>; <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIF3351.TIF&subcod=20160713&numPag=2&>.

333 The Parliamentary questioning is available at: <http://aic.camera.it/aic/scheda.html?core=aic&numero=4/13693&ramo=CAMERA&leg=17&testo=immigrazione>.

334 Information available at: <http://siciliamigranti.blogspot.it/2016/07/cara-mineo-ispezione-della-commissione.html>.

On 8 July 2016, 245 asylum seekers, who were hosted at a reception centre in Treviso, demonstrated against reception conditions. The centre is a former army facility and it is now an emergency response aimed at hosting asylum seekers allocated by the Ministry of the Interior to the Veneto Region. The centre is currently overcrowded.³³⁵

On the same day, the President of the Italian Senate visited the hotspot in Lampedusa and met with the staff working at the centre. The NGOs 'Askavusa' and 'Borderline Sicilia' noted that the centre's managers cleaned up the centre to make a good impression on the President of the Senate, hiding the inadequate living conditions they had denounced a couple of days earlier.³³⁶

Some months ago, the police dismantled the 'Baobab' reception centre in Rome, which was run by a group of volunteers outside of the budget of the Ministry of Interior. Migrants and asylum seekers are currently living in an informal encampment in front of the centre in poor living conditions. The NGO Doctors for Human Rights (MEDU) provides them with healthcare. The Rome Police Commissioners asked the Prefect to dismantle the informal camp as it is irregular and creates the risk of spreading contagious diseases. One of the options suggested to cope with this situation, is the creation of a formal encampment near the Tiburtina Station, with a capacity of 500 people.³³⁷

The second level of the reception system in Italy – that is the accommodation provided to asylum seekers after the identification procedures are completed and their asylum application is formally registered – is provided through the SPRAR (Protection System for Asylum Seekers and Refugees) system. Municipalities manage this system with the financial support of the Italian Government. On 13 July 2016, the SPRAR delegates presented their 2015 report on reception conditions.³³⁸ According to the report, in 2015, 29,761 people were received in SPRAR facilities scattered around 800 Italian municipalities; most of these facilities (22.4 %) are located in the Latium Region, followed by Sicily (20.1 %), Apulia (9.4 %) and Calabria (8.9 %).³³⁹ The Ministry of the Interior announced the upcoming approval of a decree that reforms the SPRAR system. According to this decree, the possibility to open new SPRAR facilities will no longer depend on

335 Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIB6133.TIF&subcod=20160709&numPag=2&>.

336 Information available at: <http://siciliamigranti.blogspot.it/2016/07/migranti-le-due-facce-dellhotspot-di.html>.

337 Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=LL31091.TIF&subcod=20160711&numPag=2&>; <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM1447.TIF&subcod=20160711&numPag=2&>;

338 The 2015 SPRAR report is available at: www.sprar.it/images/Atlante_Sprar_2015.pdf.

339 Information available at: www.interno.gov.it/it/notizie/sprar-verso-modello-unico-accoglienza-i-numeri-2015 and www.cir-onlus.org/it/comunicazione/news-cir/51-ultime-news-2016/2105-rapporto-sprar-nel-2015-accolte-29-761-persone-circo-800-i-comuni-coinvolti.

the government's call for tenders but on the possibility for private institutions, NGOs and social cooperatives to comply with the requirements imposed by legislation concerning SPRAR facilities.³⁴⁰ A week earlier, on 7 July 2016, the SPRAR and the Ministry of the Interior approved a Circular Letter regulating the maximum length of stay in SPRAR facilities for international protection applicants; according to the Circular Letter, people are allowed to live in these facilities until the Territorial Commission judges their application. In case of appeals against refusals of international protection, they are allowed to live in these facilities until the court takes a final decision on their application. Those who receive asylum are allowed to remain in SPRAR facilities for the following six months. This period can be renewed with the approval of SPRAR.³⁴¹

6.5.2 Vulnerable persons

On 7 July 2016, the regional authorities of Friuli Venezia-Giulia and local Prefects signed an agreement aimed at developing a strategy to prevent and contrast trafficking and exploitation of human beings. The strategy – covering the 2016-2018 period – also envisages measures to foster the social integration of identified victims.³⁴²

6.5.3 Child protection

The NGO 'Borderline Sicilia' publicly denounced the inadequate reception conditions offered to unaccompanied children in Palermo (1,000 unaccompanied children are currently being hosted there). Emergency facilities have been introduced and children sometimes live there for up to four to six months without being appointed a guardian or offered any kind of specific service. Some of them turn 18 while they stay in these facilities and are sometimes then considered as irregular migrants.³⁴³ The above mentioned NGO reported similar situations in other Sicilian municipalities.³⁴⁴

