



Monthly data collection on the current migration situation in the EU

January 2016 monthly report

1 – 31 January 2016

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Highlights: 1–31 January 2016

New arrivals

Arrivals to Greece continue at a high pace, despite rough sea conditions that have caused several shipwrecks. In Italy, arrivals appear to be decreasing. Numerous bodies were recovered in both countries, including a large number of children.

Overall, fewer people are reaching Croatia and moving onward from there, as only Syrian, Iraqi and Afghan nationals are allowed entry. Other nationalities are denied entry or returned.

Almost half of the arrivals in Croatia and Slovenia are children.

More than 2,000 asylum seekers continue to arrive in Germany on a daily basis. On average, some 150 people are refused entry every day, as they do not want to apply for asylum in Germany.

More than 2,000 people are transferred back and forth between Austria and Slovenia for possessing false documents or making inconsistent statements about their name and/or nationality, but eventually all of them are allowed to enter Austria.

At least two people die while trying to cross from Bulgaria into Serbia at -20 degrees Celsius.

Criminal proceedings

Volunteers involved in rescue at sea situations are accused of human smuggling in Greece.

Taxi drivers are arrested in Sweden for bringing migrants across the Öresund bridge from Denmark.

In Hungary, three people are convicted for damaging border fences and unauthorised border fence crossing. One person is sentenced to one and a half years in prison.

Six people are sentenced to a fine and suspended imprisonment for hiding in a vehicle to leave Bulgaria for Germany.

Initial registration and processing

The police in Croatia allegedly force four Afghan nationals back to Serbia under threat of coercion.

In Berlin, people continue to wait weeks to be registered as asylum seekers, queueing every day for hours in the cold.

A group of around 20 people is unable to apply for asylum in Slovenia as their return to Croatia has already been initiated. They eventually withdraw their application.

Registration practices in Slovenia separating extended families to be separated, while measures are taken in Spielfeld (Austria) to prevent this from taking place.

Frontex clarifies that when fingerprinting new arrivals at hotspots, force is only permissible as a last resort and after explaining the reasons for the procedure.

Simplified registration procedures in Sweden may make it difficult to identify vulnerable people early on in the asylum process.

Reception conditions

Asylum seekers are searched for valuables in Bavaria to contribute to reception costs.

In Austria, only vulnerable people are referred to initial reception centres, as these continue to be blocked due to the slow transfer of asylum seekers to other regions.

People arriving in Slovenia only receive food after registration, which takes approximately four hours.

Female refugees in Slovenia have insufficient private facilities to change and breastfeed.

Violent incidents among asylum seekers occur in detention facilities in Hungary and in reception facilities in Germany, where the atmosphere is felt to be frustrating and frightening due to unannounced removals.

In Italy, asylum seekers demonstrate against conditions in centres in Piedmont, Sardinia and Trapani (Sicily).

Trains from Serbia to Croatia are often not heated, affecting people's health. Buses and trains used for onward transfer in Slovenia are overcrowded and have poor sanitary conditions.

In Austria and Germany, not everyone who arrives undergoes a first health check carried out at the initial reception centres.

In Croatia, some 70 people are detained pending their return to Serbia, but Serbia does not agree to accept them.

Some 400 people, including children, are detained in Slovenia prior to their removal.

In Hungary, approximately 150 people are detained for removal in facilities with poor medical assistance, some without heating. Mistreatment by the police is reported in some cases.

In Sweden, many asylum seekers remain in over-crowded short-term 'municipal evacuation shelters' for long periods of time as they wait for permanent accommodation placements for the duration of the asylum process, which can last more than 200 days.

Child protection

Rules concerning unaccompanied children are unclear in Slovenia, with some children detained and others permitted transit.

Some unaccompanied children are at high risk in Germany, where they are detected only after redistribution to other regions, an operation that can take up to several weeks. Facilities for unaccompanied children are insufficient, and children often stay in overcrowded hostels or gyms.

Transit times in Croatia continue to be very short, making it difficult to identify cases of child trafficking and other vulnerable children.

Children at first reception centres do not have access to regular schooling in Bulgaria and in most of the German regions.

In Sweden, unaccompanied children have to wait several months to be assigned a guardian.

Legal, social and policy responses

The Austrian government agrees to accept a maximum of 37,500 asylum seekers in 2016.

Sweden announces it will return 60-80,000 rejected asylum seekers over the next few years.

Croatia, Greece and Slovenia only allow Syrian, Iraqi and Afghan nationals wanting to reach Austria or Germany to cross the border.

Restrictive asylum law amendments are underway in Germany and Slovenia, and have been announced in Sweden.

Public security concerns among the population have increased in response to the sexual harassment and sexual assault incidents in Cologne and other cities on New Year's Eve, leading to the formation of volunteer vigilante groups or 'protection squads' in Austria, Bulgaria and Slovenia.

In Italy, the third hotspot opens in Pozzallo (Sicily) and another potential hotspot at the Austrian border is announced.

Temporary ID-controls are introduced on buses, ferries and trains between Denmark and Sweden. People without adequate identification documents are refused entry into Sweden.

Hate speech

Protests by far right-wing groups and hate crime incidents are increasing in Austria and continue to be at a high level in Bulgaria, Germany, Italy and Sweden.

A Hungarian government media campaign portrays refugees as potential terrorists and threats to national security.

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 Agency for State Protection and Counter Terrorism (*Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT*);
- Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*);
- Anti-Discrimination Bureau Styria (*Antidiskriminierungsstelle Steiermark*);
- Child and Youth Ombud Styria (*Kinder- und Jugendanwaltschaft Steiermark*);
- Red Cross Austria (*Rotes Kreuz Österreich*);
- Caritas Styria (*Caritas Steiermark*);
- Worker's Samaritan Federation (*Arbeiter-Samariterbund*);
- Asylum Coordination Austria (*Asylkoordination Österreich*).

1.2. Overview of the situation

Nearly 59,000 persons arrived in Austria during the period from 1 to 28 January 2016, according to the Ministry of Interior,¹ while other sources refer to 66,400 arrivals between 30 December 2015 and 27 January 2016.² Up to 3,000 are estimated to have arrived daily,³ mainly through border crossing points in Carinthia.

The new arrivals continue to come mainly from Afghanistan, Syria, Iraq, Iran, Nigeria, Morocco, and Somalia.⁴ Data on age and gender is not collected centrally.⁵ Red Cross Austria reports Syria, Afghanistan, Pakistan and Iraq as the main countries of origin.⁶

¹ Federal Ministry of the Interior/Department II/2, Operational Affairs.

² Worker's Samaritan Federation.

³ Red Cross Austria and Worker's Samaritan Federation.

⁴ Federal Ministry of the Interior/Department II/2, Operational Affairs.

⁵ Federal Ministry of the Interior/Department II/2, Operational Affairs.

⁶ Red Cross Austria.

As of 20 January, when the new border management system was launched in Spielfeld, up to 500 persons entered at this border crossing point every day.⁷ People with other destinations than Germany or Austria were rejected.⁸

An increasing number of persons is rejected at the German border and sent back to Austria.⁹ Especially Upper Austria and Salzburg have to process these persons,¹⁰ who either continue their journey on their own or repeatedly try to enter Germany.¹¹

On average, 200 to 250 asylum applications were filed in Austria per day.¹² Persons applying for asylum come mainly from Afghanistan, Syria, Iraq and Pakistan.¹³ About 15 to 20 asylum applications were filed in Spielfeld per day.¹⁴

1.3. Criminal proceedings against migrants and people helping them

1.3.1 Criminal proceedings initiated against migrants and asylum seekers

Offences related to irregular crossing of the border are considered administrative offences. No such administrative criminal proceedings have been initiated.¹⁵

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

No criminal proceedings have been filed for facilitating irregular entry or stay for non-profit.¹⁶ In December 2015, nine proceedings have been filed in the context of human trafficking.¹⁷

⁷ Caritas Styria.

⁸ Caritas Styria.

⁹ Red Cross Austria.

¹⁰ Worker's Samaritan Federation.

¹¹ Red Cross Austria.

¹² Federal Ministry of the Interior, Department III/9.

¹³ *Ibid.*

¹⁴ Caritas Styria.

¹⁵ Federal Ministry of the Interior/Department II/2, Operational Affairs.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

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

1.4.1 Registration and identification

A test phase for the new border management system in Southern Austria has been introduced at the border crossing point at Spielfeld on 20 January.¹⁸ Since then, 500 people are taken over there from Slovenia every day. They are registered and identified: their fingerprints and photographs are taken and documents verified. Moreover, a search in SIS is done. The interpreters in Spielfeld are provided by G4S, a private security firm.¹⁹ The centre is expected to be fully operational in a few weeks.²⁰ The new system has been set up in line with fundamental rights considerations, according to the Ministry of Interior.²¹

Some organisations consider the new procedure as an indication of a tougher asylum regime in Austria. Entry could be denied and only people who want to apply for asylum in Austria or Germany will be granted entry. However, it remains to be seen how this turns out in practice.²²

Refugees and migrants also continue being transferred to Austria through the Karawanken tunnel (Jesenice/St. Jakob im Rosental) in Carinthia.²³ The authorities there are establishing the same border management system and procedure to register persons as set up in Spielfeld.²⁴

Overall, the initial registration has improved. There are sufficient weather-proof facilities and places to wait.²⁵

The Ministry of Interior announced that only persons expressing the wish to apply for asylum either in Austria or in Germany will be allowed to cross the border into Austria.²⁶

¹⁸ *Ibid.*

¹⁹ Caritas Styria.

²⁰ UNHCR, Europe's Refugee Emergency Response Update #18 covering the period from 8 – 14 January 2016.

²¹ Federal Ministry of the Interior/Department II/2, Operational Affairs.

²² Asylum Coordination Austria.

²³ UNHCR, Europe's Refugee Emergency Response Update #18 covering the period from 8 – 14 January 2016.

²⁴ Federal Ministry of the Interior/Department II/2, Operational Affairs.

²⁵ Asylum Coordination Austria.

²⁶ UNHCR, Europe's Refugee Emergency Response Update #18 covering the period from 8 – 14 January 2016.

1.4.2 Asylum procedure

As 5,000 to 6,000 asylum seekers continue to stay in emergency or transit quarters, it is unclear whether authorities properly inform asylum seekers about their procedure.²⁷

The Child- and Youth Ombud Styria reported that the asylum procedures for 17 year old children sometimes appear to be delayed until maturity.²⁸

According to information available to Asylum Coordination Austria (*Asylkoordination Österreich*), the police informs people that it is impossible to apply for asylum in Austria, which may hinder access to the asylum procedure.²⁹

As amendments to the Asylum Act 2005 are expected to restrict family reunification possibilities, many families try to file applications for family reunion as long as the old rules are still in force, i.e. until end of March.³⁰

1.4.3 Return procedure

Austria continued to return individuals with false documents or people who provided a false nationality or name to Slovenia.³¹ From 1 to 14 January some 1,700 people were returned to Slovenia from Austria.³² According to UNHCR, those returned include nationals of Morocco, Pakistan, Iran, Afghanistan, Iraq, Algeria, India, and Mauritania. Those who were returned were re-interviewed by the Slovenian police for further verification of nationality and name and were later allowed to continue to Austria.³³

The number of return procedures is increasing and currently additional personnel is trained for this purpose.³⁴ After months without any persons in detention, some 10-15 people were brought to the pre-removal facility in Vordernberg (Styria) in the last week of January.³⁵

²⁷ Red Cross Austria.

²⁸ Child and Youth Ombud Styria.

²⁹ Asylum Coordination Austria.

³⁰ Red Cross Austria.

³¹ UNHCR, Europe's Refugee Emergency Response Update #17 covering the period from 1 – 7 January 2016.

³² UNHCR, Europe's Refugee Emergency Response Update #17 covering the period from 1 – 7 January 2016 and UNHCR, Europe's Refugee Emergency Response Update #18 covering the period from 8 – 14 January 2016.

³³ *Ibid.*

³⁴ Federal Ministry of the Interior/Department II/2, Operational Affairs.

³⁵ Caritas Styria.

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

1.5.1 Reception conditions and capacity

Providing shelter to asylum seekers and people in transit continues to be the main challenge in Austria,³⁶ although the situation has improved compared to the past³⁷ and further reception capacities for asylum seekers are being established.³⁸

The provinces have failed to take more than 3,000 asylum seekers, who are now blocking the capacities in the transit quarters.³⁹ As a result, the Federal Ministry of the Interior set priorities and has started to provide shelter only to vulnerable people (such as unaccompanied children, women, families, elderly persons, persons with disabilities, sick persons). Many young men are sent away and told to go to the care centres run by the provinces.

As many asylum seekers with an ongoing procedure continue to stay in transit quarters, newly arriving asylum seekers face the risk of being homeless in Austria.⁴⁰ According to rough estimates, around 5,000 to 6,000 asylum seekers stay in transit quarters.⁴¹ The Red Cross tries to send the children of the asylum seekers staying in transit quarters to school and also tries to provide them with language classes and other activities.⁴²

The situation in Spielfeld does not seem to pose any problems at the moment. The communication with Slovenian authorities seems to work well.⁴³ Caritas has sufficient clothing available, while the authorities decide whether or not distribution is necessary.⁴⁴

1.5.2 Vulnerable persons

The identification procedures for unaccompanied children are still not conducted carefully enough.⁴⁵ According to information available to Asylum Coordination Austria (*Asylkoordination Österreich*), an increasing number of organisations are authorised to conduct the identification procedure. Yet, these organisations do not

³⁶ Federal Ministry of the Interior, Department III/9, Caritas Styria.

³⁷ Federal Ministry of the Interior/Department II/2, Operational Affairs.

³⁸ Asylum Coordination Austria.

³⁹ Federal Ministry of the Interior, Department III/9.

⁴⁰ Asylum Coordination Austria.

⁴¹ Red Cross Austria.

⁴² *Ibid.*

⁴³ Caritas Styria.

⁴⁴ Caritas Styria.

⁴⁵ Asylum Coordination Austria.

have sufficiently trained staff to conduct the identification procedure accordingly.⁴⁶ Also, in accommodation facilities hosting unaccompanied children, staff sometimes lack the required training.⁴⁷

1.5.3 Child protection

In January 2016, new facilities were established for unaccompanied children in Styria. Styria fulfils its quota for unaccompanied children almost entirely. In the absence of evidence, the date of birth is recorded to be 1 January of the given year. Due to this, several children may formally have reached the age of 18 at the beginning of 2016.⁴⁸ Some larger institutions (e.g. Caritas) provide temporary solutions for persons who turn 18, and they may stay in the accommodation until their education is completed.⁴⁹ In many other cases, persons who turn 18 are forced to change accommodation and terminate their education.⁵⁰

The Child- and Youth Ombud Styria received information that at the moment there are around 6,300 unaccompanied child asylum seekers in Austria, about 850 of them in Styria. The Child- and Youth Ombud Styria does not have knowledge of unaccompanied child refugees who absconded.⁵¹

According to the new procedure established in Spielfeld, to avoid family separations, persons will be able to wait for their family in the registration area if they were separated before.⁵²

1.5.4 Healthcare

Not all people arriving at the quarters run by the Federal State have gone through an initial health check. The reason for this is that many people arrive directly at these quarters run by the Federal State without having been channelled through initial reception centres, where such checks are usually performed. The Federal Ministry of the Interior sought aid from the Ministry of Health and aims to provide for an initial health check in cooperation with the Red Cross in the future.⁵³

In Spielfeld, healthcare is provided. Since September 2015, the health conditions of persons arriving has improved significantly, possibly due to the fact, that

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ Child and Youth Ombud Styria.

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² Caritas Styria.

⁵³ Federal Ministry of the Interior, Department III/9.

transport in Serbia, Croatia and Slovenia is provided (sometimes against payment) and walking long distances is no longer required.⁵⁴

1.5.5 Immigration detention

Nothing new to report.

1.6. Responses in law, policy and/or practice

The Federal government agreed on an indicative maximum number (*Richtwert*) of asylum seekers, at 37,500, to be accepted in 2016.⁵⁵

At the beginning of January “[t]he political debate about introducing an upper limit for receiving refugees intensified with one part of the Federal government (the conservative People’s Party) supporting it and another one (the Social Democratic Party) being against it. The Austrian Federal President, Mr. Heinz Fischer, dedicated most of his New Year’s speech to the refugee situation, rejecting an upper limit and emphasising that everyone should rather join forces and contribute to finding appropriate solutions. He also stated that the European Union’s (EU) external borders needed to be managed in a better way and that more solidarity among EU Member States was necessary.”⁵⁶

On 8 January, the Social Democratic Party introduced a seven-point plan on asylum procedures: asylum applications should only be lodged in EU hotspots located either at the EU’s external borders or along the refugee and migrant transit route. Efforts should be made to harmonise asylum standards across EU Member States, and refugees should no longer be allowed to choose the country of destination. In addition, asylum procedures should be further accelerated in Austria and the provision of non-cash benefits assessed.⁵⁷

1.7. Social response to the situation

Voluntary work still continues while the situation has calmed down during the reporting period.⁵⁸ However, the Worker’s Samaritan Federation reported, that some members of their federation cancelled their membership due to the current focus of the organisation on refugees.⁵⁹

⁵⁴ Caritas Styria.

⁵⁵ Federal Ministry of the Interior, Department III/9.

⁵⁶ UNHCR, Europe’s Refugee Emergency Response Update #17 covering the period from 1 – 7 January 2016.

⁵⁷ UNHCR, Europe’s Refugee Emergency Response Update #18 covering the period from 8 – 14 January 2016.

⁵⁸ Federal Ministry of the Interior/Department II/2, Operational Affairs.

⁵⁹ Worker’s Samaritan Federation.

The Ministry of the Interior received many complaints about the establishment of new accommodation facilities without the permission of local mayors in the provinces.⁶⁰ The overall opinion among the general population is becoming more critical in this respect.⁶¹

After the overall positive atmosphere among the population last summer, the mood has now shifted towards the negative.⁶² Society is split between those who want to help and understand refugees and those who feel that it is "enough".⁶³

Following the incidents in Cologne on New Year's Eve, the population is calling for more security. Right-wing politicians build on this with statements discriminating entire groups.⁶⁴ A sense of anxiety can be felt among the youth in schools since the incidents in Cologne.⁶⁵

The number of vigilante groups (*Bürgerwehren*) that are formed online via social networks is increasing. They organise and call for protection measures (such as patrols and escorts) and are currently looking for sponsors and equipment suppliers.⁶⁶

Persons attending an information meeting for people living close to a newly established accommodation facility for unaccompanied child refugees in Graz (Styria) raised concerns and showed fear after the attacks in Cologne. The perception of young asylum seekers depends on their country of origin: While Syrians were considered "okay", Afghans were perceived very negatively.⁶⁷

1.8. Hate crime incidents

Between 7 and 10 January, banners saying "Stop asylum. Deport" (*Asylstopp. Abschieben*) have been set up in Krumpendorf and Klagenfurt (Carinthia). During the same time, "Stop asylum" was sprayed on signs in the same area.⁶⁸

On 9 January, the *Identitäre Bewegung Österreich (IBÖ)* organised a march (*Aufmarsch*) in Freilassing (Germany) and Salzburg (Austria) with about 350 people participating at each location.⁶⁹

⁶⁰ Federal Ministry of the Interior, Department III/9.

⁶¹ Federal Ministry of the Interior/Department II/2, Operational Affairs.

⁶² Federal Ministry of the Interior, Department III/9, Caritas Styria, Worker's Samaritan Federation, Child and Youth Ombud Styria.

⁶³ Caritas Styria.

⁶⁴ Asylum Coordination Austria.

⁶⁵ Red Cross Austria.

⁶⁶ Federal Agency for State Protection and Counter Terrorism.

⁶⁷ Child and Youth Ombud Styria.

⁶⁸ Federal Agency for State Protection and Counter Terrorism.

⁶⁹ *Ibid.*

On 11 January, a "Citizens forum on the accommodation of asylum seekers" was organised by civil society in Innsbruck (Tyrol). It was a protest meeting of about 350 persons, including members of the *IBÖ*.⁷⁰

On 15 January, the organisation "Human Life Hungary" and the Hungarian Jobbik Party organised a public meeting on "Aggression against women in many cities". They planned to distribute pepper spray, but this was prohibited by the authorities. The *Offensive gegen Rechts* and the *Autonome Antifa Wien* organised a counterdemonstration.⁷¹

The *Identitäre Bewegung Österreich (IBÖ)* held an "asylum conference" (*Asylkonferenz*) in Graz (Styria) on 16 January.⁷² This was followed by a rally on the "*Identitäre Reform der Flüchtlingspolitik*" with approximately 300 participants on 17 January. A counterdemonstration was held under the motto "Refugees are welcome" and "Stop the right-wing agitation". After the rallies, five members of the *IBÖ* and five Greens got into a fight and two persons were slightly injured. In the night before the rally, graffiti was sprayed in the city by the *Antifa*.⁷³

During the night of 16 January, the windows of a home for asylum seekers were shot at in Carinthia. The shots did not penetrate the windows and no one was harmed. The police assumes that the shots might have been fired with a paintball gun.⁷⁴ Apart from this incident, there have been no attacks against accommodation centres.⁷⁵

On 18 January, five people agitated against a planned accommodation for asylum seekers in St. Egyden. They requested the mayor to take responsibility.⁷⁶ On 19 January, a silent protest was held against a planned accommodation in St. Egyden by members of the local Social Democratic Party. Later on the silent protest was held jointly with members of the Freedom Party. About 400 people participated in this protest in total.⁷⁷ On 20 January, 120 people protested in Velden (Carinthia) against the planned accommodation for asylum seekers in St. Egyden.⁷⁸

During the reporting period, the Anti-Discrimination Bureau Styria received a total of 26 reports on racist posting and postings inciting hatred linked to refugees.⁷⁹

70 *Ibid.*

71 *Ibid.*

72 *Ibid.*

73 *Ibid.*

74 *Ibid.*

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

76 Federal Agency for State Protection and Counter Terrorism.

77 *Ibid.*

78 *Ibid.*

79 Anti-Discrimination Bureau Styria.

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);
- Caritas Bulgaria;
- Refugee Support Group (RSG);
- Bulgarian Red Cross (BRC) (*Български червен кръст*, БЧК).

