



# Monthly data collection on the current migration situation in the EU

## February 2016 monthly report

1 – 29 February 2016

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## Highlights: 1–29 February 2016

### New arrivals

As weather conditions are improving, the number of new arrivals in Greece is increasing. Some 56,000 people arrived in February, 30 % of whom were children.

Restrictions imposed at borders along the Balkan route lead to an escalation of the humanitarian situation at the northern Greek border, creating serious fundamental rights concerns.

A woman and a teenage girl died of hypothermia after crossing a river in south-eastern Bulgaria, near the Turkish border; and 11 children and two men were also hospitalised due to hypothermia.

Fewer people are reaching Croatia but more people are arriving in Hungary. An increasing proportion of those arriving in Croatia are children.

Many people who are refused entry at the Slovenian-Croatian and Austrian-Slovenian borders report difficulties in accessing asylum procedures.

### Criminal proceedings

In Italy, people who are steering the boats are identified as migrant smugglers even though many may have been forced to do so.

Taxi drivers transporting people from Denmark to Sweden face criminal charges and are told to check passengers' passports in case of doubt.

### Initial registration and processing

In Greece, registration backlogs persist in Lesbos and Chios due to the high number of new arrivals.

Non-governmental organisations (NGOs) in Italy report that police officers use force to convince people to cooperate during registration and fingerprinting.

Police from Austria, Croatia, Serbia, Slovenia and the Former Yugoslav Republic of Macedonia (FYROM) agree on a common method of profiling and registration, allowing only persons arriving from war-torn countries to continue their journey. Croatia only allows entry to Syrians and Iraqis.

In Slovenia, asylum applications increase significantly, with one third of the applicants being children. The country has therefore established additional reception facilities. NGOs and UNHCR, however, have limited or no access to people returned from Austria.

The Italian Senate reports that people who are told to leave the country are not adequately informed about their right to appeal and apply for asylum. In Hungary, asylum seekers only get limited information on the right to appeal a negative asylum decision received at the border.

In Italy and Slovenia, the use of inadequate forms for registration and the posing of misleading questions to new arrivals put refugees at a high risk of being refused entry if they fail to highlight their motivation to escape from war and/or indicate a wish to work or study.

Syrians are reportedly refused entry into Croatia based on an assessment of their affiliation to rebel groups.

Weaknesses in identifying vulnerable people at first reception facilities persist in most of the EU Member States covered in the monthly reporting. In Sweden, vulnerabilities are rarely detected early on in the asylum process.

In Croatia, sick people are eager to continue their journey and do not want to seek medical help despite open wounds on their legs, frostbite, flu and acute pneumonia.

As regards asylum applications, Germany still faces a significant backlog with some 370,000 applications pending a decision and a similar number pending registration. Newly recruited decision makers are not yet sufficiently qualified or experienced, which affects the quality of initial interviews and asylum decisions.

In Sweden, estimates indicate that new arrivals will have to wait almost two years before receiving an asylum decision. In Tyrol, Austria, asylum seekers are waiting more than six months for their asylum procedure to start.

For the first time this year, people are seeking asylum in the Hungarian transit zones at the border with Serbia. Some 51 persons have been admitted to the Tompa transit zone, including pregnant women and children. Their claims, however, were rejected on the safe country of origin principle.

## Reception conditions

Mainland reception capacity in Greece for registered asylum seekers is 593 beds in total, which is far less than is needed. A great number of requests for accommodation is pending and cannot be addressed due to a capacity lack.

More than 8,000 people are stranded in overcrowded temporary shelters in Idomeni (Greece) as the Former Yugoslav Republic of Macedonia (FYROM) closes its borders to Afghan nationals and accepts only between 100 and 200 people a day.

In Italy, inadequate conditions result in the closure of seven reception centres in Campania and healthcare inspections in Sardinia.

Persons returned from Slovenia to Croatia, including a child, are being held in closed sectors at Slavonski Brod camp without a clear legal reason for more than a week. They can only see a doctor if the police brings them to the medical station. Medical consultations are done in front of the police officer, who can follow the discussion.

Facilities for people returned from Austria to Slovenia are in poor condition and are inappropriate for children who are accommodated there.

People in migrant detention in Hungary have been waiting to be expelled for months, leading to frequent tensions in the facilities.