On 6 June 2016, the Judge of Peace of Rome revoked an expulsion order of a child who had arrived in Lampedusa some months earlier. Although the child had declared to be less than 18 years old, both police officers in Lampedusa and staff of the Police Headquarters in Rome considered him to be an adult. Thanks

³⁴⁰ Information available at: www.interno.gov.it/it/notizie/sprar-verso-modello-unico-accoglienza-i-numeri-2015. and www.redattosociale.it/Notiziario/Articolo/512378/Migranti-per-i-comuni-bonus-sociali-e-niente-piu-bandi-cosi-cambia-lo-Sprar.

³⁴¹ The Circular Letter is available at: www.asgi.it/wp-content/uploads/2016/07/Servizio-centrale-srar-accoglienza-termini-luglio-2016.pdf.

³⁴² Information available at: www.interno.gov.it/it/notizie/intesa-gorizia-contro-tratta.

³⁴³ Information available at: <http://siciliamigranti.blogspot.it/2016/07/agrigento-trapani-e-palermo-arrivi-e.html#more>.

³⁴⁴ Information available at: <http://siciliamigranti.blogspot.it/2016/07/ragazzi-fuori.html>.

to a medical examination required by his lawyer – belonging to ASGI – the age of the child was finally adjusted.³⁴⁵

On 14 July 2016, the NGO 'Save The Children' launched a new phone helpline to support unaccompanied children living in Italy. Thanks to this new service, available in many different languages, children will be offered useful information concerning their legal rights, the opportunities and services they can benefit from, the functioning of the Italian reception system and psychological assistance.³⁴⁶

On 18 July 2016, over 400 children living in an emergency reception centre in Reggio Calabria, in poor health and living conditions, organised a demonstration. Two days later, a new reception centre was opened with the support of the local Prefecture and a Catholic organisation, aimed at offering reception to 60-70 unaccompanied children living in the area.³⁴⁷

On 19 July 2016, the Minister of the Interior declared that a reform of the reception system for unaccompanied children is underway. According to this reform, new reception centres will be opened and managed at the regional level to help municipalities, which are not able to support and receive unaccompanied children arriving in Italy.³⁴⁸

6.5.4 Healthcare

At the beginning of July 2016, 60 cases of scabies were reported in the regional reception hub near the central station of Milan. According to some sources, this health disease is due to the poor reception and health conditions.³⁴⁹

On 10 July 2016, several organisations, including the Italian Refugee Council, launched a new project called 'Xenia 32°Nord'. This project envisages the possibility of offering healthcare screenings and assistance in the port of Lampedusa as well as a 'hospital vessel' named 'ELPIS', offering healthcare

³⁴⁵ Information available at: www.asgi.it/notizia/accertato-minorenne-perizia-parte-giudice-dichiara-illegittimo-decreto-espulsione/. The Court's decision is available at: www.asgi.it/notizia/accertato-minorenne-perizia-parte-giudice-dichiara-illegittimo-decreto-espulsione/

³⁴⁶ Information available at: www.redattosociale.it/Notiziario/Articolo/512423/Minori-migranti-lanciata-una-helpline-telefonica-multilingue.

³⁴⁷ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=CB92141.TIF&subcod=20160719&numPag=1&>; <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=LV13148.TIF&subcod=20160720&numPag=1&>.

³⁴⁸ Information available at: www.vita.it/it/article/2016/07/19/manzione-minori-non-accompagnati-presto-lapertura-di-centri-specializz/140206/.

³⁴⁹ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB31032.TIF&subcod=20160711&numPag=1&>.

assistance service in the Mediterranean Sea and supporting save and rescue operations.³⁵⁰

6.5.5 Immigration detention

On 7 July 2016, high level officials of the Immigration Police Department went to Crotona (Calabria) to assess the necessity to equip the port of Crotona with live scan and equipment needed to fingerprint and identify people arriving in this part of the Italian coasts; moreover, they announced that the Identification and Expulsion Centre (CIE) of Crotona is going to be renewed and opened again soon.³⁵¹

6.6. Responses in law, policy and/or practice

At the beginning of July 2016, the municipality of Perugia finally issued identity cards to international protection applicants, even in cases where they cannot show their passports. This new practice is now possible thanks to the legal intervention of ASGI.³⁵²

The Supreme Court of Cassation decided, with a decision taken at the end of June, that international protection applicants detained in CIEs have the right to take part in the hearings in front of the Court regarding the extension of the detention order.³⁵³

On 13 July 2016, a new Parliamentary Commission was created to monitor racism and intolerance in Italy. The Commission will carry out several hearings with relevant stakeholders, starting with the spokesmen of the main Italian TV channels.³⁵⁴

Many Italian universities, with the support of the Italian Government, are offering scholarships to support educational projects for refugees wanting to enrol in Italian universities.³⁵⁵

³⁵⁰ Information about the project available at: www.cir-onlus.org/it/comunicazione/news-cir/51-ultime-news-2016/2103-cir-partecipa-a-progetto-xenia-34-nord-per-fornire-assistenza-medica-e-soccorso-a-migranti-e-rifugiati.