2.2. Overview of the situation

In January 2016, almost 1,400 persons were apprehended at the border and within the territory of the country. Around 600 of them were new arrivals apprehended at the border, over 200 persons were apprehended within the territory of the country and about 500 persons were apprehended at the border while trying to leave the country (around 300 persons registered in the automated fingerprint identification system and 200 without registration).

The majority of the new arrivals apprehended at the border were from Iraq, Syria, Afghanistan and Pakistan. The majority of those apprehended at the border while trying to leave the country were from Afghanistan, Iraq, Syria, Pakistan and Iran. New arrivals were apprehended both at the green border (around 550 persons) and at border check points (around 80 persons). The majority of new arrivals came from Turkey (more than 500 persons). Persons trying to leave the country were also apprehended both at the green border (over 500 persons) and at border check points (eight persons). The majority of these persons were apprehended at the border with Serbia (around 500 persons).⁸⁰

In January 2016, some 2,000 people applied for asylum, including about 1,400 men (including some 230 aged between 0 and 13 years, some 160 aged between 14 and 17 years, some 900 aged between 18 and 35 years, about 100 aged

⁸⁰ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 31 December 2015 to 08.00 CET on 28 January 2016.

between 35 and 64 years, and a few aged 65 years or older). Around 550 women applied for asylum (including around 220 children, around 250 women aged between 18 and 34 years, around 70 aged between 35 and 64 years and 10 aged 65 years or older). The most relevant nationalities of the asylum applicants were Iraqi, Afghan, Syrian and Pakistan.⁸¹

Refugee status was granted to 47 applicants; 18 persons obtained humanitarian status and 33 asylum applications were rejected.⁸²

During the reporting period, nearly 50 persons were returned to Bulgaria under the Dublin procedures⁸³ and around 30 irregular migrants were returned from Bulgaria to their countries of origin.⁸⁴

2.3. Criminal proceedings against migrants and people helping them

2.3.1 Criminal proceedings initiated against migrants and asylum seekers

Four foreigners of Syrian origin and two of Iraqi origin were sentenced to suspended imprisonment of three months each and a fine of BGN 100. They attempted to exit Bulgaria, hidden in a vehicle, to reach Germany.⁸⁵

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

During the reporting period, a total of 24 persons were arrested by the border police for smuggling of persons across the border.⁸⁶

One man and one woman were sentenced to, respectively, a year and a half and ten months of imprisonment and fines of BGN 1,000 each for attempting to smuggle a foreigner through the border. The man was of Syrian origin and was hidden in their car.⁸⁷

⁸¹ State Agency for Refugees. The figures are not final because the data are still being processed.

⁸² Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 31 December 2015 to 08.00 CET on 28 January 2016.

⁸³ State Agency for Refugees.

⁸⁴ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 31 December 2015 to 08.00 CET on 28 January 2016. Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'Upon charges by the Regional Prosecutor's Office in Svishtov four Syrians and two Iraqis were sentenced for attempting to illegally pass through the, Press release, 13 January 2016, www.prb.bg/bg/news/aktualno/po-obvinenie-na-rajonna-prokuratura-svishov-chetir/.

⁸⁶ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 31 December 2015 to 08.00 CET on 28 January 2016.

⁸⁷ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'Imprisonment and fine for smuggling a foreigner through the border were imposed after approval of plea bargain by the Regional Prosecutor's

An investigation on the smuggling of migrants was started in the case of 111 people of Syrian origin, including 60 children, found on an island in the river Maritza. According to initial information, the group was brought there on boats by Turkish smugglers.⁸⁸

A joint specialised operation of the police and the Prosecutor's Office to fight irregular migration took place on 8 January 2016. Around 560 persons were searched, as well as a number of hotels, hostels, restaurants and shops. Ten Bulgarians and three foreigners without identity papers were taken to police stations to establish their identity.⁸⁹

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

2.4.1 Registration and identification

Irregular migrants apprehended within the territory of the country are first placed in detention in the nearest regional police station. They stay there for up to 24 hours, which is the maximum period for which a person can be detained without an order from a prosecutor. Sometimes, particularly when bigger groups of persons are apprehended, the police fail to transfer them within 24 hours to the respective institution (migration or asylum authorities, depending on the migrant's will to file an asylum application). When irregular migrants are detained at the police stations, the police contact the regional department of the Bulgarian Red Cross to assure that everything necessary for their stay (food, blankets, childcare belongings) is provided. According to NGOs, the police are doing their best to shorten people's stay at the police stations as much as possible.⁹⁰

The persons accommodated at the special homes for temporary accommodation of foreigners managed by the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*), who wish to apply for international protection, are transferred to the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*) within one week.

2.4.2 Asylum procedure

Nothing new to report.

Office in Ruse', Press release, 22 January 2016, www.prb.bg/bg/news/aktualno/lishavane-ot-svoboda-i-globa-za-nelegalno-prevezhd/.

Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'The Regional Prosecutor's Office in Svilengrad started investigation on illegal smuggling through the border of 111 refugees', Press release, 13 January 2016, www.prb.bg/bq/news/aktualno/rajonna-prokuratura-svilengrad-izvrshva-razsledv-5/.

⁸⁹ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'Specialised police operation for countering illegal migration took place in the capital', Press release, 8 January 2016, www.prb.bg/bg/news/aktualno/specializirana-policejska-operaciya-za-protivodejs/.

⁹⁰ Bulgarian Red Cross.

2.4.3 Return procedure

Nothing new to report.

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

2.5.1 Reception conditions and capacity

As of 28 January 2016, nearly 600 asylum seekers were accommodated in the reception centres of the State Agency of Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*). Of them, the majority were from Syria, Iraq, Afghanistan and Pakistan. The total capacity of the reception centres is 5,130 persons. During the reporting period, the occupancy rate ranged between 12 % and 15 %. There were also some 540 asylum seekers accommodated at external addresses at their own expense.⁹¹

The number of asylum seekers leaving the reception centres at their own free will continue to be high. During the reporting period, the number of these persons was 1,414.⁹²

Due to the low occupancy rates, the living conditions in the reception centres are satisfactory. People seeking international protection are generally well equipped with warm clothes and shoes. If any specific needs are identified, the authorities contact NGOs, which provide donated jackets, warm shoes, childcare belongings and medications. Such cases, however, do not occur often.⁹³

The reception centre in Harmanli continues to be under repair. Construction works, however, do not affect the living conditions offered to newcomers because of the low occupancy rates.⁹⁴

2.5.2 Vulnerable persons

Nothing new to report.

2.5.3 Child protection

The number of children staying at the reception centres remains low. Children, together with the adults they are travelling with, leave very soon after they reach

⁹¹ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 31 December 2015 to 08.00 CET on 28 January 2016.

⁹² Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 31 December 2015 to 08.00 CET on 28 January 2016.

⁹³ Bulgarian Red Cross.

⁹⁴ Bulgarian Red Cross, Refugee Support Group.

the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*). As of 28 January, there are 14 children accommodated in the Voenna rampa reception centre in Sofia, of whom there are three unaccompanied 17 year old boys from Afghanistan.⁹⁵

Children accommodated in reception centres do not attend regular schools or language courses other than those delivered by NGOs and volunteers.⁹⁶

120 unaccompanied children in reception centre facilities throughout Bulgaria, mostly in Ovcha Kupel, had their asylum eligibility interview scheduled. 10 children left the centres with their procedure pending and were placed on the list of missing people. Three of those 10 were found, placed in a family type centre and guided for the continuation of their procedure.⁹⁷

2.5.4 Healthcare

During the reporting period, there have not been any major problems related to access to healthcare and medications. The newcomers are well equipped for the winter and as a result there is a relatively low number of colds. There are isolated cases, in which people sought healthcare assistance. They underwent the necessary medical examinations and all the prescribed medications, including vitamins, were provided by the Bulgarian Red Cross (BRC) (*Български червен кръст, БЧК*).⁹⁸

Two major incidents related to healthcare occurred during the reporting period. On 12 January 2016, an Iraqi woman died on her way from the Harmanli reception centre to the hospital. Initial examinations raised concerns about a serious infectious disease. Because of that, all the persons who had been in contact with the woman in Harmanli and Banya were immediately placed under quarantine. Autopsy result showed that her death was caused by an acute virus infection, which was catalysed by stress. As there was no risk of infection, the quarantine was lifted.⁹⁹

On 19 January 2016, when an Iraqi family with five children arrived at the reception centre in Harmanli, the initial medical examination found that two of the children (one aged 10 years and the other aged nine months) had high degree of frostbite. The parents told the doctors that the children suffered from a rare skin disease called Pempbigus vulgaris, which does not exist in Bulgaria. The children were sent to a hospital in Haskovo for additional examinations, but the doctors there confirmed the initial diagnosis of high degree of frostbite. The doctors recommended additional treatment at a hospital in Plovdiv, but the parents denied

⁹⁵ Bulgarian Red Cross.

⁹⁶ Caritas Bulgaria.

⁹⁷ State Agency for Child Protection.

⁹⁸ Bulgarian Red Cross.

⁹⁹ Bulgaria, Club Z (2016), 'Acute infection hit a refugee woman in Haskovo', 13 January 2016, http://clubz.bg/33070-ostra_infekciq_pokosi_bejanka_v_haskovo_obnovena.

further medical assistance and confirmed their decision by signing a declaration. The next day, the whole family left the reception centre.¹⁰⁰

2.5.5 Immigration detention

As of 28 January 2016, there were 342 irregular migrants accommodated in the special homes for temporary accommodation of foreigners of the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*). Of them, the majority were from Iraq (180 persons), followed by Afghanistan, Syria, Pakistan and Iran. The total capacity of the special homes is 940 persons. During the reporting period, a total of 841 new arrivals were accommodated in the homes and 1,225 persons were transferred to the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*). The occupancy rate decreased from 72 % during the first week of January to 36 % at the end of the period.¹⁰¹

2.6. Responses in law, policy and/or practice

On 20 January 2016, Human Rights Watch published a report based on interviews with migrants and asylum seekers conducted in six countries (Bulgaria, Croatia, Hungary, Serbia, Slovenia and Turkey) between October and December 2015. According to the report, the interviewed people had been subject to summary returns from Bulgaria to Turkey, beatings and robberies by law enforcement officials.¹⁰² Others were robbed and beaten while trying to cross from Bulgaria into Serbia.

Two persons were found dead in the mountains close to the Bulgarian border with Serbia. The first body was found on 20 January 2016, and the second one three days later, on 23 January 2016.¹⁰³ The persons were presumably trying to cross the border between Bulgaria and Serbia and froze to death. Both persons were men of unknown origin aged about 25 years. During the time when the bodies were found, the temperatures in the region dropped to -21 degrees Celsius. The Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*) has not officially confirmed this information. However, according to media reports based on interviews with border guards, this is not the first case when people trying to cross the border with Serbia are found dead in the mountains.¹⁰⁴

¹⁰⁰ Bulgaria, State Agency for Refugees (2016), 'Care for the refugees', Press release, 20 January 2016, www.aref.government.bg/?cat=13&newsid=955.

¹⁰¹ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 31 December 2015 to 08.00 CET on 28 January 2016.

¹⁰² Human Rights Watch (2016), Bulgaria: Pushbacks, Abuse at Borders, www.hrw.org/news/2016/01/20/bulgaria-pushbacks-abuse-borders.

¹⁰³ UNHCR (2016), 'UNHCR alarmed at the plight of refugees and migrants at Bulgaria borders', press release, 28 January 2016, www.unhcr.org/56aa19556.html.

¹⁰⁴ Bulgaria, Club Z (2016), Bodies of dead migrants began to appear from under the snow, 28 January 2016, <http://clubz.bg/FullArticleView/33738?ver=73158>.

2.7. Social response to the situation

NGOs and volunteers continue to provide art classes and language and orientation activities. The Harmanli Refugee Camp Play School published a list of materials they need for their classes.¹⁰⁵

The Refugee Support Group organised a campaign for collecting donations (clothes, shoes, hats, scarves, gloves and blankets for men, women and children) for the Greek island of Chios. According to the organisers, such items were more needed in Greece, because the number of new arrivals in Bulgaria is low and people often leave behind many of their belongings.¹⁰⁶

2.8. Hate crime incidents

No hate crime incidents were registered by the police during the reporting period.¹⁰⁷ No complaints for discrimination against persons seeking international protection were registered by the national equality body.¹⁰⁸

On 30 January 2016, a demonstration against migrants took place in the city of Burgas. About 50 people took part in the demonstration, which was organised by Civilian Squads for Protecting Women and Faith (*Цивилни отряди за защита на жените и вярата*).¹⁰⁹

¹⁰⁵ For more information, please see the Facebook page of the Refugee Camp Play School, www.facebook.com/groups/HarmanliRefugeeCampPlaySchool/.

¹⁰⁶ Refugee Support Group.

¹⁰⁷ Ministry of the Interior, Directorate General Criminal Police.

¹⁰⁸ Commission for Protection against Discrimination.

¹⁰⁹ Bulgaria, OFFNews (2016), 'Migrants – out!' shouted about 50 citizens of Burgas, 30 January 2016, http://offnews.bg/news/Protesti_17652/Migrantite-van-skandiraha-50-ina-burgazlii_623298.html.

3. Croatia

3.1. Stakeholders contacted

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

- Ministry of Health (*Ministarstvo zdravlja*);
- Ombudsperson's Office, National Preventive Mechanism (*Ured Pučke pravobraniteljice, Nacionalni preventivni mehanizam*);
- International Organisation for Migrations (IOM) Croatia, based in Zagreb;
- Welcome Initiative (*Incijativa Dobrodošli*);
- Croatian Law Centre, NGO (*Hrvatski pravni centar*);
- Are You Serious, NGO;
- Jesuit Refugee Service, NGO (*Isusovačka služba za izbjeglice*);
- Centre for Peace Studies, NGO (*Centar za mirovne studije*).

3.2. Overview of the situation

In January 2015, the overall number of new arrivals decreased, possibly due to harsh weather conditions and more restrictive policies on the admission of new arrivals along the Balkan route.¹¹⁰ Whilst the persons who arrived in December 2015 were of various nationalities, the persons who arrived in January 2016 were exclusively Syrian, Iraqi and Afghan. They arrived in waves: at times only men, and sometimes families with children. The percentage of elderly people has decreased.¹¹¹ Vulnerable groups, particularly children, women and sick persons, accounted for approximately half of the population.¹¹²

On certain days there were no arrivals at all.¹¹³

3.3. Criminal proceedings against migrants and people helping them

3.3.1 Criminal proceedings initiated against migrants and asylum seekers

Nothing new to report.

¹¹⁰ Croatia, International Organisation for Migrations Croatia, telephone interview held on 27 January 2016.

¹¹¹ Welcome Initiative, in-person interview held on 28 January 2016.

¹¹² Jesuit Refugee Service, email received on 27 January 2016.

¹¹³ Croatia, International Organisation for Migrations Croatia, telephone interview held on 27 January 2016.

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

The respondents provided no information on criminal proceedings initiated against people/organisations/associations facilitating irregular entry or stay during the reporting period.

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

3.4.1 Registration and identification

Only Syrian, Iraqi and Afghan nationals were allowed to enter the country in the reporting period.¹¹⁴ The Welcome Initiative suspects that the nationality of new arrivals who do not possess appropriate documentation is assessed by police officers and aided by interpreters through language, dialect and physical features.¹¹⁵

Fingerprints are taken without force or detention. There is no information on the registration of fingertips with EURODAC.¹¹⁶

Since 10 January 2016, UNHCR, the NGO Croatian Law Centre and the NGO Information Legal Center have been disseminating leaflets on the Croatian asylum system in English, Arabic and Farsi.¹¹⁷

The Croatian Red Cross and other NGOs have been screening for vulnerable persons, whose treatment is prioritised.¹¹⁸

The conduct of state officials towards new arrivals is overall considered as appropriate by the Jesuit Refugee Service.¹¹⁹

The Jesuit Refugee Service employed five refugees to work as translators for Arabic and Farsi, and these translators are constantly available in the camp.¹²⁰

3.4.2 Asylum procedure

Welcome Initiative volunteers spoke to several new arrivals, who had been returned to Serbia and who claimed that Croatian police officials had not given them the opportunity to seek asylum. These allegations could not be verified, as

¹¹⁴ Croatia, International Organisation for Migrations Croatia, telephone interview held on 27 January 2016.

¹¹⁵ Welcome Initiative, in-person interview held on 28 January 2016.

¹¹⁶ Jesuit Refugee Service, email received on 27 January 2016.

¹¹⁷ Welcome Initiative, in-person interview held on 28 January 2016.

¹¹⁸ Jesuit Refugee Service, email received on 27 January 2016.

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

the Welcome Initiative members have no access to the registration facilities.¹²¹ On the other hand, the Jesuit Refugee Service reported no obstacles to access the asylum system.¹²²

3.4.3 Return procedure

Whilst Syrian, Iraqi and Afghan (SIA) nationals are allowed entry within the established corridor, new arrivals of other nationalities are denied entry or subject to return procedures.¹²³ New arrivals of non-SIA nationalities are denied access to trains even before entering Croatia, in Šid, Serbia. From the beginning of the refugee crisis until 13 January 2016, a total of 1,358 people have been separated in this manner. Further separation is carried out in the Slavonski Brod camp. 130 persons were denied further transfer and subjected to readmission procedures on 13 January 2016. Such new arrivals are transferred to the detention centre in Ježevo.¹²⁴

By 13 January 2016, Slovenia returned two non-SIA nationals to Croatia. 15 people were returned from Croatia to Serbia on the same day. The so-called informal readmission procedure was attempted in the case of 79 persons. Serbia accepted the procedure in the case of three persons.¹²⁵

The Welcome Initiative found out that four Afghan nationals crossed the border between Serbia and Croatia illegally during the night between 28 and 29 January 2016. They were spotted by Croatian police officers on the Croatian territory, returned to the border and ordered to leave Croatia, under threat of firearms use. Several hours later, the four Afghan nationals made another attempt to cross the border holding a note that stated their nationality, the wish to reach Germany and get some water. Police officers allegedly laughed at them, tore apart the documents they received in Greece and used pepper spray to force them back to the Serbian territory. They made another attempt several hours later, seeking asylum and medical assistance. The police told them to go back to Serbia.¹²⁶

¹²¹ Welcome Initiative, in-person interview held on 28 January 2016.

¹²² Jesuit Refugee Service, email received on 27 January 2016.

¹²³ Croatia, Ombudsperson's Office, National Preventive Mechanism, email received on 26 January 2016.

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

¹²⁶ Welcome Initiative, in-person interview held on 1 February 2016.

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

3.5.1 Reception conditions and capacity

The reception conditions in the Slavonski Brod camp have not changed in comparison to the previous reporting period.¹²⁷ The facilities are satisfactory; however, they remain largely unused due to the very short duration of new arrivals' stay in the camp (mainly less than three hours).¹²⁸ NGOs hold daily meetings and cooperate well, in particular with regard to the delivery and dissemination of humanitarian aid. Some Croatian Red Cross staff occasionally make inappropriate remarks concerning the physical state and appearance of new arrivals in front of others.¹²⁹

3.5.2 Vulnerable persons

Vulnerable groups have prioritised access to the registration procedure and adequate medical and special care.¹³⁰

3.5.3 Child protection

Due to the hasty manner in which the transition of new arrivals is carried out, as described in the previous report, it is difficult to detect child trafficking cases. Two unaccompanied children were placed in the Children's home in Osijek, following which they were reunited with their parents. Three boys from Afghanistan were allowed to travel further with their uncle whose identity has been verified through various sources.¹³¹

3.5.4 Healthcare

Trains coming from Serbia were very frequently not heated, which is troublesome in low temperatures. New arrivals, in particular children, were arriving with hypothermia, suffering from severe colds. The NGO MAGNA's doctors acted proactively, in comparison to State doctors.¹³² Paediatricians have been

¹²⁷ Croatia, International Organisation for Migrations Croatia, telephone interview held on 27 January 2016.

¹²⁸ Are You Serious, telephone interview held on 31 January 2016.

¹²⁹ Welcome Initiative, in-person interview held on 28 January 2016.

¹³⁰ Jesuit Refugee Service, email received on 27 January 2016.

¹³¹ Welcome Initiative, in-person interview held on 28 January 2016.

¹³² Are You serious, telephone interview held on 31 January 2016.

unavailable during the night.¹³³ In certain cases, new arrivals refused medical treatment as they wanted to carry on traveling without delay.¹³⁴

From 1 January until 28 January 2016, there were around 60 emergency medical interventions, 1100 general practice interventions, 60 hospitalisations and 400 camp infirmary interventions.¹³⁵

3.5.5 Immigration detention

On 13 January 2016, 73 persons were subjected to the readmission procedure in the detention centre Ježevo, but were not accepted by Serbia. None of them sought asylum or legal aid.¹³⁶ No information is available on the detention conditions.

3.6. Responses in law, policy and/or practice

Significant changes took place in the reporting period. Following the Croatian parliamentary elections on 8 November 2015, a new right-wing government has been established in January 2016. The new government is composed of the Patriotic Coalition (*Domoljubna koalicija*), organised around the Croatian Democratic Party (*Hrvatska demokratska zajednica, HDZ*), forming the government majority, and the political party called Bridge (*MOST*). Public statements issued by certain members of the Croatian Democratic Party create an atmosphere of intolerance. The statements have so far not explicitly concerned new arrivals or their transfer.¹³⁷

3.7. Social response to the situation

Nothing new to report.

3.8. Hate crime incidents

Hate crime incidents have occurred and the general atmosphere has become less tolerant towards other nationalities. The Electronic Media Council (*Vijeće za elektronske medije*) penalised the Z1 television network with a three-day broadcast ban for hate speech against the Serbian ethnic minority expressed by the TV presenter Marko Jurič. The broadcast ban resulted in public demonstrations of around 5,000 right-wing oriented Croatian citizens and veterans. The Croatian Parliament's vice president Ivan Tepeš and the newly appointed Veterans Minister Mijo Crnoja joined the demonstrations. The Veterans Minister resigned only a few

¹³³ Welcome Initiative, in-person interview held on 28 January 2016.

¹³⁴ *Ibid.*

¹³⁵ Croatia, Ministry of Health, email received on 29 January 2016.

¹³⁶ Croatia, Ombudsperson's Office, National Preventive Mechanism, email received on 26 January 2016.