Reception conditions have slightly improved in Austria and Germany due to fewer new arrivals. The conditions in German mass reception facilities, however, remain very poor; in some cases, asylum seekers have to share one toilet with hundreds of others or have to walk more than one kilometre to reach sanitary containers.

## Child protection

Families arriving in Austria are sometimes separated at registration and rely on assistance from NGOs to reunite.

Missing unaccompanied children remain a major concern in many EU Member States: in Hungary, children disappear at an estimated rate of 90-95 %; in Slovenia, about 80 % of children went missing; and in Sweden about seven to 10 children are reported missing each week. However, Greece recorded a decrease in the absconding rate of children.

In Italy, more than 135 unaccompanied children stay at facilities in Lampedusa despite poor conditions. In Greece, mainland reception capacity for unaccompanied children does not meet the actual need, leaving many of them in detention facilities or in police custody. Furthermore, the procedure to appoint a guardian slows down their transfer to child protection facilities.

In Bulgaria, authorities do not wait for the appointment of a guardian and start the asylum procedure without a guardian's presence.

Basic care facilities for unaccompanied children in Austria are generally adequate and sufficiently available. However, many children have to stay for long periods in initial reception centres (e.g. Traiskirchen), where conditions are inappropriate for them.

In Sweden, there are reports of children staying in the same facilities as adults.

Unaccompanied children travelling with other relatives are not taken into care in Germany but accommodated in reception centres without verification of their relationship. This exposes them to increased risks and may prevent the identification of human trafficking.

Children in Germany sometimes wait for months before being able to attend school.

Lack of trained and competent staff in Sweden does not allow for a proper assessment of children's needs, nor the identification of psychological and mental health problems.

## Legal, social and policy responses

Greece adopts a new law to extend primary and secondary healthcare to all migrants in vulnerable situations, such as pregnant women, children and people suffering from chronic diseases. Greece is also in the process of revising the guardianship system for unaccompanied children and has issued a Ministerial Decision on the age assessment of children seeking asylum.

Austria sets daily quota for new arrivals and announces a possible further lowering of the daily limit of asylum applications, while the set limit has not yet been reached.

The public perception in Austria of the overall situation is increasingly negative. About 20 demonstrations organised by right-wing groups took place with some counter-demonstrations.

Social responses in Slovenia as well as in Italy remain positive overall, including volunteer work, several pro-refugee rallies and support initiatives.

As of 3 March 2016, 660 persons were scheduled to be relocated from Italy and Greece to 16 other EU Member States, including one unaccompanied child.

Sweden discusses a new law that would limit family reunification for people with temporary residence permits, as well as introduce stricter economic requirements for family reunification and limit residence permits.

## Hate speech

The number of hate crime incidents continue to be high in Austria and Germany.

Around one thousand local residents protested against the setting up of a new migrant hotspot centre on the island of Kos and clashed with the police.

## Thematic focus: Children

FRA data on current migration flows – as of February 2016 – show a continued rise in the number of children arriving on their own or with their families in EU Member States.

The Charter of Fundamental Rights of the European Union and the United Nations Convention on the Rights of the Child (CRC) require that the best interests of the child must be a primary consideration in all actions affecting children. With respect to children, safeguards in EU secondary law further help to ensure timely identification, legal representation, adequate and safe reception conditions, family unity, and prevention of arbitrary detention. While protecting the child's best interests, these safeguards also ensure effective referral and protection procedures in EU Member States.

Based on data collected by FRA in January and February 2016, recurrent challenges occur mainly in six areas:

- identification of children at risk;
- guardianship;
- reception facilities;
- child disappearances;
- family unity;
- detention.

Throughout this monthly update, any information about children is highlighted in light blue.

### Identification of children at risk

The identification of children as vulnerable persons should take place immediately at initial registration (Articles 22 and 23 of the Reception Conditions Directive), Article 24 of the Asylum Procedures Directive, and Article 11 of the Anti-Trafficking Directive). Officials coming into contact with children need to be adequately trained (Article 18 of the Anti-Trafficking Directive, Article 24 of the Reception Conditions Directive) to identify, inform and respond to the needs of children in a child-friendly manner and ensure the accessibility of protection procedures in practice.