³⁵¹ Information available at: <http://wesud.it/crotona-citta-lalto-funzionario-allimmigrazione-della-polizia-stato-vittorio-pisani/>.

³⁵² Information available at: www.asgi.it/asilo-e-protezione-internazionale/iscrizione-anagrafica-dei-richiedenti-asilo-perugia/.

³⁵³ The Court decision is available at: www.meltingpot.org/IMG/pdf/cass._giugno_2016_proroga_cie_stesse_garanzie_convalida.pdf.

³⁵⁴ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIA3032.TIF&subcod=20160713&numPag=1&>.

³⁵⁵ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=LL35040.TIF&subcod=20160715&numPag=1&>; www.interno.gov.it/it/notizie/cultura-integrare-venti-giovani-rifugiati-entrano.

On 18 July 2016, the Ministry of the Interior, the Italian National Press Federation (FNSI) and the association 'Carta di Roma' signed an agreement to allow journalists access to hotspot facilities once a month with a 12 hour advance notification.³⁵⁶

6.7. Social response to the situation

On 6 July 2016, several activists and associations organised a flash mob in front of the Italian Parliament to protest against the Migration Compact proposed by the Italian Government to the European Council.³⁵⁷

On 14 July 2016, the second edition of the Summer School Against Racism started. Several associations, including UNAR, organise the programme, which aims to combat racism and intolerance. One of the training sessions during the summer school informed journalists about the countries of origin of migrants, their routes to Italy and the most relevant features of current migration to Italy and across the Mediterranean Sea to foster a more correct presentation of these subjects in Italian media and newspapers.³⁵⁸

The social cooperative 'Il Cenacolo' created a local newspaper in the area of Mugello (Florence), where asylum seekers living in the area can report and share their life experiences, impressions and expectations for the future. The newspaper will be available for free in the whole area.³⁵⁹

6.8. Hate crime incidents

During the reporting period, several hate crimes incidents occurred.

One of the most dramatic incidents took place on 5 July in Fermo (Marche). A Nigerian asylum seeker, hosted with his wife in a Catholic facility in the municipality, verbally reacted to racist insults addressed to his wife; the aggressor – a local – attacked the woman and then violently hit the man with an

[alluniversita-lateranense](http://www.alluniversita-lateranense.it); www.interno.gov.it/it/notizie/formare-integrare-nuova-stagione-politiche-migratorie.

356 Information available at: www.cartadiroma.org/editoriale/cade-lembargo-sugli-hotspot-la-stampa-potra-entrare/ and [http://it.radiovaticana.va/news/2016/07/23/hotspot, i risultati della campagna lasciatecentrare/1246035](http://it.radiovaticana.va/news/2016/07/23/hotspot_i_risultati_della_campagna_lasciatecentrare/1246035).

357 Information available at: www.comunianet.org/lotte-di-classe/migration-compact-cinismo-sulla-pelle-dei-migranti.

358 Information available at: www.redattoresociale.it/Notiziario/Articolo/512377/Giornalismo-e-migrazioni-corso-di-formazione-al-Meeting-antirazzista and www.redattoresociale.it/Notiziario/Articolo/512455/Immigrazione-Chiavacci-L-accoglienza-non-e-ruberia-ma-risorsa-del-welfare.

359 Information available at: www.redattoresociale.it/Notiziario/Articolo/512656/La-nostra-voce-nasce-il-giornale-fatto-dai-richiedenti-asilo.

iron pole. After lying in a coma for a couple of days, the man died.³⁶⁰ The Ministry of the Interior firmly condemned the murder³⁶¹ and the local mayor declared municipal mourning to express solidarity with the victim's wife.³⁶² The Italian Refugee Council also expressed its grief.³⁶³ On 9 and 12 July, several local activists and associations demonstrated in Fermo to condemn the murder, expressing their solidarity with the victim's wife and combatting racism.³⁶⁴ Despite the extreme severity of this incident, the political party 'Forza Nuova' insulted the victim on Facebook with derogatory and racist language.³⁶⁵