¹³⁷ Centre for Peace Studies, in-person interview held on 29 January 2016.

days later, following accusations of having provided false information concerning tax duties. The demonstrators marched towards the Electronic Media Council's premises and directed hate speech statements towards its vice president Mirjana Rakić, including statements concerning her Serbian ethnicity.

The newly appointed Minister of Culture Zlatko Hasanbegović explicitly positioned himself against anti-fascism. Human rights organisations and many people from the arts and culture domain demanded his resignation.¹³⁸

¹³⁸ *Ibid.*

4. Germany

4.1. Stakeholders contacted

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

- German Red Cross (*Deutsches Rotes Kreuz*);
- Caritas Germany – Department of Health and Welfare – Unit Children, Youth, Family and Generations (*Caritas Deutschland e. V.*);
- Caritas Germany – Department of Migration and Integration;
- Federal Association for Unaccompanied Minor Refugees (*Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e. V., B-umF*);
- The 'Conference of Legal Advisors' (*Rechtsberaterkonferenz*);
- Moabit helps e. V. (*Moabit hilft e. V.*).

Media reports were used to fill gaps arising as public authorities could not be interviewed.

4.2. Overview of the situation

According to 'Spiegel online', citing the Bavarian Ministry of the Interior, around 63,800 persons in need of international protection crossed the border in January 2016. Every day, more than 2,000 persons in need of international protection arrived in Germany during this period.¹³⁹

4.3. Criminal proceedings against migrants and people helping them

4.3.1 Criminal proceedings initiated against migrants and asylum seekers

Around 99 % of proceedings initiated against persons in need of international protection for illegal entry were cancelled.¹⁴⁰

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

Nothing new to report.

¹³⁹ Spiegel Online, 1 February 2016, available at: www.spiegel.de/politik/deutschland/fluechtlinge-bayern-registriert-64-000-neuankoemmlinge-im-januar-a-1075072.html (all hyperlinks were accessed on 1 February 2016).

¹⁴⁰ The conference of legal advisors.

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

4.4.1 Registration and identification

A huge backlog of registrations still exists in many German Federal States. One reason is the high number of new arriving persons. Another reason is the lack of personnel in registration offices.¹⁴¹ Particularly in Berlin, persons in need of international protection had to wait days up to weeks to be registered. During the reporting period, they were standing in the queue at the registration office in temperatures from 0 to minus 10 degrees Celsius. Some 200 to 300 new refugees continue to arrive in Berlin every day.¹⁴²

Regarding unaccompanied children, it happened that those older than 14 years were not immediately taken into care but distributed together with adults from the Bavarian border to reception centres of other Federal States. In those reception centres it can take weeks until unaccompanied children are identified and taken into care. During this waiting period the children concerned are at a high risk.¹⁴³

The Federal Office for Migration and Refugees provides general information on procedures for asylum seekers. However, persons concerned have many more questions on their procedural situation. As most of the working staff in reception centres do not have any knowledge about asylum law, for many persons in need of international protection it is very difficult to find answers to their questions concerning the procedure. In particular, when some asylum seekers receive a positive decision relatively quickly (e.g. Syrians) while others have to wait for several months for their decision, the latter feel unjustly treated.¹⁴⁴

According to media reports, citing the Bavarian Minister of the Interior, the Bavarian police searches asylum seekers for money and other valuable objects when they arrive in accommodation centres. This practice is justified by the fact that benefits according to the Asylum Seekers Benefits Act are considered subordinated to existing assets. Apart from a specific amount of exemption in some Federal States, money is reportedly taken from asylum seekers. According to representatives of human rights organisations and the opposition, it is unclear if a legal basis for this measure exists.¹⁴⁵

¹⁴¹ The conference of legal advisors.

¹⁴² Moabit helps.

¹⁴³ Caritas Germany – Department of Health and Welfare – Unit Children.

¹⁴⁴ The conference of legal advisors.

¹⁴⁵ Tagesspiegel, 21 January 2016, available at: www.tagesspiegel.de/politik/wie-in-der-schweiz-und-daenemark-auch-fluechtlinge-in-deutschland-muessen-bargeld-abgeben/12860040.html; Neue Osnabrücker Zeitung, 21 January 2016, available at: www.noz.de/deutschland-welt/politik/artikel/660944/fluechtlinge-muessen-auch-in-deutschland-ihr-bargeld-abgeben-1

4.4.2 Asylum procedure

During the reporting period, the Minister of the Interior stated that persons trying to cross the German-Austrian border in an irregular manner are not admitted to enter Germany if they do not want to apply for asylum in Germany. Every day, around 100 to 200 people have therefore been refused entry at the border.¹⁴⁶

4.4.3 Return procedure

Rejected asylum applicants are given the opportunity to leave the country voluntarily. In many cases, persons concerned, who were accommodated in reception centres, made use of this option during the reporting period.¹⁴⁷

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

4.5.1 Reception conditions and capacity

With regards to capacity, the situation has improved slightly. In many regions, there is enough space to accommodate new arrivals.¹⁴⁸ Busses full of people no longer arrive at night at reception centres as it happened frequently in the summer of 2015.¹⁴⁹ However, in some regions, there is still a necessity to accommodate persons in heated tents or gyms until proper reception facilities can be made available.¹⁵⁰

Especially in overcrowded reception centres, the sanitary conditions are poor. Further mobile showers are needed, but there are bottlenecks in the 'mobile shower market'. The lack of showers also affects health prevention measures: Low sanitary standards are one of the reasons why diseases break out.

In general, the atmosphere in reception facilities is frustrating and frightening as unannounced deportations can take place every day.¹⁵¹ Violence among asylum seekers occurred in overcrowded reception centres.¹⁵²

¹⁴⁶ Tagesschau, 24 January 2016, available at: www.tagesschau.de/inland/fluechtlinge-grenzen-101.html.

¹⁴⁷ The conference of legal advisors.

¹⁴⁸ Consistent statements of Caritas Germany – Department of Migration and Integration and German Red Cross.

¹⁴⁹ German Red Cross.

¹⁵⁰ Caritas Germany – Department of Migration and Integration.

¹⁵¹ *Ibid.*

¹⁵² German Red Cross.

Sufficient water and food were provided to persons in need of international protection. No problems concerning heating systems were reported.¹⁵³

4.5.2 Vulnerable persons

Overall, it is still difficult to accommodate unaccompanied children due to a lack of sufficient childcare facilities (*Inobhutnahmeinrichtungen*). As a result, unaccompanied children are often accommodated in hostels or other temporary shelters such as gyms. The conditions in such temporary shelters do not meet the criteria for the child's welfare, as there is not enough space (e.g. eight children in one room). Moreover, there is a lack of well trained and qualified staff taking care of unaccompanied children in those temporary shelters.¹⁵⁴

More staff is being trained to identify vulnerable persons. Concerning unaccompanied children, it is, generally, less difficult to identify them if they travel alone. For new staff, who have never worked with refugees before, it is difficult to find out "if something is wrong with a person".¹⁵⁵

4.5.3 Child protection

The legal standards concerning protection and retreat areas for children cannot be ensured in reception centres, in particular, in emergency shelters such as gyms and tents.¹⁵⁶

In most of the initial reception centres, children do not have access to education. Volunteers organise lessons for children. While this, on the one hand, guarantees at least a minimum of education for children concerned, on the other hand, it results in the fact that children stay 24 hours in the reception centre without any participation in and access to the society.¹⁵⁷

The frightening atmosphere in reception facilities caused by the fact that unannounced deportations take place, also affects children. Moreover, the noise and conflicts among inhabitants affect children even in those reception centres where playgrounds are available.¹⁵⁸

As many children from 'safe countries of origin' will stay in the reception centres until their asylum claim is processed and, most likely, rejected, they are not having any access to the local social structure (e.g. kindergarten, school) from the

153 Consistent statements of Caritas Germany – Department of Migration and Integration and German Red Cross.

154 Caritas Germany – Department of Health and Welfare – Unit Children.

155 German Red Cross.

156 Caritas Germany – Department of Health and Welfare – Unit Children.

157 Federal Association for Unaccompanied Minor Refugees.

158 *Ibid.*

beginning until the end of the asylum procedure, which is a dramatic experience in the life of a child.¹⁵⁹

4.5.4 Healthcare

All in all, persons in need of international protection had access to basic healthcare. Problems occurred when doctors had to travel far to reach accommodation centres. In some cases, asylum seekers could not immediately attend a 'health check' before being moved from a reception centre to an accommodation centre.¹⁶⁰

4.5.5 Immigration detention

Nothing new to report.

4.6. Responses in law, policy and/or practice

The Minister of the Interior, Thomas De Maiziere, publicly stated that border controls would be extended indefinitely. Those controls were launched in September 2015 to verify the identity of new arriving persons at the border with Austria.¹⁶¹

On 28 January 2016, the coalition agreed on the adoption of the so called 'asylum package II' (*Asylpaket II*). The 'asylum package II' provides the establishment of special accommodation centres for persons whose asylum applications are "manifestly ill-founded" (e.g. persons from safe countries of origin). The asylum procedure for those persons will last only one week. Further two weeks are foreseen for a possible appeal procedure. The entitlement to benefits according to the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*) will occur only once the person has entered a special accommodation centre. Violations of the residence obligation will result in suspending the benefits provided according to the Asylum Seekers Benefits Act. Moreover, the 'asylum package II' intends to suspend family reunification for persons granted subsidiary protection for two years. Finally, it aims at implementing clear and stringent rules regarding obstacles for deportation due to health reasons.

In addition to the 'asylum package II', the coalition agreed on a further law that will declare Morocco, Tunisia and Algeria as "safe countries of origin". The Federal Council, however, must approve this law.¹⁶²

¹⁵⁹ Federal Association for Unaccompanied Minor Refugees.

¹⁶⁰ German Red Cross.

¹⁶¹ Tagesschau, 21 January 2016, available at: www.tagesschau.de/inland/maiziere-187.html.

¹⁶² Frankfurter Allgemeine Zeitung, 29 January 2016, available at: www.faz.net/aktuell/politik/fluechtlingskrise/fluechtlingskrise-das-wichtigste-aus-dem-asylpaket-ii-14040777.html; Draft Law available at: www.proasyl.de/fileadmin/fm-dam/v_Dokumente_Dritter/Referentenentwurf_BMI_Gesetz_zur_Einfuehrung_beschleunigter_Asylverfahren.pdf.

Furthermore, the coalition agreed on the implementation of an “easier” procedure to deport foreign criminals. The Minister of the Interior stated that this proposal is related to the incidents during the New Year’s Eve.¹⁶³ During the New Year’s Eve, in many German cities, especially in Cologne, groups of men with an “Arabic appearance” assaulted women.¹⁶⁴

4.7. Social response to the situation

In Bornheim, North-Rhine Westphalia, a temporary general ban on access to a public swimming pool has been introduced for male asylum seekers and refugees.¹⁶⁵ In Freiburg, Baden-Württemberg, asylum seekers were not allowed to enter discos and clubs. These measures went hand in hand with a debate about sexual assaults allegedly committed by refugees.¹⁶⁶

4.8. Hate crime incidents

On 29 January 2016, unknown perpetrators threw a hand grenade on an accommodation centre in Baden-Württemberg. The grenade was filled with explosives but did not explode. Around 170 asylum seekers were accommodated in the building when the assault happened. Nobody was injured.

During the reporting period, Pro Asyl and Amadeo Antonio Foundation recorded

- 17 arson attacks against reception and accommodation centres,
- 85 ‘other attacks’ against reception and accommodation centres (e. g. damage of property),
- 23 hostile demonstrations against refugees and
- 26 violent attacks directed against asylum seekers (33 injured persons).¹⁶⁷

¹⁶³ Frankfurter Allgemeine Zeitung, 12 January 2016, available at: www.faz.net/aktuell/politik/fluechtlingskrise/kriminelle-auslaender-koalition-beschliesst-leichtere-abschiebung-14010201.html.

¹⁶⁴ Tagesschau, 23 January 2016, available at: www.tagesschau.de/inland/silvester-uebergriffe-bka-101.html.

¹⁶⁵ Frankfurter Allgemeine Zeitung, 27 January 2016, available at: www.faz.net/aktuell/politik/fluechtlingskrise/schwimmbad-und-diskoverbot-fuer-fluechtlinge-in-deutschland-14036643.html.

¹⁶⁶ Frankfurter Allgemeine Zeitung, 25 January 2016 available at: www.faz.net/aktuell/politik/fluechtlingskrise/schwimmbad-und-diskoverbot-fuer-fluechtlinge-in-deutschland-14036643.html.

¹⁶⁷ Amadeu Antonio Stiftung and Pro Asyl, Chronik flüchtlingsfeindlicher Vorfälle 2015, available at: <http://mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle>.

5. Greece

5.1. 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*);
- Attica Aliens Directorate (*Διεύθυνση Αλλοδαπών Αττικής*);
- The Hellenic Coastguard (*Λιμενικό Σώμα-Ελληνική Ακτοφυλακή*);
- Asylum Service Greece (*Υπηρεσία Ασύλου*);
- United Nations High Commissioner for Refugees (UNHCR) Greece (*Υπατη Αρμοστέία του ΟΗΕ για τους Πρόσφυγες, γραφείο Ελλάδας*);
- Racist Violence Recording Network (*Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας*);
- Medecins Du Monde Greece-MDM Greece (*Γιατροί του Κόσμου, γραφείο Ελλάδας*);
- International Organization for Migration-IOM (*Διεθνής Οργανισμός Μετανάστευσης*);
- NGO PRAKSIS (*ΜΚΟ ΠΡΑΚΣΙΣ*).

5.2. Overview of the situation

Despite the high winds and rough sea conditions, many people still arrive at the sea borders.¹⁶⁸

During the period from 1 to 21 January 2016, some 40,000 people arrived by sea in Greece.¹⁶⁹

From 1 to 31 January 2016, the First Reception Service¹⁷⁰ registered some 950 third-country nationals out of those arriving during that period. The majority were Syrian nationals (some 450), followed by Iraqi (some 200), Afghan (some 200), and other nationalities. Around 650 out of the 950 were male, some 300 were female. Over 350 of them were children.¹⁷¹

¹⁶⁸ Hellenic Coast Guard.

¹⁶⁹ UNHCR, Europe's Refugee Emergency Response, Update #17, 18, 19.

¹⁷⁰ The First Reception Service cannot provide any data on a monthly basis regarding the status or the vulnerability of the cases recorded for the reporting period, however FRC's mandate is to give priority to vulnerable groups.

¹⁷¹ First Reception Service.

Several shipwrecks occurred off the coast of Agathonissi, Kos, Lesvos, Samos, Farmakonisi and Kalymnos islands, causing the death of an estimated 52 persons, including 20 children.¹⁷² The Hellenic Coast Guard recovers the deceased bodies from the islands coasts and many are still missing.¹⁷³

Every day, between 1,300 and 2,400 people crossed the border into FYROM at Idomeni during the reporting period. MDM Greece reported an increasing number of violent incidents (around 100 accusations) by FYROM authorities to prevent irregular entry.¹⁷⁴ No violence was reported on the Greek side of the border.¹⁷⁵

5.3. Criminal proceedings against migrants and people helping them

5.3.1 Criminal proceedings initiated against migrants and asylum seekers

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

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

Five members of two voluntary organisations have been prosecuted on suspicion of involvement in human smuggling on Lesvos. The volunteers, two from the Danish NGO Team Humanity, and three from the Spanish NGO PROEM AID were arrested on the 14 January 2016. In a statement, the Hellenic Coast Guard said the aid workers went into Turkish waters without permission and that they fled when they were pursued by a coastguard vessel in the area. When they were arrested, the border guards found three knives and a pair of night vision goggles on board.¹⁷⁶ The volunteers were released on monetary bail and can return home on the condition that if a case is brought before court they will return for the hearing.¹⁷⁷

¹⁷² UNHCR, Europe's Refugee Emergency Response, Update #19.

¹⁷³ Hellenic Coast Guard.

¹⁷⁴ Greece, <http://mdmgreece.gr/afxisi-krousmaton-vias-stin-idomeni/>.

¹⁷⁵ MDM Greece.

¹⁷⁶ Hellenic Coast Guard's statement, available at: www.hcg.gr/node/11840.

¹⁷⁷ Ministry for Migration Policy

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

5.4.1 Registration and identification

On Leros, Morrocans and Algerians protested against their prolonged stay and threatened to set the Lakki site on fire and go on hunger strike. As of 14 January 2016, there are around 106 North Africans in total on the island, according to the police, including 35 in detention. On Lesbos, there are 200 unregistered people from North Africa. They are mainly staying at two informal sites, namely an olive grove near Moria and Tsamakia site located in Mytilene, and on the shore next to the port, operated by volunteers, with 20 tents. A smaller number of people from North Africa remain in Moria.¹⁷⁸

An enhanced IOM team is expected to be dispatched to the island of Lesbos as of 1 February 2016. The team will ensure that all new arrivals receive the appropriate legal information on their rights and options in their native language so that they are in a position to make an informed decision on what to do. This will be done at the premises of the First Reception Centre. The team will also escort unaccompanied children from the island to the accommodation centres for UAMs in Greece.¹⁷⁹

Representatives of the Central Union of Municipalities and the Alternate Minister for Migration Policy set up a permanent committee to ensure better coordination between central and local authorities.¹⁸⁰

Several cases of unregistered persons who entered Greece through the land border with Turkey were noted in Idomeni and were referred by UNHCR for registration to the Hellenic Police and to the Greek Council for Refugees for follow up.¹⁸¹

5.4.2 Asylum procedure

Some 1,200 persons applied for asylum in January, including some 880 men and 300 women and nearly 50 unaccompanied children.¹⁸² The main region of registration was Attica (some 640), followed by Lesbos (some 200), South and North Evros (some 140), Thessaloniki (some 100), Rhodes (some 50), Amygdaleza (some 30), Patra (4) and Samos (4).¹⁸³

The majority of applicants were 18-34 years of age. They originated mainly from Syria, Pakistan, Albania and Bangladesh.¹⁸⁴

¹⁷⁸ UNHCR Greece.

¹⁷⁹ IOM Greece.

¹⁸⁰ Ministry for Migration Policy.

¹⁸¹ UNHCR, Europe's Refugee Emergency Response, Update #19.

¹⁸² Asylum Service.

¹⁸³ The Asylum Service did not provide information on whether the Asylum Service were new arrivals.

¹⁸⁴ Asylum Service. The Asylum Service provided the recognition rate statistics, based on data from decisions (at first instance) until 31 December 2015.

During the period from 3 to 24 January 2016, the Asylum Service reported nearly 70 relocation-take charge-requests whose confirmation by the destination Member State was pending. The total number of relocation-take charge-requests from 12 October 2015 up to 24 January 2016 was nearly 650, concerning some 370 men and 650 women. Some 415 were already accepted. The majority of applicants were from Syria (around 300), followed by Iraq (around 240), Eritrea (nearly 60), Yemen (40), Stateless (two) and Central African Republic (one). The majority of applicants were 0-13 years of age (some 230), followed by 18-34 (also some 230), 35-64 (some 140), 14-17 (some 30) and 65 and over (six). By 24 January, nearly 100 people had departed from Greece to Luxemburg (three), Germany (10), Finland (24), Lithuania (four) and Portugal (14), and 35 are expected to be admitted in the immediate future. Decisions are pending for confirmation by EU Member States. The Member States involved are Luxembourg, Finland, France, Germany, Lithuania, Portugal, Cyprus, Sweden, Netherlands, Latvia, Romania, Ireland, Bulgaria and Poland.¹⁸⁵

The Asylum Service is the responsible authority for the selection procedure. All beneficiaries are being provided with pre-departure assistance and cultural orientation by IOM, which are taking place in consultation with the embassies of each destination country. IOM is also responsible for implementing the medical examinations of the potential beneficiaries of the project. IOM Greece staff is escorting all groups to the airport of the transit country while the beneficiaries are being further assisted by IOM staff from the offices of transit and final destination countries.¹⁸⁶

5.4.3 Return procedure

The majority of those returned through the Assisted Voluntary Return (AVR) project in 2016 were from Morocco, Iran and Georgia. Within the AVR projects, IOM is undertaking the issuance of travel documents of the beneficiaries, tickets and the provision of a reinstatement grant so that third-country nationals are able to cover their first needs upon their arrival in their country of origin.¹⁸⁷

The Open Centre for migrants registered for Assisted Voluntary Return and Reintegration (AVRR), which is located in Athens and being operated by IOM Greece as well as the First Reception Service, provide accommodation to third-country nationals who are being considered vulnerable due to homelessness for as long as IOM needs to conclude the logistic arrangements for their return to their country of origin. The open centre currently accommodates almost 80 third-country nationals mainly from Morocco who have already registered with the AVR project, and they have been booked to depart within the next week. In addition, 221 have been booked to depart by 18 February, and 870 planned to be assisted

¹⁸⁵ Asylum Service.

¹⁸⁶ IOM Greece.

¹⁸⁷ *Ibid.*

to return by 18 February. There has been a high increase of returns of Moroccan nationals.¹⁸⁸

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

5.5.1 Reception conditions and capacity

During the temporary closure of the border with the Former Yugoslav Republic of Macedonia, UNHCR and METAction, MSF, Hellenic Red Cross, Save the Children and Arsis provided humanitarian support and distributed food and blankets.¹⁸⁹

On 20 and 23 January, a ferry strike took place and travel to the mainland was not possible. The number of people present on the islands has therefore increased, causing congestion of reception facilities, particularly in Lesbos, Leros and Chios islands.¹⁹⁰

The temporary transit camp in Idomeni reopened using one third of its capacity on 27 January 2016, while during the last days of January 2016 it was extended to its total capacity.¹⁹¹

Amnesty International issued an urgent action as access in the transit camp was restricted to those persons eligible to cross the border with FYROM. Amnesty International called for access to all people reaching the border. Similar initiatives were also taken by actors who are operating in Idomeni's transit camp.¹⁹²

5.5.2 Vulnerable persons

From 1 to 31 January 2016, the First Reception Service registered some 160 unaccompanied children out of those arriving during that period.¹⁹³

Many persons with false documents were detected at the border with FYROM, who were returned to the Greek police. Most of these persons have to return by their own means, sometimes including very vulnerable cases.¹⁹⁴

188 IOM Greece.

189 UNHCR Greece.

190 *Ibid.*

191 NGO PRAKSIS.

192 Greece, Amnesty International Greek section, available at: www.amnesty.gr/action/petitions/20184/na-epitrapei-amesa-i-prosvasi-olon-ton-atomon-ston-prosorino-kataylismo-tis.