Recurrent difficulties concern the lack of clear guidance, limited qualified staff, and time pressure due to the speed of transfer from initial facilities at entry points and onward travel. Not all organisations working with children on the ground have internal training and are aware on how to keep children safe. A lack of interpreters has also been reported, for example, in Croatia, Germany, Slovenia and Sweden. This is an obstacle to informing children of their legal situation, including the possibility to raise child-specific reasons for asylum. Identification is particularly difficult when children claim to be adults or travel in the company of adults who are not primary care givers or legal guardians. In some Member States, authorities do not systematically take measures to verify family links.

For example, an increasing number of organisations is authorised to identify children at risk in Austria without having sufficiently trained staff. Cooperation with

NGOs for initial identification seems to have worked well in Slovenia, where NGOs identify people as vulnerable and arrange priority treatment with the police for registration and transit. Border guards in Sweden are alerted to signs of possible exploitation and inform social services when they notice a subordinate behaviour by a child vis-à-vis an adult.

In other cases, children try to be registered as adults, either because they want to avoid being held in closed facilities (Greece) or because they receive misleading information on possible returns. Interpreters in Sicily, for example, allegedly advised children during their transfer to the reception centre in Palanbiolo to declare themselves as adults because children were going to be expelled (although Italian law does not allow this). EU level guidance, for example, on identifying special needs, age assessment, family tracing (EASO) and identifying children at risk (Frontex VEGA handbook) is still insufficiently used in practice.

The majority of children do not understand their legal situation and sign papers without understanding them. This may be due to a lack of interpreters or an inability to communicate properly with children. Staff assigned with registration tasks often do not have the necessary training and skills to interview children. Moreover, it is not always clear who is responsible for informing children of the procedures applied to them.

Age assessment procedures have generally not been applied at first reception facilities (particularly in transit countries), nor have they been adequately explained to children. Guardians are often not appointed prior to the procedure or, if they have been appointed, they are not actively involved in the procedure. In Greece, for example, prosecutors are acting as temporary guardians by virtue of law; in most of the cases, however, they do not come into direct contact with the children. Contrary to the situation in the transit countries, age assessment in Sweden is systematically applied by the Migration Board.

In cases of uncertainty about children's age, they may have been treated as adults in almost all Member States where FRA collected information. In Slovenia, for example, a child may be treated as an adult if she or he or her/his representative refuses a medical age assessment examination. In Hungary, underage asylum seekers were only identified as children following NGO intervention in December 2015 and subsequently transferred to specialised facilities.

## Guardianship

A guardian must be appointed promptly for all unaccompanied children (Article 20 of the CRC, Article 24 of the Reception Conditions Directive, Article 25 of the Asylum Procedures Directive, Article 14 of the Anti-Trafficking Directive) to ensure that their best interests are considered prior to any decisions on procedures, including placement. Guardians are also key in ensuring that children's views are taken into consideration and that they have access to adequate reception, healthcare and education services. Guardians are also essential in safeguarding children's procedural rights.

Frequent challenges relate to the limited availability of qualified and independent guardians.

In many Member States, guardians are not systematically assigned to all unaccompanied children or there are extreme delays in their appointment. For example, a guardian is only appointed to unaccompanied children in Germany upon their redistribution to the federal states, which can take up to eight months. In Sweden, despite efforts for a swift appointment, delays extend to two or three months. In Austria, at the provincial level in Styria, the youth welfare office assumes guardianship swiftly only when an individual case is assessed as urgent.

In Hungary and Greece, children older than 14 years can submit, under certain conditions, an asylum application on their own without special support from guardians or others. This can further delay the appointment of a guardian, since their case will no longer be considered a priority. In other Member States such as Bulgaria, asylum procedures for older children are (in practice) often initiated prior to the appointment of a guardian.

In some Member States, delays in appointment procedures have an impact on access to protection and adequate reception because children can only apply for asylum and be transferred to specialised facilities following the appointment of a guardian. Corresponding delays in school enrolment, disbursement of social benefits and delays in healthcare appointments that are not considered urgent were also reported.

Due to the often limited availability of guardians, some may have to take care of an extremely high number of children; in some cases in Germany, for example, one guardian had to care for up to 150 children. Following their appointment, guardians will only meet unaccompanied children when they are transferred to the reception facilities.

Another reported challenge is the limited availability of translation services to facilitate communication between a guardian and a child. All of this makes it difficult to ensure in practice that the child's best interests are assessed and considered on an individual basis when decisions are taken for children.