Besides the above-mentioned incident, several other acts of aggression against migrants occurred during the reporting period: on 7 July 2016, a person violently beat an immigrant working on the beach after refusing to pay him for his work;³⁶⁶ on 8 July 2016, a group of seven children attacked a 30-year-old citizen from Sri Lanka on his way back from work in Naples;³⁶⁷ on 15 July 2016, a group of people used racist words and violently attacked a 19-year-old asylum seeker from Senegal in Imperia;³⁶⁸ on 22 July 2016, a Nigerian asylum seeker was attacked and insulted in Ventimiglia, in front of the reception centre he was living in.³⁶⁹

360 Information available at: <http://popoffquotidiano.it/2016/07/06/fermo-emmanuel-sta-morendo-lha-ucciso-la-violenza-razzista/>; www.redattoresociale.it/Notiziario/Articolo/511926/In-fuga-da-Boko-Haram-insultato-e-picchiato-Emmanuel-e-morto; <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIA4025.TIF&subcod=20160707&numPag=1&>.

361 Information available at: www.interno.gov.it/it/notizie/alfano-fermo-germe-razzismo-va-stroncato-prima-semi-proprio-frutto-avvelenato.

362 Information available at: <http://www.redattoresociale.it/Notiziario/Articolo/512028/Morte-di-Emmanuel-Fermo-proclama-il-lutto-cittadino-e-pensa-a-lezioni-nelle-scuole>.

363 Information available at: www.cir-onlus.org/it/comunicazione/news-cir/51-ultime-news-2016/2102-cir-su-trafica-morte-del-richiedente-asilo-nigeriano-emmanuel.

364 Information available at: www.meltingpot.org/Fermo-Manifestazione-per-Emmanuel-Chidi-Namdi.html#.V5irDKL-Dpx; www.redattoresociale.it/Notiziario/Articolo/512149/Morte-di-Emmanuel-Fermo-in-piazza-per-dire-No-al-razzismo; www.redattoresociale.it/Notiziario/Articolo/512374/In-tanti-in-piazza-per-Emmanuel-c-e-una-sola-specie-umana.

365 Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIF6239.TIF&subcod=20160709&numPag=1&>; <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIF6322.TIF&subcod=20160709&numPag=2&>; <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIM1121.TIF&subcod=20160711&numPag=1&>.

366 Information available at: <http://video.corriere.it/migrante-picchiato-spiaggia-chiedeva-essere-pagato-un-tatuaggio/288d7808-4466-11e6-a4dc-8aa8f57c2afd>.

367 Information available at: <http://napoli.fanpage.it/via-toledo-branco-aggredisce-e-picchia-un-30enne-srilankese-che-tornava-dal-lavoro/>.

368 Information available at: www.ilsecoloxix.it/p/imperia/2016/07/17/ASoXBCXD-imperia-massacrato-senegalese.shtml.

369 Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SID1101.TIF&subcod=20160725&numPag=1&>.

On 11 July 2016, a demonstration took place in Fiumicino (Rome) against the creation of a SPRAR reception centre for 50 asylum seekers.³⁷⁰ On 16 July 2016, several activists demonstrated in front of the centre to express their solidarity with the asylum seekers and condemn racism.³⁷¹

In June 2016, a police officer based in Catania posted several derogatory and racist sentences on Facebook, inciting violence against migrants. A parliamentary question was posed to the government concerning the incident. The Deputy Minister of the Interior informed that the police officer was suspended from his activity and an official inquiry had been initiated against him.³⁷² On 12 July 2016, racist posters were affixed and then promptly removed in Castellamonte (a small town near Turin).³⁷³ On 19 July 2016, a ticket inspector in the Milan underground verbally insulted a foreign passenger because he was travelling without a valid ticket. The incident was video recorded and the company managing the service has started an internal investigation concerning the incident.³⁷⁴ On the same day, a flat owner in Turin refused to rent her apartment to a Sudanese student because of his origin. The other flatmates decided to leave the flat as well to express their solidarity.³⁷⁵ Municipal authorities received the student and the other flatmates and will report the incident to the police as a discriminatory conduct.³⁷⁶

On 7 July 2016, the parents of Italian students enrolled in a secondary school in Florence protested against the high number of non-Italian students, stating that

370 Information available at: <http://fiumicino.romatoday.it/isola-sacra/50-migranti-proteste-residenti-fiumicino.html>; http://roma.corriere.it/notizie/cronaca/16_luglio_10/fiumicino-protesta-anti-migranti-difendiamo-nostro-quartiere-875feaa2-46cb-11e6-991c-561dff04b946.shtml.