193 First Reception Service.

194 UNHCR Greece.

5.5.3 Child protection

The two transit facilities for unaccompanied children, provided by the NGOs PRAKSIS and METAction in Lesvos that can accommodate up to 60 children are currently operating at their full capacity.¹⁹⁵

There has been a draft Ministerial Decision regarding the revision of the guardianship system.¹⁹⁶

5.5.4 Healthcare

Several cases of hypothermia requiring medical assistance were reported on the southern shorelines of Lesvos.¹⁹⁷

In Idomeni, people faced the usual range of diseases, such as upper respiratory tract infections, muscle pain and gastro-intestinal diseases plus patients suffering from chronic diseases that needed medical follow-up, as well as trauma cases, that were increased due to violence.¹⁹⁸

5.5.5 Immigration detention

The current capacity of pre-removal centres in Greece is 5,099. On 31 January, the total number of detainees was 844 people, 70 of whom were asylum seekers whose claim had not been examined.

The total capacity for all pre-removal centres, screening centres and the First Reception Centre (Orestiada) is 5,856. On 31 January, the total number of people held in these facilities was 1546 people, which means a 26 % occupancy rate. In Samos, the screening centre was overcrowded during the whole month with 592 people accommodated there on 31 January 2016, when its official capacity is limited to 285.

Provision of food is currently limited and covered mainly by the Armed Forces or through other ad hoc solutions.¹⁹⁹

There is a draft Ministerial Decision regarding the implementation of legal aid for detainees in the pre-removal centres.²⁰⁰

Only Maghreb nationals are detained, but there is an order to release people belonging to vulnerable groups, due to the lack of proper facilities.²⁰¹

¹⁹⁵ NGO PRAKSIS.

¹⁹⁶ Ministry for Migration Policy.

¹⁹⁷ UNHCR Greece.

¹⁹⁸ MDM Greece.

¹⁹⁹ NGO PRAKSIS.

²⁰⁰ Ministry for Migration Policy.

²⁰¹ *Ibid.*

In Korinthos pre-removal centre, where all the Maghreb nationals are detained, the army provides only one meal per day, while there is no sanitation or hot water.²⁰² The majority joined IOM's AVR scheme and will be returned to their country of origin, while the rest will be re-admitted to Turkey.²⁰³ In Korinthos pre-removal centre, there are currently only four police officers responsible for 320 detainees.²⁰⁴ KEELPNO (Hellenic Centre for Disease Control and Prevention) along with Doctors without Borders, PRAKSIS and the Health Centre of Loutraki will provide health services in the pre-removal centre of Korinthos.²⁰⁵

Health services are also provided by KEELPNO in the pre-removal centres of Amygdaleza and Petrou Ralli. In all the remaining pre-removal centres across the country, medical care is only provided by the General Hospitals in case of urgent need.²⁰⁶

5.6. Responses in law, policy and/or practice

The border between Greece and FYROM was closed on 19 and 20 January and reopened on 21 January 2016. During the closure, the police allowed the site in Idomeni to reopen, and 600 people were hosted in winterised shelters and provided with humanitarian assistance. The situation remained calm and people started crossing the border again. The closure was due to congestion caused by a train breaking down on the international railroad line to Slovenia.²⁰⁷

Authorities only allowed Syrian, Iraqi and Afghan nationals to cross the borders, who state that their final destination country is Germany or Austria.²⁰⁸

5.7. Social response to the situation

During the reporting period, there was no demonstration in favour of migrants and refugees.

The Ministry for Migration Policy, in cooperation with the General Secretariat of Aegean and Island Policy, the Municipality of Lesbos, the Hellenic Coast Guard and the Hellenic police, initiated a registration procedure for all voluntary groups operating at entry points to coordinate the provided services. A respective Ministerial Decision was issued for that cause.²⁰⁹

²⁰² NGO PRAKSIS.

²⁰³ Ministry for Migration Policy.

²⁰⁴ NGO PRAKSIS.

²⁰⁵ Ministry of Health.

²⁰⁶ *Ibid.*

²⁰⁷ UNHCR Greece.

²⁰⁸ NGO PRAKSIS.

²⁰⁹ Ministry for Migration Policy. Greece, ΦΕΚ Β, 114, 28 January 2016, available at: www.et.gr/idoocs-nph/pdfimageSummaryviewer.html?args=sppFfdN7IQP5_cc--m0e11csAWGTW0xkYlyIHdM7qt28rzSZFvgk-

5.8. Hate crime incidents

The Racist Violence Recording Network (RVRN) has not recorded any incident of racially motivated violence or hate crime, or any other related incident in the past month.²¹⁰ In addition, no other incident was reported regarding attacks towards reception and accommodation centres or other related incidents.

²¹⁰ [aO-Ic5ae5CykAYi3ORfmaomaAQ9B75m9n_MmMsAgsoW4kicnjz_3u5MoFXpEKrZ6c77k1-A9Eyz7vqZ2xJ5_Db-RXTzmR9NwNpnL0cWbuOj9IR9kZyTRehQEINHukhRgA.](#)
Racist Violence Recording Network (RVRN).

6. Hungary

6.1. Stakeholders contacted

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

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

6.2. Overview of the situation

Between 1 January and 31 January 2016, nearly 650 people crossed the border into Hungary, mostly through the borders with Serbia, some through the borders with Romania and Ukraine. Nobody entered the country through the borders with Croatia where the border fences had been established on 17 October 2015. Fewer than 10 people crossed the border on an average day; however, there were a few days in January when the authorities apprehended a relatively large number of new arrivals: 16 January (65 people), 19 January (30 people), 22 January (some 50 people), 28 January (some 50 people), 29 January (some 70 people). Of the nearly 650 new arrivals, 84 % were men, 16 % were women. There were 26 persons under 18 years old, 11 of them were unaccompanied children. The police do not keep statistics about the number of disabled persons.²¹¹ Most of the new arrivals came from Pakistan, Sri Lanka and Kosovo. The police also apprehended a significant number of nationals from Turkey, Morocco and India.²¹²

In relation to asylum applications, some 300 people applied for asylum during the reporting period.²¹³ The main nationalities of applicants were Pakistani, Sri Lankan,

²¹¹ National Police Headquarters.

²¹² *Ibid.*

²¹³ Office of Immigration and Nationality.

Iraqi and Somalian.²¹⁴ Some of the new claims submitted in the reporting period were not from new arrivals. Some people sentenced for an entry-ban order after committing the crime of unauthorised border fence crossing, also filed claims for asylum. Their purpose was to avoid deportation as applicants cannot be expelled from the country during the asylum procedure. Altogether some 180 persons (out of the 300 asylum seekers) applied for asylum in a police procedure.²¹⁵

Between 1 January and 24 January 2016, the Office of Immigration and Nationality made 35 positive decisions (accepting the asylum claims), 140 negative decisions (rejecting the claims). In over 17,000 cases the Office terminated the process, as the applicants had left the country.²¹⁶

6.3. Criminal proceedings against migrants and people helping them

6.3.1 Criminal proceedings initiated against migrants and asylum seekers

Almost half of the nearly 650 new arrivals were apprehended by the police under the charge of unauthorised border fence crossing as they had climbed over, or ducked under, the fences installed at the Serbian-Hungarian border. Criminal proceedings were initiated by the police against 257 of them between 1 January and 24 January 2016.²¹⁷ Based on what some of the new arrivals told the authorities, it seems that those crossing the border with Serbia are still often encouraged by smugglers to cross the fences.²¹⁸ All defendants admitted that they had committed the crime of unauthorised border fence crossing, therefore investigations did not take long and the alleged perpetrators were typically processed quickly. Almost all the defendants were taken into custody and waited for the trial in custody.²¹⁹

The District Court of Szeged (*Szegedi Járásbíróság*) held 202 criminal trials in the reporting period. 193 people were sentenced to expulsion. Defendants originated mainly from Turkey, Sri Lanka, Morocco, Somalia, Kosovo and Albania. Only one defendant was a Syrian national.

²¹⁴ *Ibid.*

²¹⁵ National Police Headquarters.

²¹⁶ Office of Immigration and Nationality.

²¹⁷ The provision of unauthorised border crossing as offence is set out in Article 352/A of Act C of 2012 on the Criminal Code, available at: njt.hu/cgi_bin/njt_doc.cgi?docid=152383.297990#foot_121_place. The provision was introduced in the Criminal Code by Act CXL of 2015 on the amendment of certain laws as a result of the migrant situation, available at: njt.hu/cgi_bin/njt_doc.cgi?docid=177552.298006. Act CXL of 2015 entered into force on 15 September 2015.

²¹⁸ National Police Headquarters.

²¹⁹ General Attorney's Office.

163 people received a one-year entry ban; 19 people a two-year entry ban and one person a three-year entry ban. It seems that the length of the entry-ban imposed by the Court mainly depends on the following circumstances: gender (women usually get a one-year entry ban) and age (people who are barely adults between the ages of 18-21 typically get a one-year entry ban) of the defendants.

In 10 cases the Court ordered the imprisonment of the defendants, whose sentence was suspended for two years along with a two-year or three-year entry ban as all of them had been found guilty of unauthorised border crossing earlier; they were reoffenders.

For the first time since the Hungarian Criminal Code ordered to sanction the crime of damaging the border fence,²²⁰ the District Court of Szeged held trials against three defendants in the reporting period, who had been accused of committing this crime and the crime of unauthorised border fence crossing. The Court ordered the imprisonment to be implemented without suspension against one of the defendants, imposing a one-year and six month long imprisonment on him. The reason the Court did not suspend the prison sentence in this case was that the defendant had been sentenced to expulsion earlier as the Court had found him guilty of committing the crime of unauthorised border fence crossing a few months before.

All of the defendants made a statement straight after the verdict that they would waive their right to appeal. Only three defendants requested the translation of the Court's verdict in writing.²²¹

In the reporting period, the police initiated criminal procedures against 43 people (some of them were new arrivals, whereas others had arrived earlier to Hungary) who were suspected of having committed the crime of forging public documents when they tried to enter Hungary. They either tried to use a forged Schengen visa or a forged passport.²²²

The Prosecutor pressed charges against nine Syrians and one Iraqi national in relation to the clashes between the Hungarian police and the asylum seekers at the Röszke border station (Serbian-Hungarian border) on 16 September 2015. They are accused of irregular entry and of participating in a riot.²²³ Civil society organisations are worried since the accused include asylum seekers among whom one is an elderly woman with critical health conditions, a Syrian who is in a wheelchair (95 % paralysed) and an elderly man with health and psychological

²²⁰ The provision of damaging border fences is set out in Article 352/B of Act C of 2012 on the Criminal Code, available at: njt.hu/cgi_bin/njt_doc.cgi?docid=152383.297990#foot_121_place. The provision was introduced in the Criminal Code by Act CXL of 2015 on the amendment of certain laws as a result of the migrant situation, available at: njt.hu/cgi_bin/njt_doc.cgi?docid=177552.298006. Act CXL of 2015 entered into force on 15 September 2015.

²²¹ County Court of Szeged.

²²² National Police Headquarters.

²²³ Pressing charges related to the Röszke riot, available at: <http://mklu.hu/hnlp14/?p=25359> (6 January 2016).

problems who recently had amputation surgery. The Hungarian Helsinki Committee will represent the defendants in court.²²⁴

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

In the reporting period, the police apprehended and initiated new criminal procedures against 18 men who were accused of committing the crime of human smuggling.²²⁵ The prosecutor pressed charges against 15 perpetrators. The court ordered pre-trial detention in all cases.²²⁶

One case received particular attention in the media. According to the indictment, a Romanian national drove a truck to Mórahalom (Hungarian city at the Serbian border) where his unknown accomplices crammed around 150 refugees in the cargo area of the truck. The height of the cargo area was 2,4 metres, the width was 2,1 metres and the length was five metres. The Romanian driver and his accomplices made an agreement with the migrants to drive them to Austria for €300. Some ten minutes after they had started the journey, the driver stopped and left the vehicle behind, as he could not control it due to the weight. By the time the police arrived, the refugees had somehow managed to get out of the cargo area. Some of them ran away; the police found 104 of them. The investigation uncovered that the cargo area had no ventilation at all, therefore the refugees could have suffocated in about 20-25 minutes. The police apprehended the Romanian driver soon after the incident; however, the investigation is still ongoing to uncover the identity of his accomplices. The court ordered the pre-trial detention of the Romanian perpetrator.²²⁷

In the reporting period, the authorities did not register any cases where individuals or associations facilitated the irregular entry or stay of asylum seekers without profit.²²⁸

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

6.4.1 Registration and identification

Authorities registered and fingerprinted all new arrivals, and the vast majority of people did not protest or raise concerns against these procedures. The police experienced hesitation, minor resistance or objection only in a few cases. In case

²²⁴ UNHCR Hungary.

²²⁵ National Police Headquarters.

²²⁶ General Attorney's Office.

²²⁷ The Romanian human smuggler who crammed more than 100 migrants in a cargo truck is in pre-trial detention, available at: <http://mklu.hu/hnlp14/?p=25537> (13 January 2016).

²²⁸ National Police Headquarters.

of resistance or objection, the authorities could successfully resolve the conflict when they provided information about the purpose and the legal background of the fingerprinting and registration.²²⁹

In the transit zones of Röszke and Tompa (Serbian borders), the authorities systematically interview new arrivals to identify vulnerable people (children, disabled persons, pregnant women) and to channel them to the designated reception facilities or children's homes and to identify their special needs in terms of accommodation, food and healthcare.²³⁰ Civil society organisations could confirm this practice and they did not experience any cases of the authorities neglecting their duty to carry out age assessment. Therefore, civil society organisations believe that the practice described in the December report (not carrying out age assessment properly and systematically) has stopped, and unaccompanied children are no longer put in asylum detention instead of being transferred to a children's home.²³¹

The authorities respected the requests of the new arrivals to reunite with their families in case other family members had arrived earlier and were still in the country. The Office of Immigration and Nationality and the police tried to accommodate families together in the same reception centre or detention facility.²³² Civil society organisations, however, continue to experience that in a few cases the male adults who commit the crime of unauthorised border fence crossing are put in a different detention centre than wives and children.²³³

6.4.2 Asylum procedure

Civil society organisations are still concerned that asylum seekers entering through Serbia are automatically rejected on the grounds of inadmissibility as Serbia is considered a safe third country under Hungarian law. They believe that this practice made asylum inaccessible to everyone arriving from Serbia.²³⁴

The UN Commissioner for Human Rights issued a report to the European Court of Human Rights in relation to two complaints against Austria concerning the transfer of asylum seekers from Austria to Hungary. According to the Commissioner, many asylum seekers who are returned to Hungary under the Dublin III Regulation are subsequently kept in detention centres without access to effective remedies against such detention.²³⁵ UNHCR states that asylum seekers do not, as a rule,

229 National Police Headquarters.

230 *Ibid.*

231 Hungarian Helsinki Committee.

232 National Police Headquarters.

233 Hungarian Helsinki Committee.

234 UNHCR Hungary.

235 Risk of human rights violations for asylum-seekers returned to Hungary, available at: [www.coe.int/en/web/commissioner/-/risk-of-human-rights-violations-for-asylum-seekers-returned-to-hungary?redirect=http%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fcommissioner%2Fhome%3Fp_id%](http://www.coe.int/en/web/commissioner/-/risk-of-human-rights-violations-for-asylum-seekers-returned-to-hungary?redirect=http%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fcommissioner%2Fhome%3Fp_id%2F)

have their asylum applications examined on their merits because of the Hungarian legislation that still considers Serbia as a safe third country.²³⁶

Civil society organisations experience that most asylum seekers do not appeal against the decisions of the Office of Immigration and Nationality when their asylum applications are rejected. They believe that the main reason is that asylum seekers get very little information about the procedural rules of the appeal and the prospective outcome of it. The Hungarian Helsinki Committee and UNHCR Hungary counselled around 90 asylum seekers to challenge the negative decisions of the Office of Immigration and Nationality in court.²³⁷

Some people whose claims for asylum had been rejected challenged the Office of Immigration and Nationality's decision in court. In the reporting period, the Administrative and Labour Court of Szeged (*Szegedi Közigazgatási és Munkaügyi Bíróság*) received 83 review claims in which the claimants asked for a judicial review against the Office's negative decisions. In 14 of these cases, the Court rejected the review claims and upheld the Office's decisions. In 18 cases the Court repealed the Office's decisions and sent the cases back to the Office of Immigration and Nationality to discover the facts more precisely and not to apply the safe third country rule automatically. The practice of the Court proves that it does not accept the automatic application of the safe third country rule, and usually orders the Office to individualise the procedures and explore the circumstances of each claimant. In seven cases, the Court had to terminate the process as the claimants had left the country. All other review claims have not been decided yet.²³⁸

6.4.3 Return procedure

In the reporting period, many of the new arrivals came from Serbia.²³⁹ With some exceptions, Serbia tends to readmit its own nationals only, some of the people have been in immigration detention waiting for their removal for more than four months.²⁴⁰ In the reporting period, 65 people were readmitted by Serbia and Ukraine.²⁴¹

[3D101_INSTANCE_iFWYWFoeghvO&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=col_umn-1&p_p_col_count=4](#) (13 January 2016).

²³⁶ UNHCR Hungary.

²³⁷ Hungarian Helsinki Committee.

²³⁸ County Court of Szeged.

²³⁹ National Police Headquarters.

²⁴⁰ Hungarian Helsinki Committee. UNHCR Hungary.

²⁴¹ National Police Headquarters.

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

6.5.1 Reception conditions and capacity

The four transit zones along the Serbian and Croatian borders (Röszke, Tompa, Letenye, Beremend) were continuously operational in the reporting period.

Civil society organisations still believe that the transit zones along the Hungarian Serbian border serve as an expulsion channel back to Serbia rather than protection sensitive shelter areas for asylum seekers.²⁴² The transit zones along the Croatian borders (Letenye and Beremend) did not host any refugees or asylum seekers in the reporting period.²⁴³

Around 411 asylum seekers were accommodated in the open reception centres of Vámoszabadi, Bicske and Nagyfa on 24 January 2016.²⁴⁴ This is well below the total capacity of the three reception centres (980 beds), therefore reception conditions are adequate, and asylum seekers have access to proper food, potable water and heating.²⁴⁵

The Office of Immigration and Nationality ordered asylum-detention against 102 persons in the reporting period.²⁴⁶ UNHCR, the Hungarian Helsinki Committee and the Cordelia Foundation regularly visit the detention facilities. Their major concern is that the lack of interpretation capacity often results in limited availability of information and access to assistance and services.²⁴⁷ Civil society organisations continue to provide psychiatric care to people in detention as they often identify mental breakdown of the detained people due to the shock they experienced in their home countries or during their journey to Europe.²⁴⁸

Civil society organisations find that medical assistance provided at detention facilities for asylum seekers remains very poor, and also serious cases sometimes get assistance only with significant delay.²⁴⁹ In some detention facilities, the heating system was not functioning in the middle of January despite freezing temperatures. Civil society organisations also report slow and patchy internet connections and overpriced rates to make phone calls (€3 per minute), which make it extremely difficult for asylum seekers to communicate with their families.²⁵⁰

²⁴² Hungarian Helsinki Committee.

²⁴³ UNHCR Hungary.

²⁴⁴ Office of Immigration and Nationality.

²⁴⁵ Hungarian Association for Migrants, Hungarian Helsinki Committee.

²⁴⁶ Office of Immigration and Nationality.

²⁴⁷ UNHCR Hungary. Hungarian Helsinki Committee.

²⁴⁸ Hungarian Association for Migrants, Hungarian Helsinki Committee.

²⁴⁹ UNHCR Hungary.

²⁵⁰ *Ibid.*

There have been allegations of mistreatment of asylum seekers in the detention and alien police detention facility of Nyírbátor. Some asylum seekers stated that the guards had jostled them, slapped them and yelled at them. Therefore, the Hungarian Helsinki Committee and UNHCR recalled the Hungarian government to treat asylum seekers with respect and dignity. Investigations of these cases are ongoing.²⁵¹

The Office of Immigration and Nationality ordered alien police detention against 66 persons and the Police ordered alien police detention against 60 people in the reporting period. On 24 January 2016, 156 foreigners were in alien police detention in penal institutions waiting for their expulsion after they were found guilty of committing the crime of unauthorised border fence crossing or the crime of damaging border fences.²⁵² As many of the detained people have been waiting for expulsion for months, tensions are high, and disobedience, minor forms of protests (damaging furniture, fights and disagreements between the detained persons) happen quite often.²⁵³ Civil society organisations find that while there are no complaints about food and water, people in alien police detention still have access to only very basic medical care.²⁵⁴

6.5.2 Vulnerable persons

In the transit zones of Röszke and Tompa along the Serbian borders, the Hungarian authorities identify vulnerable people among the new arrivals (children, pregnant women, families and people living with a disability) and grant them priority access to the transit zones.²⁵⁵ In case the person who committed the crime of unauthorised border fence crossing is a woman or a child (under 18 years old), alien police detention is executed in a detention facility of the Office of Immigration and Nationality, and not in the penal institutions.²⁵⁶

Several civil society organisations provide counselling and psychiatric care to victims of human smuggling and trafficking, and the authorities systematically notify these organisations about such cases.²⁵⁷

In the reporting period, civil society organisations registered one case where a person with a disability was in alien police detention in a penal institution and the accommodation conditions were not suitable to his health conditions (most facilities of the institution were inadequate to wheelchair users). Civil society

251 Hungarian Helsinki Committee. UNHCR Hungary.

252 National Police Headquarters.

253 Hungarian Helsinki Committee.

254 UNHCR Hungary.

255 Hungarian Police Headquarters.

256 Ministry of Internal Affairs.

257 Hungarian Helsinki Committee.

organisations raised this with the authorities. As a consequence, the authorities relocated the person to an institution with suitable facilities.²⁵⁸

6.5.3 Child protection

There are two special institutions that operate in the country to assist refugee children (Fót, Hódmezővásárhely). Both children's homes are equipped with child friendly community spaces, they offer professional care, access to education and leisure activities. In the reporting period, the two institutions accommodated around 20 children on a daily basis, which is about a fourth of their total capacity (88 beds).²⁵⁹ Fluctuation remains very high in children's homes as most of the children leave after spending a day or two in these institutions.²⁶⁰

On a positive note, civil society organisations did not find underage asylum seekers in detention facilities in January. While in December they found 35 children who were detained for long periods without age assessment, the authorities now seem to pay attention to avoid such incidents. All unaccompanied children are transferred to the children's homes in Fót and Hódmezővásárhely where they get proper care, assistance and education.²⁶¹

6.5.4 Healthcare

In the open reception centres (refugee camps), healthcare is satisfactory. There were no complaints about the availability and professionalism of healthcare services and medication. More serious medical conditions were treated properly, either on site or in the city hospitals nearby.

Civil society organisations, however, found that some closed detention facilities of the Office of Immigration and Nationality and the alien police detention facilities can only provide very basic medical care to the detained people. Detention clinics cannot provide professional medical assistance to those with more serious medical conditions, and medical assistance is often slow and late. Civil society organisations believe that this is an unlawful and unnecessary punishment of the detained people.²⁶²

6.5.5 Immigration detention

In the reporting period, 156 people were in alien police detention.²⁶³

²⁵⁸ *Ibid.*

²⁵⁹ Ministry of Human Capacities.

²⁶⁰ Hungarian Helsinki Committee.

²⁶¹ UNHCR Hungary. Hungarian Helsinki Committee.

²⁶² Hungarian Helsinki Committee.

²⁶³ National Police Headquarters.

Around 600 people were in immigration detention (adding the numbers of people in both alien police detention and asylum detention) in the reporting period. Civil society organisations still experience that the detention facilities of the Office of Immigration and Nationality where people in asylum detention are accommodated have better conditions than the penal institutions where people are kept in alien police detention. The lack of proper interpretation services results in misunderstandings and frustration.²⁶⁴

As the readmission procedures are still very slow, tensions remain high in the detention centres and penal institutions due to the uncertain date of the readmission.²⁶⁵ The New York Times reported on a Syrian woman who was beaten unconscious in a Hungarian prison where she was detained because she refused a guard's advances.²⁶⁶ The Hungarian Ministry of Foreign Affairs and Trade (*Külgazdasági és Külügyminisztérium*) stated that there were no refugee women detained in penal institutions in Hungary, therefore the article of The New York Times was based on false information.²⁶⁷

On 15 January 2016, three asylum seekers in the Kiskunhalas detention centre started to fight over the use of the internet facilities. When the police arrived to end the incident, around 25 asylum seekers attacked them and started to throw stones at them. Two policemen suffered minor injuries. The court ordered the pre-trial detention of 14 perpetrators who are now waiting for the trial.²⁶⁸

6.6. Responses in law, policy and/or practice

Decree of the Minister of Internal Affairs no. 3/2016 on ordering partial border closure at the Hungarian-Croatian border again (3/2016. (I. 20.) BM rendelet részleges határzár magyar-horvát határon történő ismételt elrendeléséről)²⁶⁹ extended the border closure at the following rail border crossing points for another 30 days: Murakeresztúr-Kotor, Gyékényes-Kapronca, Magyarbóly-Pélmonostor. According to the preamble of the decree, the purpose of the extension of the border closure is to protect public safety.

On 4 January 2016, a contingent of 31 Hungarian policemen left for Macedonia to assist the Macedonian police guarding the Macedonian-Greek borderline between

²⁶⁴ UNHCR Hungary.

²⁶⁵ Hungarian Helsinki Committee.

²⁶⁶ Article of The New York Times titled 'On Perilous Migrant Trail, Women Often Become Prey to Sexual Abuse', available at: www.nytimes.com/2016/01/03/world/europe/on-perilous-migrant-trail-women-often-become-prey-to-sexual-abuse.html?_r=0 (2 January 2016).

²⁶⁷ The Ministry of Foreign Affairs and Trade denies that a Hungarian prison guard beat a Syrian woman unconscious, available at: http://index.hu/belfold/2016/01/06/szir_menekult_no_veres_magyar_bortonor_the_new_york_times/# (6 January 2016).

²⁶⁸ General Attorney's Office

²⁶⁹ Decree of the Minister of Internal Affairs no. 3/2016 on ordering partial border closure at the Hungarian-Croatian border again, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1600003.BM (30 January 2016).

4 January and 4 February 2016. The Hungarian contingent also provides technical support (vehicles, heat cameras) for the Macedonian colleagues.²⁷⁰

In a public statement on 19 January 2016, the Director of the Office of Immigration and Nationality mentioned that the vast majority of the migrants who entered Hungary irregularly in 2015 were driven by economic considerations.²⁷¹

6.7. Social response to the situation

The Hungarian Association for Migrants (*Menedék Migránsokat Segítő Egyesület*) installed a container dedicated to baby-mother cultural and educational events and programmes for refugee children in the refugee camp of Vámoszabadi on 7 January 2016.²⁷² The Association is preponderant in entertaining and educating refugee children sponsoring and organising various programmes (e.g. visit to the Fairy Tale Museum in Budapest) that aim to bring the Hungarian culture and history closer to the refugee children.²⁷³

Migration Aid, a voluntary organisation formed in June 2015 in Budapest, launched a new programme called the 'Refugee Blanket Design Project' to facilitate new arrivals in the Aegean Sea islands with specially designed hats, scarves and warm clothes. While Migration Aid remained a Hungary based organisation, it now runs three major aid projects internationally. SIRIUS.HELP rescue operations are specialised to save lives on the sea on Lesbos island. BALKAN.HELP organises the supply of those asylum seekers in need who are travelling on the continental part of the Western Balkan route. SIRIUS.ONE is an integration project that aims to establish an experimental living space where volunteers from immigrant-receiving countries and people who are eligible for asylum can live and work together.²⁷⁴

6.8. Hate crime incidents

There were no attacks and incidents reported against the refugee camps and the transit zones in the reporting period.²⁷⁵

The Hungarian government is still sponsoring its campaign against refugees. The central element of the campaign remains to portray refugees as potential terrorists and threats to national security. The anti-refugee campaign is broadcasted on

²⁷⁰ Hungarian policemen left for the Macedonian-Greek border, available at: <http://police.hu/hirek-es-informaciok/legfrissebb-hireink/hatarrendeszet/magyar-rendorok-indultak-a-macedon-qorog> (27 January 2016).

²⁷¹ Are the migrants try to come from Romania?, available at: www.hirado.hu/2016/01/19/romania-felol-probalkoznak-a-migransok/ (19 January 2016).

²⁷² Facebook page of the Hungarian Association for Migrants, available at: www.facebook.com/menedekegyesulet/?fref=ts (27 January 2016).

²⁷³ Hungarian Association for Migrants.

²⁷⁴ Migration Aid.

²⁷⁵ National Police Headquarters.

radio and TV channels and also appears in the printed media. The Cologne events on New Year's Eve are seen as a good reason to support the campaign. Some of the Hungarian online media periodically publish xenophobic articles and opinions about the asylum seekers. Some of these articles state that the majority of the media in Western Europe intentionally do not report on crimes committed by asylum seekers, while the migrants' only purpose is to take over Europe.²⁷⁶

²⁷⁶ Soros Tours: Guide to homecoming Muslims, available at: <http://magyaridok.hu/belfold/a-soros-tours-keszulhet-uj-hianyotlo-bedekkerenek-kiadasara-289660/> (16 January 2016). The time of zero tolerance has arrived, available at: <http://magyaridok.hu/velemenye/eljott-a-zero-tolerancia-ideje-294877/> (19 January 2016).

7. Italy

7.1. Stakeholders contacted

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

- Ministry of the Interior;
- Italian Coast Guard (*Guardia Costiera*);
- 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 Onlus²⁷⁷;
- United Nations High Commissioner for Refugees (UNHCR)²⁷⁸;
- Italian Red Cross (IRC)²⁷⁹;
- NGO 'Borderline Sicilia'.

7.2. Overview of the situation

On 5 January 2016, search and rescue activities of MSF ships in the Mediterranean Sea came to an end. In 2015 they rescued nearly 20,130 people.²⁸⁰

In January 2016, over 5,000 individuals arrived and eight corps were found at sea.²⁸¹

During the night of 10 to 11 January 2016, smugglers threw seven women overboard close to Capo di Leuca (Apulia). One woman was found dead. They were travelling on a cabin cruiser that had left from Greece two days before, with 35 other people on board. All of them had been travelling for days: they had left from Turkey (no information is available on their departure date) and reached Greece by boat, where they refused to be identified. The other people on the cabin cruiser disembarked in small groups in three different places along the coastline. The Public Prosecutor of Lecce (Apulia) started an investigation.²⁸²

²⁷⁷ This stakeholder has been contacted by email but has not yet provided any information.

²⁷⁸ This stakeholder has been contacted by email but has not yet provided any information.

²⁷⁹ This stakeholder has been contacted by email but has not yet provided any information.

²⁸⁰ Information available on the Twitter account of MSF (@MSF_SeaInforma).

²⁸¹ Information provided by the Ministry of the Interior on 2 February 2016.

²⁸² Information available at: http://bari.repubblica.it/cronaca/2016/01/11/news/barcone_migranti-130999051/#gallery-slider=13102892.

On 11 January 2016, 220 people were rescued by the Italian coast guard ship 'Fiorillo' and the Spanish ship 'Canarias' in the framework of the European Union military operation in the Southern Central Mediterranean (Eunavfor MED).²⁸³

The Italian Navy ship 'Dattilo' rescued over 100 people on 12 January 2016 and 131 on 15 January 2016.²⁸⁴

On 15 January 2016, around 450 people were disembarked in Augusta (Sicily). They had been rescued two days earlier by the Italian Navy ships 'Aliseo' and 'Spica' in several operations. Among them were eight women and 44 children.²⁸⁵ All of them were from sub-Saharan countries (Gambia, Senegal, Côte d'Ivoire, Mali, and Guinea).²⁸⁶

On 16 January 2016, some 250 people were disembarked in Catania (Sicily). They had been rescued by the Italian Coast Guard ship 'Dattilo': among them were 22 women, one accompanied child, and 58 unaccompanied ones. One of the passengers was found dead. The newly arrived migrants came mostly from Côte d'Ivoire, Senegal, Guinea, Guinea Bissau, Ethiopia, Ghana, Gambia, Cameroon, Nigeria, Mali, Liberia, Morocco, and Eritrea. All of them were transferred to reception centres in Apulia and to the Reception Centre for Asylum Seekers (*centro di accoglienza per richiedenti asilo*, CARA) located in Mineo (Sicily), except for 17 people coming from Morocco, who immediately received a deferred removal order.²⁸⁷

On 22 January 2016, nearly 1,000 people were rescued in several operations coordinated by the Italian Maritime Rescue Coordination Centre (*Centro Nazionale di Coordinamento del Soccorso Marittimo*) in Rome. They were rescued by the following ships: 'Dattilo' in four operations (494 people); 'Fiorillo' (98 people and one corpse); 'Siem Pilot' in the framework of the Triton operation (131 people); and 'Berlin' in the framework of Eunavfor MED (245 people).²⁸⁸ On that same day, 280 people were disembarked in Pozzallo (Sicily) after they had been rescued by the Italian Navy ship 'Spica' the day before: this is the first disembarkation taking place in the newly opened hotspot located in Pozzallo. Among them, there were eight women and one child.²⁸⁹

²⁸³ Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera).

²⁸⁴ Information available on the Twitter account of the Italian Navy (@ItaliaNavy).

²⁸⁵ *Ibid.*

²⁸⁶ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIQ6454.TIF&subcod=20160116&numPag=1&>.

²⁸⁷ Information available at: <http://siciliamigranti.blogspot.it/2016/01/le-porte-girevoli-della-fortezza-europa.html>.

²⁸⁸ Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera), as well as at: www.ansa.it/sito/notizie/cronaca/2016/01/22/migranti968-soccorsice-anche-un-morto_25f4adea-727d-4156-80eb-d400f2c705f4.html.

²⁸⁹ Information available on the Twitter account of the Italian Navy (@ItaliaNavy).

On 23 January 2016, the Italian Navy ship 'Bettica' rescued some 120 people. They were then transferred on board the Italian coast guard ship 'Fiorillo'.²⁹⁰ On the same day, around 20 migrants from Algeria reached the coasts of Sardinia in unseaworthy boats. They were stopped by the Italian coast guard, which carried out the identification procedure. Migrants received health assistance, and were then transferred to a local reception centre.²⁹¹

On 24 January 2016, the Norwegian ship 'Siem Pilot' disembarked more than 700 people,²⁹² including one dead Somali, in Trapani (Sicily). Among them, there were several pregnant women and children.

On 26 January 2016, the coast guard ship 'Dattilo' rescued over 400 people.²⁹³

On 26 and 27 January 2016, 56 people arrived in different locations along the coastline of Sardinia: 18 men from Northern and sub-Saharan Africa in Teulada (southern coast of Sardinia); 15 boys and girls (16 years old) from Algeria disembarked in Sant'Anna Arresi (southern coast of Sardinia); 26 people (13 Algerians) arrived in Maladroxia (southern coast of Sardinia). Although of different nationalities, all of them allegedly began their journey to Italy from Algerian ports.²⁹⁴

On 27 January 2016, the Italian Navy ship 'Bettica' disembarked nearly 500 people in Pozzallo, who had been rescued the day before in cooperation with the ship 'Aliseo'. Among them were 116 women and 32 children. They came from Côte d'Ivoire, Mali, Eritrea, and Morocco.²⁹⁵ The same day the ship 'Numancia' in the framework of Eunavfor MED rescued over 100 people.²⁹⁶

On 28 January 2016, the Italian Navy ship 'Aliseo' rescued in three different operations respectively 109, 107 and 74 people (including six dead corpses). Later, on the same day the German ship 'FGS Ludwingshaven' rescued and then transferred to 'Aliseo' around 120 people. On 30 January, the Italian Navy ship 'Aliseo' disembarked all these people: 11 people in Roccella Jonica and 400 sub-

²⁹⁰ *Ibid.*

²⁹¹ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIF1202.TIF&subcod=20160125&numPag=1&> and <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIM1156.TIF&subcod=20160125&numPag=1&>.

²⁹² Information available on the Twitter account of the Norwegian police (@Kripos_NCIS), as well as at: http://palermo.repubblica.it/cronaca/2016/01/24/news/settecento_migranti_sbarcano_a_trapani_c_e_anc_he_la_salma_di_un_somalo-131950438/.

²⁹³ Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera).

²⁹⁴ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIC4036.TIF&subcod=20160128&numPag=1&> and <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIC4004.TIF&subcod=20160128&numPag=1&>.

²⁹⁵ Information available on the Twitter account of the Italian Navy (@ItaliaNavy), as well as at: <http://questure.poliziadistato.it/Ragusa/articolo-6-457-92185-1.htm>.

²⁹⁶ Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera).

Saharan African people in Taranto (Apulia). Municipality, local health assistance staff, Caritas and IRC cooperated in the first assistance operations.²⁹⁷

On 29 January 2016, the coast guard ship 'Dattilo' rescued over 200 people in two operations. On 30 January, the same ship rescued 118 people and in cooperation with the coast guard ship 'Fiorillo', 216 people.

On 31 January 2016, the coast guard ship 'Dattilo' rescued 118 and 133 people, respectively, in two operations. On the same day, the German ship 'FGS Ludwingshaven' rescued over 130 people.

In the reporting period, around 6,500 people applied for asylum. The first three main nationalities of asylum applicants were Pakistani, Nigerian and Gambian.²⁹⁸

7.3. Criminal proceedings against migrants and people helping them

7.3.1 Criminal proceedings initiated against migrants and asylum seekers

Nothing new to report.

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

In relation to the disembarkation in Augusta, which took place on 15 January 2016, police authorities arrested three men accused of smuggling. They were from Côte d'Ivoire, Senegal, and Sudan.²⁹⁹

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

7.4.1 Registration and identification

On 13 January 2016, in a hearing in front of the Chamber of Deputies Parliamentary Commission of Inquiry on the Centres for Migrants,³⁰⁰ the European Agency for the Management of Operational Cooperation at the External Borders (Frontex), explained the procedure adopted for fingerprinting people at the hotspots. He underlined that force has to be used as a last resort. He also explained

²⁹⁷ Information available on the Twitter account of the Italian Navy (@ItaliaNavy).

²⁹⁸ EASO (2016), Weekly overview on the situation of asylum in the EU, first four weeks of January 2016, own calculation.

²⁹⁹ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIQ6454.TIF&subcod=20160116&numPag=1&>.

³⁰⁰ Information available at: http://documenti.camera.it/leg17/resoconti/commissioni/stenografici/html/69/audiz2/audizione/2016/01/13/indice_stenografico.0036.html#.

that forced fingerprinting means attempting several times to explain to the person concerned the reasons for the procedure. If the person refuses to give his/her fingerprints, s/he should be transferred to another centre where new attempts are to be made.

The complaints on the identification procedures were reported directly to Frontex staff members during a meeting held in Catania on 14 January 2016: Frontex and several associations participated in the event. On that occasion, Frontex clarified its role during search and rescue operations at sea and during the identification procedure and the provision of health and social assistance at sea ports. Moreover, the spokesperson for Frontex announced the forthcoming opening of the two remaining hotspots planned by the Italian government.³⁰¹

On 19 January 2016, five members of the Chamber of Deputies submitted a written parliamentary question³⁰² on the registration and identification procedure involving more than 600 people who had arrived in Taranto (Apulia) on 7 December 2015. The question highlights: nationality profiling procedures upon disembarkation, and lack of information; use of the 'news sheet' (*foglio notizie*),³⁰³ which does not clearly state the reasons for entering the country; the issuance of a removal order without enabling people to apply for international protection; failure to provide people with the possibility of applying for international protection after they were taken to the administrative detention centre in Bari (Apulia); failure to allow lawyers to access the administrative detention centre (according to the police chief, this was justified by security reasons); decision of the Bari Tribunal to annul the detention order and the removal order.

The same situation of uncertainty of procedures and of possible violation of fundamental rights was reported by the NGO 'Borderline Sicilia' in a press release issued on 17 January 2016. In addition to the abovementioned problems, the NGO stressed that many of the migrants who are not given the chance to apply for international protection during the identification procedure – due to incomplete information reported in the 'news sheet' – receive a 'delayed removal order', and are excluded from reception facilities without any form of assistance.³⁰⁴

³⁰¹ Information available at: <http://siciliamigranti.blogspot.it/2016/01/incontro-catania-tra-le-associazioni-e.html>.

³⁰² The text of the written parliamentary question is available at: <http://aic.camera.it/aic/scheda.html?core=aic&numero=4/11707&ramo=CAMERA&leg=17&testo=immigrazione>. Another two parliamentary questions were submitted to the Ministry of the Interior on 22 December 2015 and 13 January 2016 on the same issue and, generally, on the identification procedure in the hotspot system. The government has not replied yet. The texts of these parliamentary questions are available at: <http://aic.camera.it/aic/scheda.html?core=aic&numero=4/11548&ramo=CAMERA&leg=17&testo=immigrazione> and <http://aic.camera.it/aic/scheda.html?core=aic&numero=4/11626&ramo=CAMERA&leg=17&testo=immigrazione>.

³⁰³ See the December monthly review.

³⁰⁴ Information available at: <http://siciliamigranti.blogspot.it/2016/01/le-porte-girevoli-della-fortezza-europa.html>.

Another press release was issued on 28 January by the NGO 'Borderline Sicilia', it concerned the identification procedure in the Lampedusa hotspot. The NGO reported that when newly arrived migrants ask to apply for international protection, the police authorities appear to tell them that by doing so they will risk staying in Italy for up to two years. Otherwise, if they declare to be in Italy for working purposes they could be released and flee irregularly to Northern Europe, where they might apply for international protection. This seems to be the reason why some of the newly arrived migrants decide not to ask for the international protection procedure in Italy and sign the 'deferred removal order' form. If this is the case, they put their signature on this form without having received a proper explanation of its content and its legal consequences. It should be highlighted that the form was in Italian without any translation.³⁰⁵

On 20 January 2016, in a hearing in front of the Chamber of Deputies Parliamentary Commission of Inquiry on the Centres for Migrants,³⁰⁶ the Head of the Public Security Department (*Dipartimento per la Pubblica Sicurezza*) of the Ministry of the Interior, clarified some of the issues related to identification and asylum application concerning the new legal provisions. On identification, he specified that the number of people who refuse to have their fingerprints taken is decreasing and in most of the cases the initial refusal is overcome the day after the disembarkation. In addition, he explained that the use of force to take fingerprints is completely inefficient because the fingerprints cannot be properly taken in this way. He admitted that in many cases the screening between asylum seekers and economic migrants has not been carried out properly since this procedure started. For this reason, he communicated that a revision of the procedure was under way. He also mentioned that mistakes (resulting from the procedure) were later corrected by judicial reviews. Moreover, he rejected the allegation that people could not (and still cannot) ask for asylum in Italy and that mass expulsions happened (or are happening). He gives his full support to the Circular signed by the head of the Civil Liberties and Immigration Department (*Dipartimento per le Libertà civili e l'Immigrazione*) of the Ministry of the Interior (see par. VI). The Head of the Public Security Department concluded the hearing by affirming that two new legal provisions were under way: one provision was aimed at allowing a short period of detention to take fingerprints, another one was aimed at introducing legal rules for hotspots. Concerning hotspots, he endorsed the opening of a new hotspot in Apulia and not in Friuli Venezia Giulia for two reasons: the first reason was that Italy was sending back people to Austria who irregularly crossed the border; the second reason is that cooperation with the Slovenian authorities was fully working.

7.4.2 Asylum procedure

On 19 January 2016, MSF presented the report 'Obstacle course to Europe: a policy-made humanitarian crisis at EU borders', which sums up what happened in

³⁰⁵ Information available at: <http://siciliamigranti.blogspot.it/2016/01/nuovi-sbarchi-e-centinai-di.html>.

³⁰⁶ Information available at: <http://webtv.camera.it/archivio?id=8844&position=0>.

2015 in the Mediterranean area and in the Balkans, and calls for a change in EU asylum policy.