371 Information available at: www.ostiatv.it/fiumicino-non-e-razzista-palloncini-cuori-e-cartelli-colorati-per-dare-il-benvenuto-ai-rifugiati-0070578.html.

372 Information available at: www.asgi.it/discriminazioni/sostituto-commissario-inneggia-allodio-alla-violenza-migranti/.

373 Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIK3024.TIF&subcod=20160713&numPag=1&>.

374 Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=CB92025.TIF&subcod=20160719&numPag=1&>; <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=LV12149.TIF&subcod=20160719&numPag=1&>; <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=LV12167.TIF&subcod=20160719&numPag=2&>.

375 Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM2003.TIF&subcod=20160719&numPag=1&> and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM2015.TIF&subcod=20160719&numPag=2&>.

376 Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=LL36258.TIF&subcod=20160723&numPag=1&>.

this would compromise their children's education.³⁷⁷ On 9 July, the mayors of Pordenone and Udine decided to cut the free Wi-Fi service in the public areas of the cities because it led to the gathering of migrants and asylum seekers using the Wi-Fi in public squares.³⁷⁸ On 25 July 2016, a mother withdrew her son from the municipal children's summer camp in Milan because one of the educators working with the children is an asylum seeker living in a nearby reception centre.³⁷⁹

377 Information available at:
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB54053.TIF&subcod=20160707&numPag=1&>.

378 Information available at:
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=LV16143.TIF&subcod=20160709&numPag=1&>.

379 Information available at:
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=LV11465.TIF&subcod=20160725&numPag=1&>.

7. Sweden

7.1. Stakeholders contacted

- Swedish Migration Agency (*Migrationsverket*);
- Swedish Police (*Polisen*);
- National Board of Health and Welfare (*Socialstyrelsen*);
- Health and Social Care Inspectorate (IVO);
- Red Cross Sweden (*Röda Korset Sverige*);
- Save the Children Sweden (*Rädda Barnen Sverige*);
- Swedish Association of Local Authorities and Regions (*Sveriges kommuner och landsting, SKL*);
- Head of Residential Care Home (HVB hem) for unaccompanied children, Göteborg.

7.2. Overview of the situation

During the period of 1 July to 31 July 2016, Sweden received 2,201 asylum seekers, a very slight increase compared to June (2,140) and May (2,059).³⁸⁰ The number of new asylum seekers appears to have stabilised between 2,000 and 3,000 people per month since February.³⁸¹ This is mainly the result of the obligatory ID checks on all carriers entering Sweden and the introduction of even stricter border controls in other European states.

The main countries of origin of asylum applicants during July were Syria (298), Irak (179) and Afghanistan (161).³⁸² Some 1,360 asylum seekers were men and some 840 women. Over 820 were children (the number includes both unaccompanied children and children arriving with their families). More than 180 asylum seekers were unaccompanied children, a slight increase from June (160) and May (144). The unaccompanied children that have arrived during the first six months of 2016 are predominately boys (83 %).³⁸³

On 2 June 2016, the Swedish government made the decision to prolong internal border controls until 11 November 2016. The decision to prolong came after such a decision was taken in the Council of the European Union.³⁸⁴

³⁸⁰ Swedish Migration Agency.

³⁸¹ *Ibid.*

³⁸² *Ibid.*

³⁸³ *Ibid.*

³⁸⁴ Sweden, Government Offices, Press release, 'Border controls prolonged until November', 1 June 2016, available at: www.regeringen.se/pressmeddelanden/2016/06/granskontroller-forlangs-till-november/.

7.3. Criminal proceedings against migrants and people helping them

7.3.1 Criminal proceedings initiated against migrants and asylum seekers

No criminal proceedings have been initiated against migrants and asylum seekers for offences related to irregular crossing of the border.

7.3.2 Criminal proceedings against people/organisations/associations facilitating irregular entry or stay

There are still some reports of facilitation of irregular entry in private cars that the police have registered on a weekly basis during July (–two to three crossing the bridge between Denmark and Sweden and two arriving from Germany by ferry). In all cases where individual asylum seekers cross the border in somebody's car, the police consider the drivers as smugglers of human beings rather than as people who provide help for humanitarian reasons.³⁸⁵

Consequently, preliminary investigations view them as offenders against the state in accordance with the Aliens Act (*Utlänningslag 2005:716*). The police has noticed an increase in cases where asylum seekers enter the country hanging under big trucks arriving with the Helsingör ferry.³⁸⁶

A man and his two sons from the municipality of Sandviken were convicted for smuggling migrants to Finland. They hid 150 refugees from Iraq in an apartment in the city of Gävle in Sweden before smuggling them to Finland. The Finnish Police estimates that the smugglers earned more than SEK 2.5 million (€261,030) during a period of two months. The person considered to be the leader was sentenced to prison for five years, one of his sons was sentenced to prison for three years and the other son was sentenced to release on probation (*vilkorlig frigivning*) for one year and 11 months.³⁸⁷

³⁸⁵ Swedish Police. The reasoning behind this position is the following – since all cases deal with the facilitation of irregular entry from Denmark to Sweden, and Denmark must be considered a state where the rule of law applies, there are no humanitarian reasons for facilitating entry to Sweden.