A parliamentary question on the asylum-seeking procedure has been submitted to the government. More specifically, the government has been asked to clarify the content and purpose of the bilateral agreement signed with Gambia on 6 July 2015, as well as whether this agreement prevents Gambian citizens from applying for international protection in Italy. If so, the situation could be very critical from the point of view of fundamental rights protection, since Gambia features a non-democratic regime.³⁰⁷

7.4.3 Return procedure

The Public Security Department (*Dipartimento della Pubblica Sicurezza*) of the Ministry of the Interior has sent a circular letter to police headquarters to explain and introduce new means of physical coercion, which can be used to facilitate forced expulsion of irregular migrants. These means consist of Velcro handcuffs and straps, which will be made available to police officers, and are to be used only in specific cases and in a proportional and rational manner.³⁰⁸

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

7.5.1 Reception conditions and capacity

On 8 January 2016, 46 migrants living in the 'Rosas' reception centre (located in Narcao, Sardinia) demonstrated against reception conditions. The demonstration took place in front of the migration office of the police headquarters in Cagliari (Sardinia). Demonstrators asked to be transferred to Cagliari. After a one-day sit-in, they were brought back to Narcao.³⁰⁹

On 9 January 2016, several NGOs, including CIR, sent an open letter to the President of the Region of Friuli-Venezia Giulia to discuss and implement the regional reception system. The importance of this meeting is crucial considering that the abovementioned region is currently one of the new access points for

³⁰⁷ The text of the parliamentary question is available at: <http://aic.camera.it/aic/scheda.html?core=aic&numero=4/11563&ramo=CAMERA&leg=17&testo=immigrazione>.

³⁰⁸ The circular letter is available at: www.coisp.it/archivio-completo/finish/283-ultimissime/16494-strumenti-di-contenimento-da-impiegare-nei-servizi-di-polizia-fasce-in-velcro-multiuso-circolare-20-gen-2016. A comment on the circular letter is available at: http://m.repubblica.it/mobile/r/locali/torino/cronaca/2016/01/20/news/manette_in_velcro_per_gli_immigrati_clandestini_via_al_test_a_torino_e_in_altre_citta_-131683465/.

³⁰⁹ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SI96185.TIF&subcod=20160109&numPag=1&>.

migration flows into Italy.³¹⁰ This information has been confirmed by other sources: according to declarations by the Austrian Ministry of the Interior, since the beginning of 2016 Italy has expelled 200 irregular migrants back to Austria. This figure can be explained by migration flows into Europe from the Balkan area becoming more significant than those from the Mediterranean area.³¹¹ The Italian government is considering setting up three reception and identification centres in Friuli-Venezia Giulia (see also section 7.4.1 above which points to ongoing discussions on this matter) to improve the identification procedure in this area and to respond to a potential suspension of the Schengen Agreement, which would increase the flows from Eastern Europe into Italy. Nevertheless, an agreement with regional authorities has not been signed yet.³¹²

On 13 January 2016, the NGO 'Borderline Sicilia' published a report on the reception conditions experienced in the 'La Locanda' reception centre for asylum seekers (located in Trapani). Migrants living in the centre demonstrated against local authorities, police authorities, and the association managing the centre for two main reasons: on the one hand, the long and bureaucratic application procedure they have to go through to obtain international protection (some of them reported they had been waiting for two years); on the other hand, the poor reception conditions experienced in the centre.³¹³

On 23 January 2016, 38 asylum seekers living in Pray and Trivero (Piedmont) demonstrated against the poor reception conditions experienced in local reception centres: the problems raised by demonstrators concerned heating, hot water supply, pocket money, and food. Municipal authorities declared they were trying to find a solution to this problem.³¹⁴

7.5.2 Vulnerable persons

Nothing new to report. For identification procedures, please refer to heading 7.4.1.

³¹⁰ Information available at: www.cir-onlus.org/it/comunicazione/news-cir/45-ultime-news-2/1949-accoglienza-dei-richiedenti-asilo-e-rifugiati-in-friuli-venezia-giulia-rete-di-associazioni-chiede-incontro-a-presidente-serracchiani.

³¹¹ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SB32006.TIF&subcod=20160119&numPag=2&>.

³¹² Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=PG03158.TIF&subcod=20160120&numPag=2&>.

³¹³ Information available at: <http://siciliamigranti.blogspot.it/2016/01/una-barricata-nel-limbo-gli-occupanti.html>.

³¹⁴ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SI86346.TIF&subcod=20160123&numPag=1&>.

7.5.3 Child protection

On 7 January 2016, the Ministry of the Interior published a new guide for unaccompanied migrant children living in Italy, aimed at explaining to them the Italian legislation on international protection, the role of the guardian, the application procedure for international protection, and how this application is examined by local asylum commissions. This guide, co-financed by the EU, has already been translated into several languages (English, French, Arabic, Somali, and Tigrinya), and should be provided to unaccompanied children living on Italian soil.³¹⁵

Save the Children, which is working in Lampedusa to assist children and women arriving in Italy by sea, has publicly called upon the EU to improve the search and rescue system in the Mediterranean Sea, and to guarantee all necessary resources to provide basic health assistance at sea. The NGO has provided some figures about the arrival of accompanied and unaccompanied migrant children in Italy in 2015: nearly 16,400 out of around 153,400 migrants who arrived in Italy in 2015 were children; among them, some 12,300 were unaccompanied children coming mainly from Eritrea (about 3,000), Egypt (about 1,700), Somalia (about 1,300), Gambia (about 1,300), and Nigeria (about 1,000). From 1 to 15 January 2015, 780 migrants arrived in Italy, 105 of whom were children (five accompanied and 100 unaccompanied).³¹⁶

On 15 January 2016, the United Nations Children's Fund (UNICEF), together with the European Parliament Intergroup on Children's rights, released a report during the round table on 'Enhancing respect for children's rights in the EU agenda on migration', organised in Palermo (Sicily) by the Juvenile Court of the Sicilian capital city. The UNICEF document highlights the critical aspects of the hotspot system concerning child protection, and proposes priorities that governments and social workers dealing with children in reception facilities should keep in mind to protect the best interests of unaccompanied children.³¹⁷

On 22 January 2016, ASGI sent a public letter to the Juvenile Football Federation, asking that unaccompanied migrant children living in Italy have access to football championships on the same conditions as Italian children.

³¹⁵ Information available at: www.interno.gov.it/it/notizie/minori-stranieri-non-accompagnati-guida-aiutarli-scegliere. The English version of the guide is available at: www.libertaciviliimmigrazione.interno.it/dipim/export/sites/default/it/assets/pubblicazioni/UNHCR_ENGprint.pdf.

³¹⁶ The text of the call is available at: www.savethechildren.it/IT/Tool/Press/All/IT/Tool/Press/Single?id_press=1013&year=2016.

³¹⁷ The text of the UNICEF report is available at: www.unicef.it/Allegati/UNICEF_Palermo_Call_for_Action_for_refugee_and_migrant_children_15_01_16.pdf. The UNICEF press release is available at: www.unicef.it/doc/6641/minori-migranti-e-diritti-umani-convegno-unicef-a-palermo.htm. A comment on the report is available at: www.redattoresociale.it/Notiziario/Articolo/498098/Minori-stranieri-10-raccomandazioni-per-qli-operatori-degli-hotspot.

For this purpose, the child's guardian has to be entitled to take on the role of the child's parents, as recognised by Italian legislation.³¹⁸

7.5.4 Healthcare

In Italy, several NGOs and UNHCR sent a letter³¹⁹ to the Italian Ministry of Health requesting to correctly implement Article 17 of the EU Reception Conditions Directive 2013/33/UE, according to which Member States may require asylum applicants to contribute to the cost of healthcare services if the applicants have sufficient resources, for example if they have been working for a reasonable period of time.³²⁰ The letter aims to end the current practice of providing cost-free healthcare to asylum seekers only in the first two months following their asylum application when they are not allowed to work. After that, asylum seekers are requested to contribute to the cost of healthcare on the same basis as nationals, regardless whether they found a job or not.

7.5.5 Immigration detention

The Ministry of the Interior has declared its intention to dismantle the reception centre for asylum seekers located in Milan (Lombardy), and to restore its initial function as an identification and expulsion centre (*centro di identificazione ed espulsione*, CIE). This decision aims to support the hotspot system, and speeds up the expulsion procedure for those people who are considered irregular migrants and are not eligible to apply for international protection.³²¹ A parliamentary question on this issue has been submitted to the government: the Ministry of the Interior has been asked to declare that there are no other options available than re-opening the former CIE, as well as to announce which measures have been envisaged to shelter the asylum seekers currently living in the facility. The government has not replied yet.³²²

7.6. Responses in law, policy and/or practice

On 8 January 2015, the head of the Civil Liberties and Immigration Department (*Dipartimento per le Libertà civili e l'Immigrazione*) of the Ministry of the Interior,

³¹⁸ The circular letter is available at: www.asgi.it/discriminazioni/tesseramento-calcio-figc-minori-stranieri-non-accompagnati/.

³¹⁹ The letter is available at www.asgi.it/wp-content/uploads/2016/01/Lettera-esenzione-ticket-richiedenti-asilo-Ministero-Salute_29.12.151.pdf.

³²⁰ Directive 2013/33/EU laying down standards for the reception of applicants for international protection (recast), Art. 17.

³²¹ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SI82138.TIF&subcod=20160112&numPag=2&>.

³²² The text of the parliamentary question is available at: <http://aic.camera.it/aic/scheda.html?core=aic&numero=4/11629&ramo=CAMERA&leg=17&testo=immigrazione>.

issued a circular letter³²³ entitled 'Access to the asylum procedure. Guarantees and modalities'. The document addresses concerns by NGOs and UNHCR about difficulties in accessing asylum procedures by people from nationalities, other than those with a high recognition rate. The circular letter recalls the legal rules on the rights to information and international protection. It moreover recalls the fact that Italy has not adopted a list of safe countries because of the necessity to assess the need for international protection on a case-by-case basis. In particular, it is worth mentioning the concluding remarks of the circular: "Our legal system does not envisage any categories [of individuals] who are *a priori* granted or denied international protection [...]." For this reason, at EU level, Italy has been advocating for a long time for the inclusion of Afghans in the relocation procedure; on the other hand, it cannot be *a priori* excluded that a Somali, a Nigerian, or a person of any nationality whatsoever may actually be in a condition to apply for international protection. This circular letter was welcomed by CIR, which gave it a positive assessment.³²⁴

On 9 January 2016, the mayor of Lampedusa asked the Ministry of the Interior to reform the hotspot system, close down the Lampedusa hotspot, and re-establish the previous reception system. This request was triggered by several demonstrations organised by Eritrean asylum seekers hosted in the facilities on the island, who protested against the bad reception conditions experienced there, as well as against the identification procedure.³²⁵

The Minister of the Interior has announced the opening of a third Italian hotspot in Pozzallo.³²⁶ He had already announced the upcoming opening of the facility during the meeting with Sicilian Prefects on 16 January 2016.³²⁷ During the speech, he confirmed his commitment to strengthening identification procedures, which could entail a proportionate use of force to guarantee that all migrants arriving in Italy are identified. Moreover, he asked the prefects to prevent organised crime from infiltrating public procurement procedures established to assign the management of local reception facilities. On 25 January, the Ministry of

323 The circular letter is available at: www.cir-onlus.org/images/pdf/2016_Ministero_Interno_accesso_asilo_garanzie_modalita.pdf.

324 CIR's comment is available at: www.cir-onlus.org/it/comunicazione/news-cir/45-ultime-news-2/1962-accesso-alla-procedura-d-asilo-cir-su-circolare-ministero-interno.

325 Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIL6041.TIF&subcod=20160109&numPag=1&>.

326 Information available at: http://livesicilia.it/2016/01/20/a-pozzallo-il-terzo-hotspot-italiano_705440/ and <http://siciliamigranti.blogspot.it/2016/01/il-cpsa-di-pozzallo-diventa-hotspot.html>.

327 The speech of the Minister of the Interior is available at: www.radioradicale.it/scheda/464043/la-sicurezza-in-sicilia-conferenza-stampa-del-ministro-dellinterno-angelino-alfano. A comment on the speech is available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIO1054.TIF&subcod=20160118&numPag=1&> and <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIL1096.TIF&subcod=20160118&numPag=1&>.

the Interior announced the possibility of the opening of a new hotspot in the north of Italy, near to the Austrian border.³²⁸

In January 2016, the Italian Parliament failed to abolish the criminal offence of irregular migration, even though most experts (peace officers (*giudici di pace*),³²⁹ migration lawyers,³³⁰ NGOs, etc.) have deemed it to be useless. This offence was introduced by Law No. 94 of 15 July 2009, Provisions on public security (*Legge 15 luglio 2009, n. 94, Disposizioni in materia di sicurezza pubblica*). The main argument put forward by the government for postponing the reform is that, in the current critical phase, the Italian population is not ready to accept the abolition of a criminal offence which, since the very beginning, has been presented as an effective means to fight irregular migration. On 28 January, during the opening ceremony of the judicial year, the first President of the Court of Cassation declared his position on the debate concerning the abolishment of the criminal offence of irregular migration: in his opinion such a law is useless, ineffective and, in some cases, detrimental whereas administrative sanctions would be much more useful to contrast irregular entry on Italian soil.³³¹

On 25 January 2016, the Region of Tuscany announced the set-up of a regional database containing all data that concern already identified and registered asylum seekers living on the regional territory. This measure is aimed at providing a clear overview of the refugee population living in Tuscany to develop an employment and social integration framework able to meet the needs expressed by these people.³³²

The Polytechnic University of Milan is developing a monitoring system to detect unauthorised ships sailing in the Mediterranean Sea using 'Space Shepherd' satellites. This system could be used to improve the patrolling at sea, detect ships, retrace their routes and develop the save and rescue system.³³³

7.7. Social response to the situation

On 9 January 2016, a group of migrants who were about to catch a bus near the Tiburtina railway station in Rome were verbally attacked by a passenger. The latter

³²⁸ Information available at: www.interno.gov.it/it/notizie/lavorare-salvare-schengen.

³²⁹ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIF1013.TIF&subcod=20160111&numPag=2&>.

³³⁰ ASGI's position on this issue is available at: www.asgi.it/notizia/buone-ragioni-abrogare-reato-clandestinita/.

³³¹ The President of the Court of Cassation's speech is available at: www.cortedicassazione.it/cassazione-resources/resources/cms/documents/Intervento_del_Primo_Presidente_dott_Giovanni_Canzio.pdf.

³³² Information available at: www.redattoresociale.it/Notiziario/Articolo/498709/Toscana-un-software-coi-profili-di-tutti-i-profughi-accolti.

³³³ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SI82163.TIF&subcod=20160126&numPag=1&>.

asked them to get off the bus because of their ethnic origin. The other passengers defended the group of migrants, and forced the racist aggressor to get off.³³⁴

On 23 January 2016, the Moroccan community living in Vignola (Emilia-Romagna) organised a pacific demonstration against 'any kind of violence and propaganda'. The demonstration, which gathered some 100 people, including the mayor of the town, was aimed at raising awareness about tolerance, multiculturalism, and integration.³³⁵

7.8. Hate crime incidents

In December 2015, the Municipality of Pontoglio (Lombardy) hung a billboard at the entry of the town, stating that Western culture and the Christian tradition are essential elements of everyday life, and asking those who do not want to conform to leave town. ASGI, together with other associations, immediately sent a letter to the mayor, calling for the removal of the billboard due to its discriminatory content, which could jeopardise fundamental rights, such as freedoms of worship and movement.³³⁶

On 21 January 2016, Amazon tried to sell on its European platform a 'refugee dress costume' for carnival time. Following the huge amount of protests voiced by Italian customers and, among others, by Caritas, the item was immediately removed from the sales catalogue.³³⁷

On 23 January 2016, during the Catholic funeral of a married couple where the wife was a Somali regularly residing in Italy, the priest of Arnasco (Liguria) blessed only the husband's coffin, whereas he refused to bless the wife's. The couple had died a week earlier in the collapse of the building they were living in. When the priest was asked to justify his choice, he declared that it was not true.³³⁸

On 24 January 2016, the racist party Northern League (*Lega Nord*) organised a demonstration in Florence to protest against unlawful street trading. Demonstrators painted their faces in black to hint at people of colour, and stated that "if you are a black person, you can do whatever you want in Italy".³³⁹

³³⁴ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIW1191.TIF&subcod=20160111&numPag=1&>.

³³⁵ Information available at: www.interno.gov.it/it/notizie/manifestazione-pacifica-vignola-promossa-dalla-comunita-marocchina.

³³⁶ Information available at: www.asgi.it/discriminazioni/pontoglio-cartello-discriminatorio/.

³³⁷ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIK1020.TIF&subcod=20160125&numPag=1&>.

³³⁸ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB56121.TIF&subcod=20160123&numPag=1&>.

³³⁹ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIX1090.TIF&subcod=20160125&numPag=1&>.

8. Slovenia

8.1. Stakeholders contacted

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

- UNICEF Slovenia (*UNICEF Slovenija*);
- Crisis Centre Bežigrad (*Krizni center Bežigrad*);
- Centre for Social Work Brežice (*Center za socialno delo Brežice*);
- Ministry of Health (*Ministrstvo za zdravje*);
- Caritas Slovenia (*Slovenska karitas*);
- Slovenian Philanthropy (*Slovenska filantropija*);
- Legal Information Centre of NGOs (*Pravno informacijski center nevladnih organizacij, PIC*);
- Administration of the Republic of Slovenia for Civil Protection and Disaster Relief (*Uprava Republike Slovenije za zaščito in reševanje*);
- Directorate for Internal Administrative Affairs, Migration, and Naturalization (*Direktorat za upravne notranje zadeve, migracije in naturalizacijo*) at the Ministry of the Interior (*Ministrstvo za notranje zadeve*);
- Migration Policy and Legislation Division (*Sektor za migracijsko politiko in zakonodajo*) of Internal Administrative Affairs, Migration and Naturalization Directorate (*Direktorat za upravne notranje zadeve, migracije in naturalizacijo*) at the Ministry of Interior of RS (*Ministrstvo za notranje zadeve RS*);
- Asylum Home (*Azilni dom*);
- The police (*Policija*);
- The Office of the State Prosecutor General of the Republic of Slovenia (*Vrhovno državno tožilstvo Republike Slovenije*);
- Centre for Foreigners (*Center za tujce*);
- Hotline for reporting hate speech on the internet 'Web eye' (*Spletno oko*);
- The national TV news website MMC www.rtv slo.si, Editor-in-chief;
- Peace Institute (*Mirovni inštitut*).

8.2. Overview of the situation

The police reports nearly 62,800 people entered the territory of Republic of Slovenia from 1 January to 31 January.³⁴⁰ The Border Police Division provides

³⁴⁰ Police, Ministry of the Interior, press release, 1 February 2016, available at: www.policija.si/index.php/component/content/article/35-sporocila-za-javnost/82761-podatki-o-tevilu-migrantov-ki-so-vstopili-v-slovenijo-do-1-februarja-2016-do-6-ure.

lower numbers, indicating that some 50,600 people (around 21,800 men and 10,500 women) arrived between 1 January and 23 January,³⁴¹ originating mainly from Syria, Afghanistan and Iraq, including some 18,300 children (two of which were unaccompanied). They entered Slovenia from Croatia mainly by train.³⁴² During the reporting period, 17 people requested international protection.

8.3. Criminal proceedings against migrants and people helping them

8.3.1 Criminal proceedings initiated against migrants and asylum seekers

In the reporting period, no criminal proceedings concerning prohibited crossings of the border were initiated against migrants or asylum seekers.³⁴³ There have been, however, several instances of misdemeanour proceedings initiated against aliens under the Aliens Act³⁴⁴ and the State Border Control Act.³⁴⁵

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

Nothing new to report.

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

8.4.1 Registration and identification

According to the police (*Policija*), all new arrivals have been registered.³⁴⁶ The police fingerprinted over 40,000 people during the period from 1 January to 23 January.³⁴⁷ All individuals over the age of 14 requesting international protection in the period from 1 January to 31 January were registered in Eurodac.³⁴⁸

³⁴¹ The stakeholder could not provide us with data for the period from 1 January to 31 January as the report is not yet available.

³⁴² General Police Directorate, Uniformed Police Directorate, Border Police Division.

³⁴³ General State Prosecutor's Office.

³⁴⁴ Slovenia, Aliens Act, 27 June 2011 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761.

³⁴⁵ Slovenia, State Border Control Act, 20 April 2010 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5964.

³⁴⁶ General Police Directorate, Uniformed Police Directorate, Border Police Division.

³⁴⁷ *Ibid.*

³⁴⁸ Asylum Home.

At the reception centre, the police (*Policija*) divides people into groups according to the number of identity documents they have and first register those whose identity can be established quickest.³⁴⁹ According to Caritas Slovenia (*Slovenska Karitas*), the police is employing a good system of processing and registering people that works well. UNICEF Slovenia, however, reports that, as a consequence of the new registration procedure (i.e. dividing persons according to the number of documents), extended families are being separated. NGOs report that there have been difficulties in informing people on the procedures.³⁵⁰ Nevertheless, after the new registration system was implemented and an additional tent was set up, the problems with informing people appear to be decreasing.³⁵¹

The police (*Policija*) did not detect any criminal activity related to human trafficking of or in relation to irregular migrants in the period from 1 January to 23 January.³⁵²

8.4.2 Asylum procedure

There were 17 request for international protection filed during the reporting period according to the Asylum Home (*Azilni dom*) (from Iran, Afghanistan, and other countries). Amongst them there were two women and two children, one of whom was an unaccompanied child.

There is nothing new to report regarding the access to the procedure, information provided by the NGOs and safeguards for children.

There were no rejections of requests for international protection based on the safe third country principle.³⁵³ Under the Dublin III Regulation procedure, three persons were returned back to Slovenia.³⁵⁴

During the reporting period, six asylum seekers were detained at the Centre for Foreigners (*Center za tujce*).³⁵⁵

Slovenian Philanthropy (*Slovenska filantropija*) reports on an incident that occurred sometime after 22 January,³⁵⁶ when a group of around 20 people expressed their intention to lodge an application for international protection after the return procedure to Croatia had already been initiated as a result of having been denied the right to stay in the territory of Slovenia. According to the NGO, the police showed an extremely unfavourable attitude towards the group and

³⁴⁹ Legal Information Centre of NGOs, Slovenian Philanthropy, Caritas Slovenia.

³⁵⁰ Legal Information Centre of NGOs, Slovenian Philanthropy, UNICEF Slovenia.