³⁸⁶ Swedish Police, Region South.

³⁸⁷ Sweden, Swedish Radio, 'Man convicted for human trafficking in Finland', web article published 7 July 2016, available at: <http://sverigesradio.se/sida/artikel.aspx?programid=99&artikel=6469331>.

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

7.4.1 Registration and identification

Since the number of new arrivals is low, there are no backlogs when it comes to registration and identification as such.³⁸⁸

7.4.2 Asylum procedure

People arriving in Sweden usually ask for asylum or protection at the border, in which case the police bring them to the Migration Agency's reception centre in the vicinity. No rejections of asylum claims are made at the border.³⁸⁹

The Migration Agency does not work chronologically with the cases from last year, but has divided them into four specialised tracks according to their complexity.³⁹⁰ Asylum decisions increased to 9,640 in July compared to 9,226 in June. In 71 % of the cases, protection was granted. Approximate processing time was 317 days.³⁹¹ Some 98,061 asylum seekers are still waiting for an appointment to present their case to the Migration Agency. There are no reports of applications being rejected based on the safe third country principle.

7.4.3 Return procedure

The police is in charge of the deportations of persons denied asylum.³⁹² As of 1 June 2016, adult third-country nationals not living with children whose asylum applications were rejected and who have either not left the country of their own will within a certain time period or whose deportation decision have entered into force, will not have the right to assistance of any kind, including housing.³⁹³

During July, 2,423 people lost their right to a daily allowance and their right to live in an asylum accommodation paid for by the Migration Board as a consequence of the amendment to the Reception of Asylum Seekers Act (*Lag*

³⁸⁸ Swedish Migration Agency.

³⁸⁹ Swedish Migration Agency; Swedish Police; Amnesty International; Save the Children Sweden; Red Cross Sweden.

³⁹⁰ Swedish Migration Agency. Quick decisions can be made in relation to 'unfounded asylum cases', these include persons that are EU citizens, but also persons that already have residence permit in the EU. Asylum seekers with valid ID documents can also be dealt with more quickly.

³⁹¹ Swedish Migration Agency.

³⁹² Swedish Migration Agency; Swedish Police.

³⁹³ Sweden, Act on the reception of asylum seekers and others, sections 11 and 11 a, 1 June 2016, available at: www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Lag-1994137-om-mottagande-a_sfs-1994-137/.

[1994:137] om mottagande av asylsökande m.fl.) that came into force on 1 June.³⁹⁴

The three most common nationalities that have their asylum applications rejected are Somalians, Iraqis and Ethiopians. The Swedish Police does not carry out any forced returns to these countries, while the Migration Agency states that people should leave voluntarily and on their own initiative. The Church of Sweden (*Svenska Kyrkan*) believes that many of those whose applications are rejected will try to stay in Sweden and will not return willingly on their own. Many have already sought assistance from the Church of Sweden.

A deacon from the municipality of Boden in Sweden states that the increasing number of rejected asylum seekers constitutes an emergency situation because nobody takes responsibility for these people. In an interview with Swedish Radio, a person from Eritrea says that she will rather die in Sweden than go back to Eritrea.³⁹⁵

A head of a residential care home for unaccompanied children (*HVB hem*) states that they are worried that many of the children who receive rejections will disappear. After disappearing, there is an increased risk that they will have to get involved in different criminal activities to survive. The residential care home has applied to the European Structure Fond for a project that will create meaningful activities for those that have their application rejected.³⁹⁶

The Swedish government gave The Ombudsman for Children in Sweden (Barnombudsmannen) an assignment to conduct a study on the reasons behind the disappearances of unaccompanied children. The results will be presented in December 2017.³⁹⁷

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

7.5.1 Reception conditions and capacity

On 1 August 2016, 152,464 people were registered in the Migration Agency's reception system. Approximately 64 % of them were waiting for a decision. Out of all people registered in the Migration Agency reception system, 12 % had obtained residence permits while 5 % had been denied residence permits. Furthermore, 51 % lived in the asylum accommodation centres for adults and

³⁹⁴ Swedish Migration Agency.