³⁵¹ Legal Information Centre of NGOs, Slovenian Philanthropy.

³⁵² General Police Directorate, Uniformed Police Directorate, Border Police Division. Again, they could not provide data for the last week of January.

³⁵³ Asylum Home.

³⁵⁴ *Ibid.*

³⁵⁵ *Ibid.*

³⁵⁶ Please note that on 22 January Slovenia announced a renewed border control policy of returning individuals who fail to declare their intention to seek international protection in Germany, Austria, or Slovenia to Croatia. See below, section 8.6.

began questioning them as to why they did not express their intention before the initiation of the return procedure.³⁵⁷ Only after a long discussion were the police willing to contact the authorities competent for processing international protection applications.³⁵⁸ Upon the arrival of relevant authorities to the registration centre, they held an interview with the group of asylum seekers.³⁵⁹ Slovenian Philanthropy (*Slovenska filantropija*) reports having no information of what happened during the interview as they and other NGOs, including UNHCR, were not allowed to be present and assist the asylum seekers during the interview. After the interview ended, all of them withdrew from lodging an application for international protection and were consequently returned to Croatia.³⁶⁰

8.4.3 Return procedure

From 1 January to 23 January, 14 people were returned to Croatia and Italy based on a bilateral agreement (most were from Albania),³⁶¹ and from 1 January to 31 January, 14 people were forcibly returned to their country of origin after being accommodated in the Centre for Foreigners.³⁶²

Austria imposed stricter border control at the end of December, however, the police (*Policija*) reports that there have not been any issues with transferring people to the Austrian police.³⁶³ The people that are rejected by Austrian authorities are registered again in Slovenia and subsequently returned to Austria.³⁶⁴ If they lodge a request for international protection in the meantime, they are brought to the Asylum Home (*Azilni dom*) in accordance with the asylum procedure.³⁶⁵ According to State Secretary at the Ministry of the Interior (*Ministrstvo za notranje zadeve, MNZ*), the rumours about Italian authorities imposing stricter border control are false.³⁶⁶ The police reports persisting

³⁵⁷ Slovenian Philanthropy.

³⁵⁸ *Ibid.*

³⁵⁹ *Ibid.*

³⁶⁰ *Ibid.*

³⁶¹ General Police Directorate, Uniformed Police Directorate, Border Police Division. The number reported by the police seems too low taking into account their own press release on 22 January, reporting that 15 people were rejected and returned to Croatia for not having a permit to enter Slovenia (Police, Ministry of the Interior, press release, 22 January 2016, available at: www.policija.si/index.php/component/content/article/105-sporoila-za-javnost/82647-od-887-sinoi-prispelih-migrantov-na-dobovo-15-tujcev-ni-izpolnjevalo-pogojev-za-vstop-informacija-ob-8-uri), or the incident reported by Slovenian Philanthropy mentioned in 8.4.2.

³⁶² Centre for foreigners in Postojna, senior police inspector.

³⁶³ Police, Ministry of the Interior, press release, 20 January 2016, available at: www.policija.si/index.php/component/content/article/35-sporocila-za-javnost/82623-migrante-avstrijcem-e-zmeraj-predajamo-na-ustaljen-nain-pojasnilo.

³⁶⁴ *Ibid.*

³⁶⁵ *Ibid.*

³⁶⁶ Ministry of the Interior, press release, 5 January 2016, available at: www.mnz.gov.si/si/novinarsko_sredisce/novica/article/12208/9568/704c1834642739b779d2bb184f61ab9d/.

communication problems with the Republic of Croatia regarding the acceptance of returnees.³⁶⁷

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

8.5.1 Reception conditions and capacity

The total capacity fluctuated throughout the reporting period, with the number decreasing from 9,113 in the beginning of January to 8,313 in late January.³⁶⁸ Generally, Brežice (entry point) and Šentilj (exit point) have remained the sole utilised accommodation and reception centres.³⁶⁹ At no point were any of these reception or accommodation centres overcrowded³⁷⁰ nor were asylum seekers accommodated together with persons in return procedures.³⁷¹

The registration centre in Dobova (Livarna) has been reorganised and renovated, and another tent has been set up to increase the capacity of the registration centre.³⁷² As a result, people are no longer registered at the Dobova train station in the cold but are instead allowed inside the heated Dobova (Livarna) registration centre.³⁷³ Rarely does it happen that some individuals are required to wait for registration in the cold.³⁷⁴

Food is distributed to people only after they complete the registration process.³⁷⁵ According to the Slovenian Philanthropy (*Slovenska filantropija*) this practice is problematic as it takes about four hours to register an entire group, meaning that those at the end of the line have to wait for a significant period of time to be provided with a meal. Even though people are regularly and systematically provided with food and drinks, occasionally individuals are transported from Dobova to Šentilj without receiving food due to time constraints related to organised transit.³⁷⁶ UNICEF Slovenia is increasingly concerned about an overly monotonous diet people are exposed to on their journey as they are regularly offered tuna fish, milk, and bread, which is causing a number of issues with digestion, especially in children. A number of NGOs are still putting pressure on

³⁶⁷ General Police Directorate, Uniformed Police Directorate, Border Police Division.

³⁶⁸ *URSZR*, Daily reports on protection, rescue and help activities, 1 January 2016 – 31 January 2016, not published, sent upon request.

³⁶⁹ *Ibid.*

³⁷⁰ *Ibid.*

³⁷¹ Legal Information Centre of NGOs, Slovenian Philanthropy.

³⁷² Slovenian Philanthropy.

³⁷³ Legal Information Centre of NGOs, Slovenian Philanthropy.

³⁷⁴ Slovenian Philanthropy.

³⁷⁵ *Ibid.*

³⁷⁶ Legal Information Centre of NGOs.

the authorities to make proper arrangements to provide warm tea at Dobova, an issue that has been persisting since the very beginning of the situation.³⁷⁷

Slovenian Philanthropy (*Slovenska filantropija*) reports that a very efficient system of distribution of clothes has been established at the registration centre. NGOs also report that the locking of toilets on the incoming trains is no longer an issue as the police is now willing to escort individuals to toilets at the train station and toilets on the trains are locked only when sanitary conditions require such a measure.³⁷⁸ Access to running water is generally made available in one part of the registration centre.³⁷⁹ While conflicting information is provided regarding the sanitary situation in Dobova and Šentilj,³⁸⁰ NGOs are concerned with overcrowding and poor sanitary conditions of buses and trains used to transport people from Dobova to Šentilj.³⁸¹

Slovenian Philanthropy (*Slovenska filantropija*) reports that the distribution of food at the accommodation centre in Šentilj is better organised than in Dobova, whereas no organised system of distribution of clothes is established at Šentilj. Unlike in Dobova, access to internet is provided in Šentilj.³⁸²

According to a refugee working as an interpreter at Dobova, people are happy with the amount and quality of food they receive but express dissatisfaction regarding the sleeping mats, cleanliness and access to toilets, and occasional cold they are exposed to.³⁸³

8.5.2 Vulnerable persons

There are still no general formal recognition procedures or guidelines in place for identifying vulnerable people.³⁸⁴ In practice, vulnerable people are nonetheless generally granted priority treatment in registration procedures and access to transit after being identified as vulnerable by NGOs, who then make arrangements regarding priority treatment with the police.³⁸⁵ Slovenian Philanthropy (*Slovenska filantropija*) reports, however, that while this is generally true and the police is cooperative in giving special attention to vulnerable people, a limited number of

³⁷⁷ Legal Information Centre of NGOs, undisclosed sources.

³⁷⁸ Legal Information Centre of NGOs, Slovenian Philanthropy.

³⁷⁹ Legal Information Centre of NGOs, Slovenian Philanthropy, UNICEF Slovenia.

³⁸⁰ Caritas Slovenia reports that there are no sanitary issues in Dobova and Šentilj registration and accommodation centres. On the other hand, Slovenian Philanthropy reports that the floors are not sufficiently clean and sanitary issues with blankets and sleeping mats still persist. Legal Information Centre of NGOs reports that no systematic cleaning of the registration centre in Dobova is organised and all the cleaning of the centre is done by volunteers.

³⁸¹ Legal Information Centre of NGOs, UNICEF Slovenia.

³⁸² Legal Information Centre of NGOs.

³⁸³ Intervention at a round table discussion organised by Slovenian Philanthropy entitled 'Migrants amongst us: Humanity in refugee centres', Ljubljana, 19 January 2016.

³⁸⁴ *Ibid.*

³⁸⁵ *Ibid.*

individual policemen and policewomen occasionally refuse to grant them priority.³⁸⁶

The situation and care for women has improved in the past month, particularly due to activities of the Women and Health Alliance International (WAHA).³⁸⁷ However, UNICEF Slovenia (*UNICEF Slovenija*) still reports that there is not enough private facilities for women to change and breastfeed. An effective system of enabling access to wheelchairs to those in need has been established.³⁸⁸ Regarding the physically disabled, wheelchair accessible toilets have still not been made available to the disabled in the registration centre in Dobova³⁸⁹ and adult diapers are being distributed by volunteers as an alternative.³⁹⁰

8.5.3 Child protection

There is nothing significantly new to report regarding access to education and leisure activities and the process of appointment of representatives for unaccompanied children.

During the period in question, six unaccompanied children were detained at the Centre for Foreigners (*Center za tujce*) in Postojna.³⁹¹ UNICEF Slovenia (*UNICEF Slovenija*) reports the process of determining who is to be permitted transit through Slovenia and who is to be detained at the Centre for Foreigners (*Center za tujce*) is still arbitrary. Slovenian Philanthropy, on the other hand, reports that only children who are actually travelling alone (and not all unaccompanied children *strictu sensu*) are detained at the Centre for Foreigners (*Center za tujce*). Conditions of detention in Postojna remain the same and NGOs continue to express doubts whether such detention is in the best interests of the child.

According to the State Secretary at the Ministry of the Interior (*Ministrstvo za notranje zadeve, MNZ*), the government is aware of the problem of accommodating/detaining unaccompanied children at the Centre for Foreigners (*Center za tujce*) and is in the process of establishing an institution where unaccompanied children would be accommodated and provided with due care.³⁹² At the same time, a number of NGOs are developing a set of guidelines and protocols aimed at providing guidance regarding treatment of unaccompanied children.³⁹³

386 *Ibid.*

387 Legal Information Centre of NGOs.

388 *Ibid.*

389 Slovenian Philanthropy.

390 Undisclosed source.

391 For more on detention of unaccompanied children, see below, section 8.5.5.

392 Round table discussion organised by Slovenian Philanthropy, 'Migrants amongst us: Humanity in refugee centres', Ljubljana, 19 January 2016.

393 Undisclosed source.

In Dobova, UNICEF Slovenia (*UNICEF Slovenija*) established child-friendly spaces at the registration centre where children can play in the presence of professional staff and interpreters.³⁹⁴

Finally, UNICEF Slovenia (*UNICEF Slovenija*) reports that an estimated 44 % of people who enter Slovenia are children.

8.5.4 Healthcare

Nothing significantly new to report. A medical team is still present at the registration and accommodation centres Brežice and Šentilj. Medication is readily available at all times and the state covers all costs of healthcare.³⁹⁵ From 1 January 2016 to 28 January 2016, 2,461 people have been treated, including 732 Children and 48 pregnant women.³⁹⁶ 33 people have been hospitalised, including nine children and two pregnant women.³⁹⁷

People are not required to cover any costs of healthcare and medication which is being provided free of charge, however, there have been disputes between the Ministry of Health (*Ministrstvo za zdravje*) and the Health Insurance Institute of Slovenia (national health care provider) (*Zavod za zdravstveno zavarovanje*) as to which entity is required by statute to cover these costs.³⁹⁸ According to the Ministry of Health, health related costs amounted to €492,593.71 in the period from 16 October 2015 to 31 December 2015.³⁹⁹ Those were covered by the Ministry of Health and an agreement has been reached that the Ministry will continue to cover them in the future.⁴⁰⁰

8.5.5 Immigration detention

During the reporting period, 414 people, including some 200 Moroccan nationals, were detained at the Centre for Foreigners (*Center za tujce*) for the purpose of removal or establishing their identity, including seven children – four of them unaccompanied.⁴⁰¹ There were 27 persons (six children, including two unaccompanied) at the Centre for Foreigners (*Center za tujce*) in the return procedure on the basis of a bilateral agreement. The Centre for Foreigners (*Center*

³⁹⁴ UNICEF Slovenia.

³⁹⁵ Ministry of Health, Legal Information Centre of NGOs, Slovenian Philanthropy.

³⁹⁶ Ministry of Health, Daily reports on healthcare offered to migrants and refugees, not published, sent upon request.

³⁹⁷ *Ibid.*

³⁹⁸ Ministry of Health, Press release, 14 January 2016, available at: www.mz.gov.si/nc/si/medijsko_sredisce/novica/article/670/7134/.

³⁹⁹ *Ibid.*

⁴⁰⁰ Article on the newspaper web portal Delo, 'Migrants' health care continues to be covered by the state budget', 30 January 2015: www.delo.si/novice/slovenija/zdravstvena-oskrba-migrantov-se-naprej-iz-proracuna.html.

⁴⁰¹ Centre for Foreigners in Postojna, senior police inspector.

za tujce) can accommodate up to 350 people - there have been no problems with overcrowding so far.⁴⁰²

There is nothing new to report regarding the alternatives to detention. On detention of unaccompanied children, see above, section 8.5.3.

8.6. Responses in law, policy and/or practice

On 22 January 2016, Slovenia announced a renewed border control policy by which it does not grant "the right to stay" (*de facto* transit to Austria) to people who fail to declare their intention to seek international protection in Germany, Austria, or Slovenia.⁴⁰³ As a result, Slovenia has been returning such individuals to Croatia, whose police has been cooperative with this change in policy and has been accepting the return requests.⁴⁰⁴

The proposed amendment to the International Protection Act that aims to accelerate the asylum procedure is due to be debated in the Parliament on 11 February 2016.⁴⁰⁵ In a further move towards a more restrictive asylum policy, the Prime Minister Cerar announced plans to consider limiting refugees' right to family reunification.⁴⁰⁶

The government also proposed the establishment of the Office for Migration (*Urad za migracije*) and received feedback from NGOs with expertise in the field. The Peace Institute (*Mirovni inštitut*) issued an appeal⁴⁰⁷ in which it supported the idea of establishing the new Office. However, the Peace Institute (*Mirovni inštitut*) highlighted that the Office should be independent from the Ministry of the Interior (*Ministrstvo za notranje zadeve, MNZ*) and that NGOs with relevant expertise and experience should be included in the process of establishing the Office.

Prime Minister Cerar and the Minister of the Interior Györkös Žnidar proposed that the European community could aid Macedonia in its dealing with the crisis to limit the flow of migrants to Europe.⁴⁰⁸

402 URSZR, Daily reports on protection, rescue and help activities, 1 January 2016 – 31 January 2016, not published, sent upon request.

403 Ministry of the Interior, press release, 21 January 2016, available at: www.mnz.gov.si/si/novinarsko_sredisce/novica/article/12137/9595/a0efba1da73016ff8330e0b5e1e9caf4/.

404 See, for instance, Ministry of the Interior, press release, 22 January 2016, available at: www.mnz.gov.si/si/novinarsko_sredisce/novica/article/12137/9599/bbff928a8a15a332c120db11c28e433/.

405 Legal Information Centre of NGOs.

406 Article on the web news portal RTVSLO, 'Györkös Žnidar: Behind Political Pressures is a Wish to Conserve Schengen', 25 January 2016: www.rtvslo.si/begunska-kriza/gyoerkoes-znidar-v-ozadju-politcnih-pritiskov-ostaja-zelja-po-ohranitvi-schengena/384270.

407 Peace Institute, 'Appeal to the government of the Republic of Slovenia regarding the establishment of the Office for Migration' 2 January 2016, available at: www.mirovni-institut.si/apel-na-vlado-republike-slovenije-ustanovitev-urada-za-migracije/.

408 Ministry of the Interior, Press release, 25 January 2016, available at: www.mnz.gov.si/nc/si/novinarsko_sredisce/novica/article/12137/9604/.

On 26 January 2016, the police organised a special consultation with experts on hate speech and on cultural differences titled 'Dealing with stereotypes and awareness of cultural differences at work'.⁴⁰⁹ The consultation attracted over 100 police officers working directly with migrants.

8.7. Social response to the situation

According to the State Secretary at the Ministry of the Interior, over 3,000 volunteers assist in managing the situation.⁴¹⁰ As a lot of them are overworked, the government is attempting to relieve them of this burden by establishing the Office for Migration (*Urad za migracije*).⁴¹¹ NGOs and other organisations are continuing to organise various events, round table discussions, and conferences that address the issue of migration, international protection and integration. Some of them are aimed at discussing these issues with local populations to make the process of integration for the refugees easier.⁴¹²

At the other end of the spectrum, the largest opposition party, the Slovenian Democratic Party (*Slovenska demokratska stranka, SDS*), has recently proposed the establishment of a 'National Guard', a military unit consisting of volunteers with patriotic motivations, who would be willing to protect the territory and the people of the Republic of Slovenia.⁴¹³ The establishment of the National Guard was proposed as a response to the security threat posed by the migration crisis.⁴¹⁴

8.8. Hate crime incidents

The police have reported:⁴¹⁵

- an incident on 5 January 2016, involving 10 persons (shoving, brawl) at the accommodation centre Šentilj; the police reports that the group had dispersed after police intervened;
- an incident on 30 January 2016, involving two persons fighting (Afghan and Iraqi nationals) at the accommodation centre Šentilj; both have been issued

⁴⁰⁹ Police, Ministry of the Interior, press release, 26 January 2016, available at:

www.policija.si/index.php/component/content/article/35-sporocila-za-javnost/82705-s-strokovnjaki-in-nevladniki-o-obvladovanju-stereotipov-in-zavedanju-medkulturnih-razlik-pri-delu-z-migranti?lang.

⁴¹⁰ Round table discussion organised by Slovenian Philanthropy 'Migrants amongst us: Humanity in refugee centres', Ljubljana, 19 January 2016.

⁴¹¹ *Ibid.*

⁴¹² See, for instance, Slovenian Philanthropy: 'Migrants amongst us: Humanity in refugee centres', 19 January 2016, available at: www.filantropija.org/clovecnost-v-begunskih-centrih/. See also Research Centre of the Slovenian Academy of Sciences and Arts and Peace Institute: 'How to think the 'refugee crisis'? 12 January 2016, available at: www.zrc-sazu.si/sites/default/files/vabilo_na_znanstveni_simpozij_kako_mislisti_begunsko_krizo.pdf.

⁴¹³ Article on the official SDS website, 'SDS proposes the establishment of the National Guard', 19 January 2016: www.sds.si/novica/sds-predlaga-ustanovitev-nacionalne-garde-863.

⁴¹⁴ *Ibid.*

⁴¹⁵ General Police Directorate, Uniformed Police Directorate, Border Police Division.

with payment orders due to misdemeanours under Art. 6(2) of the Protection of Public Order Act.⁴¹⁶

There were no other demonstrations or incidents recorded in the reporting period.

The State Prosecutor's Office⁴¹⁷ reported the receipt of one criminal report concerning a criminal offence of public incitement to hatred, violence or intolerance under Art. 297 of the Criminal Code,⁴¹⁸ related to migrants (an attempt to burn the Quran in front of the Slovenian parliament in November 2015). Another hate crime incident occurred on the construction site of the new Islamic Cultural Centre (*Islamski kulturni center*) in Ljubljana, where unknown person(s) dropped pigs' heads and littered pig's blood.⁴¹⁹ Representatives of the Islamic community of Slovenia (*Islamska skupnost v Sloveniji*) and the Council for responding to hate speech (*Svet za odziv na sovražni govor*), who receive reports of xenophobic and racial speech,⁴²⁰ condemned the act. The police issued an investigation related to Article 297 (Public incitement to hatred, violence or intolerance) of the Criminal Code.⁴²¹

The Slovenian hotline for reporting hate speech incidents on the internet 'Web eye' (*Spletno oko*) received 97 reports of alleged hate speech, punishable according to Article 297 (Public incitement to hatred, violence or intolerance) of the Criminal Code.⁴²² One report was referred to the police. The targets of hate speech in that instance were all foreigners living in Slovenia.

Several incidents occurred in the town Kidričevo, where the government plans to turn a military warehouse into a reception centre for migrants. For instance, about 300 protesters who oppose the accommodation of migrants in their town attended a rally that took place in front of the town hall in Kidričevo.⁴²³

The social media reflects the sentiment of one part of the Slovenian populace. Individuals from the (ex)political elite published several hostile messages, for example, the former director of the Slovenian Intelligence and Security Agency (*Slovenska obveščevalno-varnostna agencija, SOVA*) published the following

⁴¹⁶ Slovenia, The Protection of Public Order Act, 22 June 2006 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3891.

⁴¹⁷ General State Prosecutor's Office.

⁴¹⁸ Slovenia, Criminal Code, 20 May 2008, with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050.

⁴¹⁹ Article on the web news portal Delo, 'Pigs' heads on the site of the Islamic Cultural Centre', 13 January 2016: www.delo.si/novice/kronika/na-gradbiscu-islamskega-kulturnega-centra-svinjske-glave.html. The criminal offence is still under police investigation and has not been handed over to the Prosecutor's Office yet.

⁴²⁰ Information on the Project 'Countering Hate Speech with Speech', available at: www.mirovni-institut.si/govor/.

⁴²¹ Hotline for reporting hate speech on the internet 'Web eye', Project coordinator.

⁴²² *Ibid.*

⁴²³ Article on the web news portal Siol, '4,000 migrants in Kidričevo? Locals: »No, thank you!«', 15 January 2016: www.siol.net/novice/slovenija/2016/01/kidricevo_avstrija_begunci_migranti.aspx.

tweet: "The only correct answer to violent Islamic invasion is zero migrants from North Africa and Middle East in Slovenia. Any other [type of response] represents a threat to national security."⁴²⁴

⁴²⁴ Twitter account available at: twitter.com/DamirCrncec/status/685018021371461632?ref_src=twsrc%5Etfw, 7 January 2016.

9. Sweden

9.1. Stakeholders contacted

For this report, the following stakeholders were contacted:⁴²⁵

- Swedish Migration Agency (*Migrationsverket*);
- Swedish Civil Contingencies Agency (*Myndigheten för Samhällsskydd och Beredskap*);
- Swedish Police (*Polisen*);
- Swedish National Council for Crime Prevention (*Brottsförebyggande rådet - Brå*);
- Ombudsman for Children (*Barnombudsmannen, BO*);
- The National Board of Health and Welfare (*Socialstyrelsen*);
- Swedish Health and Social Care Inspectorate (*Inspektionen för Vård och Omsorg*);
- Amnesty International Sweden;
- Save the Children Sweden (*Rädda Barnen Sverige*);
- Red Cross Sweden (*Röda Korset Sverige*);
- Expo Foundation (*Stiftelsen Expo*);
- Swedish Refugee Advice Centre (*Rådgivningsbyrån för asylsökande och flyktingar*);
- Swedish Association of Local Authorities and Regions (*Sveriges kommuner och landsting, SKL*);
- UNHCR.

9.2. Overview of the situation

During the period of 1-31 January 2016, Sweden received over 4,100 applications for asylum, leading to a significant decrease in the number of registered asylum seekers compared to the peak period of September (some 24,300), October (some 39,200) and November (some 36,700) of 2015. The decrease in applications is considered to be related to the introduction of obligatory ID-controls on public transports entering Sweden from Denmark, which commenced on 4 January 2016.⁴²⁶ Since this change, the main point of entry to Sweden for asylum seekers has switched from the Danish-Swedish border to the southern port city of Trelleborg, where asylum seekers are arriving by ferry from northern Germany.

⁴²⁵ The Swedish National Council for Crime Prevention, Expo Foundation and Red Cross Sweden informed they had nothing new to report since the December report. The Swedish Health and Social Care Inspectorate and UNHCR were not available.

⁴²⁶ Swedish Migration Agency.

The border police believes that 95 % of the new asylum seekers in January used this route.⁴²⁷

Of the asylum applicants in January, some 2,500 were men and some 1,600 were women. In January, around 640 unaccompanied children were registered, a decrease in comparison with the previous months of September (4,712), October (9,339) and November (8,808) of 2015. The unaccompanied children are predominately boys (89 %). Around 43 % of the unaccompanied children are 13-15 years old and 49 % are 16-17 years old.⁴²⁸

The three main countries of origin of the asylum applicants continued to be Syria (some 1,100), Iraq (some 800) and Afghanistan (some 600).⁴²⁹ The most noticeable decrease was seen in the number of applications from persons from Afghanistan.⁴³⁰ This change is likely to be related to the introduction of the previously mentioned ID-controls, as Afghan migrants, particularly unaccompanied children, more often tend to lack valid identity documents than other migrant groups.⁴³¹

9.3. Criminal proceedings against migrants and people helping them

9.3.1 Criminal proceedings initiated against migrants and asylum seekers

On 17 December 2015, the Swedish parliament passed a government bill,⁴³² followed shortly thereafter by an ordinance, introducing ID-controls on busses, ferries and trains entering Sweden from Denmark.⁴³³ The ID-controls, which take place at the Danish side of the border, started on 4 January 2016 and have been put in place for an initial period of six months. Persons without adequate identification documents are not allowed entry into Sweden. Transportation companies are responsible for carrying out the identity-checks and failure to do so may lead to financial sanctions of SEK 50,000 (EUR 5,380) per trip for the company. The ID-controls followed the introduction of temporary border controls

⁴²⁷ Swedish Police. The ID-checks on the ferries between Germany and Sweden are carried out by the transport companies on a voluntarily basis.

⁴²⁸ Swedish Migration Agency.

⁴²⁹ *Ibid.*

⁴³⁰ *Ibid.*

⁴³¹ Swedish Migration Agency, Amnesty International Sweden.

⁴³² Sweden, Government Bill 2015/16:67 'Special measures in case of serious threat to public order or internal security of the country', available at www.regeringen.se/contentassets/23c37b142cd54d658d660dc5ca27afe5/sarskilda-atgarder-vid-allvarlig-fara-for-den-allmanna-ordningen-eller-den-inre-sakerheten-i-landet-prop.-20151667 .

⁴³³ Sweden, 'Ordinance on certain identity controls in case of serious threats to public order or internal security of the country', available at: www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Svensk-forfattningssamling-201_sfs-2015-1074/.

between Sweden and Denmark in November 2015. According to the police, the percentage of migrants that are directly returned due to irregular entry (*direktavvisade*) has increased in January but no exact figures were made available.⁴³⁴

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

There is no information on charges against transportation companies failing to undertake ID-controls. However, in January the Swedish border police arrested three individual taxi drivers for facilitating irregular entry of migrants over the Öresund bridge connecting Denmark and Sweden. The cases are currently under investigation.⁴³⁵ The police has also received information about an increase in organised migrant boat trips from Denmark to Sweden, facilitated by individuals and/or groups.⁴³⁶

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

9.4.1 Registration and identification

The Swedish Civil Contingencies Agency has held a specific responsibility for national emergency coordination concerning the migration situation in the country since 1 October 2015. The Agency informs that they are now preparing to phase out their emergency mission. The responsibility for coordination management of areas of concern will then rest with respective authorities as usual.⁴³⁷ There has hence been a shift from a declared emergency/crisis, especially in relation to the registration and the reception of new asylum seekers, which was a major issue in the last months of 2015. According to the Civil Contingencies Agency, the challenges are now 'known' and concern backlogs in case management of asylum applications and management of accommodation and non-immediate reception conditions of asylum seekers, particularly at municipal level.⁴³⁸ The Swedish police states that all persons arriving at the Swedish border who say that they are applying for asylum or protection immediately falls under the responsibility of the Migration Agency.⁴³⁹ The registration process of newly arrived asylum seekers

434 Swedish Police.

435 Swedish Police, taxi companies and drivers were not included under the ordinance on ID-controls.

436 Swedish Police.

437 Swedish Civil Contingencies Agency.

438 Swedish Civil Contingencies Agency, Swedish Migration Agency, Amnesty International.

439 Swedish Police.

appears to be less of a challenge during the month of January as compared to the end of 2015.⁴⁴⁰

Reports from civil society have, however, expressed concern over the shortened and simplified registration process and how it affects possibilities to identify vulnerable groups early on in the asylum process.⁴⁴¹ The Migration Agency states that few LGBT-persons are identified in the registration process. When it comes to persons with disabilities, the agency seeks to provide alternative accommodation options.⁴⁴² During the end of 2015, there were some reported cases where unaccompanied children have had their self-declared age (16-17 years) increased by the Migration Agency officers at registration because they were considered to be "clearly adult". As a result, the children were put among adults. There are, however, no reports of such cases during the month of January.⁴⁴³ Age assessment of children has received a lot of attention in Swedish media during January. The government has instructed the Migration Agency to be more diligent with respect to age assessments. The medical assessment procedures in place have been criticised by medical professionals for not being precise enough. The assessments can only give an estimated age range of four years, meaning that a person can be assessed to be, for instance, between 16 and 19 years old. As a consequence, they are currently not being used much.⁴⁴⁴

The border police assessed that in January 2016, no registered unaccompanied child disappeared upon arrival in the country. The police, however, estimates that at least two to three children disappear from their asylum accommodations each day.⁴⁴⁵

9.4.2 Asylum procedure

The average time for processing asylum applications during 2015 was 196 days, which increased to 247 days in December 2015.⁴⁴⁶ The Migration Agency cannot provide an estimate of average waiting time for an individual's asylum process at the moment.⁴⁴⁷ There is, however, a backlog from the applications registered in 2015 that has a negative impact on waiting times, something that raises concern among several stakeholders.⁴⁴⁸ A new internal process for handling asylum applications is currently being introduced at the Migration Agency, which aims to lower the number of open cases and make case management more effective. The

⁴⁴⁰ Swedish Migration Agency, Swedish Police, Swedish Civil Contingencies Agency.

⁴⁴¹ Swedish Refugee Advice Centre, Amnesty International and Save the Children.

⁴⁴² Swedish Migration Agency.

⁴⁴³ Swedish Refugee Advice Centre.

⁴⁴⁴ Statement by the Minister for Migration, Morgan Johansson, in the newspaper Svenska Dagbladet on 30 January 2016. Available at: www.svd.se/ensamkommandes-alder-ska-kollas-mer.

⁴⁴⁵ Swedish Police, figures from the South region only.

⁴⁴⁶ Swedish Migration Agency.

⁴⁴⁷ *Ibid.*

⁴⁴⁸ Swedish Refugee Advice Centre, Swedish Association of Local Authorities and Regions.

new system introduces new categories of applicants beside the already used 'Dublin cases', including the 'immediate return to home country' (*omedelbart hemland*) and 'normal asylum case' (*normalprocess*) categories; in addition, the 'normal asylum case' category is divided into several new tracks, based on the assessment of likelihood of being granted or rejected asylum.⁴⁴⁹

The Swedish Refugee Advice Centre⁴⁵⁰ notices a clear increase in the application of Dublin procedures in January as compared to the end of last year. The centre assesses that the Migration Agency is currently prioritising Dublin cases, implying that asylum cases are pushed forward in time.⁴⁵¹

The guardianship system (*god man*) for unaccompanied children during the asylum process continues to be a major challenge, as emphasised by several stakeholders.⁴⁵² Children have to wait long, often several months, to get a guardian. Municipalities address the lack of guardians differently, which leads to quite different situations for unaccompanied children, depending on the municipality in which they are placed. There are also concerns about the selection of guardians and the quality control carried out by the responsible municipality.⁴⁵³

9.4.3 Return procedure

According to the police, the percentage of migrants that are directly returned to the neighbouring country (*direktavvisade*) has increased since the introduction of the ID-controls, though no exact figures were made available for this report. Some also returned voluntarily.⁴⁵⁴

The use of the Migration Agency's detention centres (*förvar*), which is almost solely used in cases of forced returns, continues to be high and the centres are often full, even though resorting to detention is not considered frequent in comparison to other countries.⁴⁵⁵ People in return procedures must be held in the Migration's Agency's detention centres. The police has, however, the authority to use their own detention facilities, with the consent of the Migration Agency, in cases of a return of a newly arrived person within 24 hours. This practice is not applied to children.⁴⁵⁶

449 Swedish Migration Agency.

450 The organisation provides free legal advice on issues relating to asylum, family reunification, Swedish citizenship and all that concerns the Swedish immigration law.

451 Swedish Refugee Advice Centre.

452 The Children's Ombudsman, Amnesty International, Save the Children, Swedish Association of Local Authorities and Regions.

453 *Ibid.*

454 Swedish Police. The Police Border Unit in the south region of Sweden exemplified that four out of 31 persons were directly returned (*direktavvisade*) during one week in January. This could be compared to figures from December 2015 when 10 out of 400-500 persons that arrived in a week were directly turned back at the same Swedish-Danish border crossing point.

455 Amnesty International Sweden.

456 Swedish Police.

During January, the Swedish media has widely reported on the government's instructions to the police and the Migration Agency to start preparations for returning a large number of persons, whose asylum applications are expected to be rejected. The foreseen return procedure is expected to demand new resources and new methods, the Minister of Home Affairs (*Inrikesminister*) Anders Ygeman said in a statement to a national newspaper. He also stated that there is an assessment that 60-80,000 rejected asylum seekers will be returned in the coming future.⁴⁵⁷

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

9.5.1 Reception conditions and capacity

The situation concerning immediate accommodation of newly arrived migrants in the south of Sweden has improved. However, the Civil Contingencies Agency continues to be concerned with the following four issues: accommodation for asylum seekers, inadequate social services, inadequate education facilities in the municipalities, and the overall situation of unaccompanied children.⁴⁵⁸ Many asylum seekers remain in short-term 'municipal evacuation shelters' (*evakueringsboenden*) for long periods of time, waiting for permanent accommodation placements for the duration of the asylum process. Current accommodations are often overcrowded and understaffed, which has led to an increase in reports on conflicts and violence at the accommodation centres.⁴⁵⁹ The Migration Agency has planned to keep 70 % of the evacuation shelters until April and 30 % until July 2016. Tents are no longer used as a shelter option.⁴⁶⁰ The Migration Agency estimates that 20,000 new accommodation places (*platser på asylboenden*) are needed during 2016.⁴⁶¹

9.5.2 Vulnerable persons

There is no new report or information on progress with respect to identification of vulnerable persons. The shortened asylum registration process and the currently prolonged waiting times between registration of asylum application and case management has been assessed as a risk factor by civil society organisations for missing out on vulnerable persons such as victims of post-traumatic stress (PTSD-victims), victims of trafficking, LGBT persons etc. Often, vulnerable groups are not

⁴⁵⁷ 'Tens of thousands of asylum seekers will be returned', published in the newspaper Dagens Industri on 27 January 2016. Available at: www.di.se/artiklar/2016/1/27/tiotusentals-asylsokande-avvisas/. In 2015, 163, 000 persons applied for asylum in Sweden.

⁴⁵⁸ Swedish Civil Contingencies Agency.

⁴⁵⁹ *Ibid.*

⁴⁶⁰ *Ibid.*

⁴⁶¹ Swedish Migration Agency.

identified before they are settled in the different municipalities, where capacity to meet the special needs of these groups differ substantially.⁴⁶² According to the Swedish Civil Contingencies Agency, the attention with respect to vulnerable groups has been focused on unaccompanied children.⁴⁶³ The challenges of social services in municipalities in supporting asylum seekers, many of them potential PTS-victims, are highlighted as an area of increased concern.⁴⁶⁴ The municipalities are often uncertain about their roles and responsibilities when it comes to supporting asylum seekers during the asylum process and when the municipality law (*kommunallagen*) is to be applied or not, for example when to pay expenses. This has also led to different practises in different municipalities.⁴⁶⁵

9.5.3 Child protection

The reception capacity concerning unaccompanied children in municipalities has been identified as one of four areas of greatest concern in Swedish asylum management.⁴⁶⁶ Problems are reported from all regions (*län*) and the reception is assessed to not meet the best interests of the child as per the Convention on the Rights of Child.⁴⁶⁷ Overall, there is a lack of social workers and teachers at all levels of the education system at the municipal level. As a result, both social services and schools struggle to meet the needs of newly arrived children, unaccompanied or not. The main concerns with respect to unaccompanied children are finding accommodation options, to identify and investigate potential family placements, and the overcrowded temporary accommodations.⁴⁶⁸ The number of irregularities reported by municipalities to the Health and Social Care Inspectorate (*Inspektionen för vård och omsorg*),⁴⁶⁹ a government agency responsible for supervising health care, social services etc., has continued to increase and was an estimated 64 in January.⁴⁷⁰ Save the Children is noticing an increase in phone calls to their help line (*hjälptelefon*), which concerns violence and sexual abuse at the accommodation centres for unaccompanied children. Many of the young asylum seekers also express their worries about the implications of the government's new migration policies, the long waiting time during the asylum processes and how this may affect their own applications, causing further tensions and psychological traumas.⁴⁷¹ In January, the government instructed the National Board of Health and Welfare (*Socialstyrelsen*) to carry out an investigation on how the new arrivals

⁴⁶² Amnesty International Sweden, Save the Children.

⁴⁶³ Swedish Civil Contingencies Agency.

⁴⁶⁴ Swedish Civil Contingencies Agency, Swedish Association of Local Authorities and Regions.

⁴⁶⁵ Swedish Association of Local Authorities and Regions, Save the Children.

⁴⁶⁶ Swedish Civil Contingencies Agency.

⁴⁶⁷ Swedish Civil Contingencies Agency, Children's Ombudsman.

⁴⁶⁸ Save the Children Sweden.

⁴⁶⁹ Municipalities reports themselves on systemic irregularities in social services and care under Lex Sarah.

⁴⁷⁰ Swedish Civil Contingencies Agency. Most cases concerned social services for unaccompanied children. The number of cases was 30-40 in December 2015.

⁴⁷¹ Save the Children Sweden

and the increase of the number of unaccompanied children affect the functioning of the social services at the municipal level. The investigation will look at how to best support social services to carry out their mandate in this field. Particular attention will be paid towards unaccompanied migrant girls.⁴⁷²

9.5.4 Healthcare

The situation regarding availability and accessibility of healthcare is sometimes challenging, mainly with respect to the primary health care system (*primärvård*), psychiatric and dental care.⁴⁷³ However, the health care system, which is the responsibility of the region and the county councils, is assessed to be less strained than the areas mentioned above (e.g. social services etc.).⁴⁷⁴ The availability of health care differs between different parts of the country. In smaller municipalities where large accommodation centres for asylum applicants are located, but where the regional healthcare system cannot respond to the increasing needs, the challenges are greater.⁴⁷⁵ Civil society organisations are expressing their concern particularly regarding the risk that groups and individuals in need of specific care during the asylum and reception processes are not identified.⁴⁷⁶

9.5.5 Immigration detention

The Swedish Migration Agency uses the possibility of detention in a limited manner regarding returns. In the case of forced returns where the police has been engaged, detention may be used while the return trip is arranged. Unaccompanied children are taken into detention only in rare circumstances.⁴⁷⁷ Regarding other vulnerable groups, efforts are made to try to find alternatives. If the person facing detention is pregnant, alternatives must be identified.⁴⁷⁸ Due to the high number of asylum applications during 2015, resources within the Swedish Migration Agency have been directed from the return process to registration of new arrivals.⁴⁷⁹ Amnesty International staff visiting the detention centres report that the centres are full at the moment.⁴⁸⁰

472 The National Board of Health and Welfare.

473 Swedish Civil Contingencies Agency.

474 Swedish Civil Contingencies Agency, the National Board of Health and Welfare.

475 Swedish Civil Contingencies Agency, the National Board of Health and Welfare.

476 Amnesty International Sweden.

477 Swedish Migration Agency.

478 Swedish Migration Agency.

479 Swedish Migration Agency.

480 Amnesty International Sweden.

9.6. Responses in law, policy and/or practice

During the months of November – December 2015, the Swedish government presented a number of new measures aimed at creating a 'breathing space' (*andrum*) in the Swedish reception of asylum seekers.⁴⁸¹ The presentation of the new measures followed the introduction of border controls between Denmark and Sweden on 12 November 2015. On 4 January 2016, the ordinance on ID-controls and carrier responsibilities entered into effect. As presented earlier in the report, the ID-controls have had a noticeable impact on the number of persons entering Sweden with the purpose of seeking asylum.

The government has further announced a temporary change in the Swedish Aliens' Act (*Utlänningslag*)⁴⁸² that will come into effect on 1 April 2016 for three years. It has been assessed to lead to new conditions and developments in the asylum process.⁴⁸³ The Migration Agency estimates that about half of the current open asylum cases will be handled under the new stricter legislation.⁴⁸⁴ According to the Swedish Refugee Advice Centre, the number of appeals concerning protection from primarily Syrian nationals is likely to increase dramatically, since most Syrians who have been granted asylum in Sweden have been given subsidiary protection status (*skyddsbehövande i övrigt*). As a consequence, they risk being denied the right to family reunification under the new legislation.⁴⁸⁵

9.7. Social response to the situation

The Swedish civil society has provided continued support for asylum seekers in different capacities. The support centres at the arrivals points in the major cities have been scaled down due to the decreased number of asylum seekers.⁴⁸⁶ As a reaction to the new migration policies introduced by the Swedish government at the end of 2015, a coalition of civil society and community based organisations has come together under the name 'People's campaign for the right to asylum' (*Folkkampanjen för asylrätt*). The coalition questions the government's migration

⁴⁸¹ Sweden, Government of Sweden – Press conference with the Prime Minister and Vice Prime Minister on 24 November 2015, available at: www.regeringen.se/artiklar/2015/11/regeringen-foreslar-atgarder-for-att-skapa-andrum-for-svenskt-flyktingmottagande/.

⁴⁸² Sweden, Government of Sweden – Press conference with the Prime Minister and Vice Prime Minister on 24 November 2015, available at: www.regeringen.se/artiklar/2015/11/regeringen-foreslar-atgarder-for-att-skapa-andrum-for-svenskt-flyktingmottagande/. The new measures are in summary: 1) temporary residence permits will be the main rule for everyone except convention refugees; 2) limitations in the right to family reunifications for all except convention refugees (*konventionsflyktingar*), i.e. persons granted residence permits on other protection grounds (*skyddsbehövande i övrigt*); 3) stricter demands on a person's ability to financially support family members before family reunification can take place.

⁴⁸³ Swedish Migration Agency.

⁴⁸⁴ Swedish Migration Agency.

⁴⁸⁵ Swedish Refugee Advice Centre.

⁴⁸⁶ Swedish Civil Contingencies Agency.

policies, restrictions in possibilities for persons to seek asylum as well as the incapacity of the country to handle immigration.⁴⁸⁷

9.8. Hate crime incidents

As reported in the media,⁴⁸⁸ during 29-30 January two major incidents took place in central Stockholm. In the evening of 29 January, a large number of masked persons in mug hoods and armbands distributed leaflets with the call "to attack street children of foreign descent." Police learned of the plans and could prevent violent outbursts. Some people were arrested. The leaflets were not signed but the police suspects hooligans from football clubs to be amongst the attackers.⁴⁸⁹

On 30 January, persons from different extreme right groups gathered for a demonstration against migrants labelled 'the people's demonstration' (*folkets demonstration*) in the city centre of Stockholm. According to the Expo Foundation, which monitors activities of the extreme right movement in Sweden, the demonstrators were a mix of known persons from neo-Nazi organisations, football hooligans and members of the parliament party Sweden Democrats (*Sverigedemokraterna*). After the demonstration, which was met with anti-demonstrations, several persons were attacked and injured.⁴⁹⁰

⁴⁸⁷ Amnesty International Sweden. Amnesty is not itself a member of the campaign. More information and a list of members can be found at: www.folkkampaniforasylratt.se/en/info/.

⁴⁸⁸ Due to the timing of events, interviews with informants were not possible to carry out on this subject before the deadline for submission of this report.

⁴⁸⁹ Sweden, national newspaper Dagens Nyheter 'They were supposed to attack refugee children' (*'De skulle ge sig på flyktingbarn'*), available at: www.dn.se/sthlm/polisen-de-skulle-ge-sig-pa-flyktingbarn/.

⁴⁹⁰ Sweden, Expo Foundation news article published on 30 January, http://expo.se/2016/extremhogern-samlad-vid-sd-anknuten-demonstration_7018.html.