³⁹⁵ Sweden, Swedish Radio, 'Asylum seekers having their application rejected can't stay in the accommodations provided by the Migration Agency', web article published 6 July 2016, available at: <http://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=6467663>.

³⁹⁶ Head of Residential care home.

³⁹⁷ Sweden, Government Offices, Press release, 30 June 2016, available at: www.regeringen.se/regeringsuppdrag/2016/06/uppdrag-om-varfor-ensamkommande-barn-forsvinner/.

families, 29 % stayed with relatives or friends and 20 % stayed in special facilities, for example, those designated for unaccompanied children.³⁹⁸

New instructions concerning residential care homes (*HVB hem*) for unaccompanied children came into force on 1 July. They mainly concern the number of staff working at the residential care homes and their training.³⁹⁹

7.5.2 Vulnerable persons

Single adults and families have so far been placed wherever accommodation centres have been established. Unaccompanied children are placed in specially designated accommodation centres and the responsibility for their welfare is the duty of the assigned municipalities (*anvisningskommuner*).⁴⁰⁰

7.5.3 Child protection

Since fewer unaccompanied children seek asylum, several accommodation centers for unaccompanied children are vacated. There is an on-going relocation of unaccompanied children from one accommodation centre to another. The Health and and Social Care Inspectorate (*IVO*) questions whether the best interests of the child are taken into consideration when municipalities are moving children from a place where they have been living in for over six months.⁴⁰¹

The Health and Social Care Inspectorate receives an increasing number of Lex Sarah⁴⁰² complaints concerning the conditions at the accommodation centres for unaccompanied children. Cases reported under Lex Sarah point out severe ill-treatment at many accommodation centres. Lack of professional staff with relevant training appear to be the main reason behind the problems.⁴⁰³

7.5.4 Healthcare

The Swedish Health and Social Care Inspectorate (*IVO*) remains concerned about the mental health of the unaccompanied children.

The Swedish government has asked the Swedish Association of Local Authorities and Regions (*Sveriges Kommuner och Landsting, SKL*) to disseminate

³⁹⁸ Swedish Migration Agency.

³⁹⁹ Health and and Social Care Inspectorate.

⁴⁰⁰ Swedish Migration Agency.

⁴⁰¹ Health and and Social Care Inspectorate.

⁴⁰² Lex Sarah is a juridical term that requires that every person working in the health sector reports any kind of problem or wrongdoing that can cause harm to the patients.

⁴⁰³ Sweden, Swedish Radio 'Lex Sarah cases on conditions in accommodation centres for unaccompanied children are increasing', web article published on 25 July 2016, available at: <http://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=6481136>.

information on how municipalities can address the health issues of new arrivals.⁴⁰⁴

7.5.5 Immigration detention

There are no separate detention facilities for families and/or unaccompanied children only. All facilities have sections that can be separated from the main areas. These sections can be used for children, women, families and other aliens, who for other reasons are particularly vulnerable.⁴⁰⁵ An unaccompanied child is only detained if there are exceptional grounds for doing so.⁴⁰⁶ There are no reports of any transgressions of these regulations.⁴⁰⁷

7.6. Responses in law, policy and/or practice

The Swedish Parliament accepted the temporary law that changes Swedish asylum rules to the minimum levels of the EU and international standards on 21 June 2016. The Act on temporary restrictions of the possibility to obtain a residence permit in Sweden (*Lagen om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*) entered into force on 20 July and is applicable for three years. The Act contains provisions on temporary residence permits for Convention refugees, with the exception of quota refugees resettled to Sweden. Furthermore, it limits the opportunities for family reunification for all people who have been granted temporary residence permits. It also introduces tougher maintenance requirements for family members. Residence permits will not be granted to persons in need of subsidiary protection (neither permanent nor temporary).⁴⁰⁸ Previously, there have been two types of subsidiarity protection: the so-called alternative subsidiary protection and remaining subsidiary protection (*alternativt skyddsbehövande och övrig skyddsbehövande*). The temporary law abolishes the category remaining subsidiary protection. The government stated that the reason for this decision is that people in this category can be included in the other category, alternative subsidiary protection. Furthermore, the government states that this category does not correspond to the EU legal framework. Several NGOs such as Save the Children Sweden, The Swedish Federation for Lesbians, Gay, Bisexuals, Transgender, and Queer Rights, as well as other institutions such as the University of Uppsala, have strongly

⁴⁰⁴ Sweden, Government Offices, Press release, 'Means for SKL to disseminate efforts for positive health improvement for new arrivals', available at: www.regeringen.se/pressmeddelanden/2016/06/medel-till-skl-for-spridning-av-insatser-om-positiv-halsoutveckling-for-nyanlanda/.

⁴⁰⁵ Swedish Migration Agency.

⁴⁰⁶ *Ibid.*

⁴⁰⁷ Save the Children; Amnesty International; Red Cross.

⁴⁰⁸ Sweden, Government bill 2015/16:174 'Temporary restrictions of the possibility to obtain a residence permits in Sweden', available at: www.regeringen.se/contentassets/075968fdd8c94788977dba14bae16444/forslag-om-att-tillfalligt-begransa-mojligheten-att-fa-uppehallstillstand-i-sverige-prop.-201516174.

criticised the decision.⁴⁰⁹ During the year 2015, 299 persons were granted residence permits in this category.⁴¹⁰ Sweden will continue to receive quota refugees as part of the multi-party Migration Agreement. This group will have the right to permanent residence permits and family reunification also after the law enters into force.⁴¹¹

The amendment to the Act concerning the reception of asylum seekers and others (*Lag [1994:137] om mottagande av asylsökande m.fl.*), which entered into force on 1 June, mainly focused on limiting access to housing and economic support for those who have received a decision on refusal of entry or expulsion.⁴¹² The amendment implies that these people will lose their right to a daily allowance and their right to live in an asylum accommodation paid for by the Migration Agency (*Migrationsverket*).⁴¹³ The Parliamentary Ombudsmen (*Justitieombudsmannen*) believe it is necessary to clarify which powers the police have and what kind of enforcement actions they can take when executing decisions on refusal of entry or expulsion. After an internal investigation, the Parliamentary Ombudsmen concluded that the amendment to the Police Act does not sufficiently define the use of enforcement in these cases. The Swedish Police are revising their guidelines and will not use enforcement actions when executing decisions on refusal of entry or expulsion before the Parliamentary Ombudsmen present the new guidelines on how the act can be interpreted.⁴¹⁴

7.7. Social response to the situation

Several civil society organisations criticised the Act on temporary restrictions of the possibility to obtain a residence permits in Sweden (*Lag om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige*) – among them the Swedish Red Cross and Save the Children. Both the Swedish Red Cross and Save the Children are monitoring the situation closely and aim to report on the effects of the act continuously. No reports have been made during July.

⁴⁰⁹ *Ibid.*

⁴¹⁰ *Ibid.*

⁴¹¹ Sweden, Social security insurance Committee report 2015/16:SfU16 'Temporary restrictions of the possibility to obtain a residence permit in Sweden', title: resettlement, p.4, available at: www.riksdagen.se/sv/dokument-lagar/arende/betankande/tillfalliga-begransningar-av-mojligheten-att-fa_H301SfU16/html#_Toc453754576.

⁴¹² Sweden, Ministry of Justice, the Reception of Asylum Seekers Act, 1 June 2016, section 11 and 11a, available at: www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-1994137-om-mottagande-av-asylsokande-mfl_sfs-1994-137.

⁴¹³ Sweden, Swedish Migration Agency, 'Amendment to the right to assistance under the Reception of Asylum Seekers Act', available in English at: www.migrationsverket.se/English/About-the-Migration-Agency/New-laws-in-2016/Amendment-to-the-right-to-assistance-under-the-Reception-of-Asylum-Seekers-Act.html.

⁴¹⁴ Sweden, Swedish Radio, Article, 'Police have no legal support in the Amendment to use enforcement action as a part of expulsion', published on 7 July 2016, available at: <http://sverigesradio.se/sida/artikel.aspx?programid=1650&artikel=6468727>.

7.8. Hate crime incidents

The main public debate in July centred around unaccompanied boys being accused of sexual harassment at two festivals: Putte i Parken and Bråvallafestivalen.

The police in the city of Karlstad accused unaccompanied asylum-seeking boys of sexual harassment during a music festival (Putte i Parken) after they received 27 notifications of sexual harassment. The local police published a notice on their webpage indicating that a group of unaccompanied children were responsible for most of them. The Swedish newspaper Dagens Nyheter later presented data showing that only two out of seven suspects were indeed unaccompanied children. After newspaper's disclosure, the police wrote that it had been unfortunate to point out a specific group.⁴¹⁵

⁴¹⁵ Sweden, Swedish Newspaper Dagens Nyheter, 'The Police take announcement back', published on 5 July 2016, available at: www.dn.se/nyheter/sverige/polisen-backar-pekade-ut-ensamkommande-efter-sexovergrepp-pa-festival/.