The appointment of guardians is relatively swift at the provincial level in Tyrol, Austria, where a specialised department in the Child and Youth Authority is responsible for this task. To respond to increasing needs, the city of Vienna assigns certain guardianship tasks to the Worker's Samaritan Federation following the placement of the child. In Italy, a local NGO has started to train volunteer guardians to increase the availability of qualified guardians. In response to the situation in transit zones, Croatia has set up a special protocol in the Opatovac camp, regulating the referral of unaccompanied and separated children identified there. If the authorities fail to trace a child's family or find his or her carers within 24 hours, children aged under 14 years are appointed a guardian and placed in a children's home while children aged over 14 might be placed in a reception center.

## Reception facilities

Children have to be accommodated in specialised facilities to guarantee the protection and care necessary for their well being, including an adequate standard of living (Articles 20 and 22 of the CRC, Articles 12, 18, 22 and 23 of the Reception Conditions Directive) and their access to education (Article 14 of the Reception



Conditions Directive) and healthcare (Articles 17 and 19 of the Reception Conditions Directive).

Conditions at first reception facilities were reported as inadequate for unaccompanied children and families in almost all Member States covered by FRA's monthly reporting, although this differs depending on the specific facility and region in the Member State. This is of particular concern considering that referral from such first reception to specialised facilities can take up to several weeks. During this time, children are at high risk and have no access to special protection.

Most large-scale first reception centres started to set up child-friendly spaces in camps and some spaces ensuring privacy for families, particularly for nursing mothers. Such spaces were nevertheless insufficiently available. Mainly NGOs and volunteers offered education and leisure activities. In February, UNHCR and UNICEF launched special support centres for children and families along the most frequently used routes in Europe (Blue Dot hubs), providing safe spaces and vital services and protection in a single location.

As children frequently live together with unrelated adults in first reception facilities, measures ensuring their safety are extremely important; for example complaint mechanisms to report mistreatment or abuse in reception facilities, as well as installing preventive measures against possible abuse – such as the location of sanitary facilities. Such measures have, however, been insufficient overall. Several incidents of child abuse and sexual assaults were reported from first reception facilities in Germany, where protection measures are not required in such facilities. Other facilities rely on in-house psychologists and NGO support for preventing abuse or violence involving children.

Unaccompanied children arriving on the Greek islands often initially stay in detention facilities. After they are appointed guardians, which is often delayed, they are transferred to specialised facilities for children on the mainland. This leads to situations, such as in Chios, where unaccompanied children have been held in the rest houses for police officers at the police headquarters while new transit facilities were being established. Similarly, at the hotspots in Lampedusa, children do not receive adequate care or protection, as the centre is not adequate for stays beyond a few days. In some German cities, unaccompanied children have been accommodated in hostels or shelters such as gyms.

Unaccompanied children travelling without their parents but with other relatives are not always considered to be unaccompanied. These children are referred to general reception facilities together with their relatives without prior verification of the family link. This exposes children to increased risks as they may be accompanied by unrelated adults or traffickers pretending to be a family member.

In Austria, the Association of Foster Parents (*Pflegeelternverein*) provides training for future foster parents for unaccompanied children to ensure that more children are placed in foster care.

In many cases, children only access education after significant delays. Considering that many children have not attended school for a long time, the further delay is an unnecessary extension of their exclusion from education. In Bulgaria, none of the unaccompanied children placed in Voenna rampa camp go to school. Children

often only attend language courses and activities offered by volunteers within reception facilities.

Constraints on access to adequate healthcare are also reported as a key challenge in both transit and destination Member States. In Sweden, for example, children's needs are not assessed on time so that they may be accommodated in unsuitable places lacking the necessary care. In most Member States, there is no evidence of sufficient psychological support, counselling and rehabilitation services to address trauma or other mental health and psychological needs.

## Child disappearances

To ensure their best interests, reception facilities need to have specific safeguards in place for children's safety (Articles 18, 22 and 23 of the Reception Conditions Directive). They should also effectively prevent and respond to disappearances of children. However, accommodation centres, particularly those used in the first reception phase, usually have no effective measures in place.

FRA data further show high rates of unaccompanied children going missing from first reception facilities. This concerns transit, as well as typical destination countries such as Sweden, where one in four children allegedly disappear from their accommodation. Disappearances are also particularly high in Italy and Austria. In Slovenia, an estimated 80 % of children disappear from the open Asylum Home. In contrast, the number of unaccompanied children who disappeared from reception facilities in Greece has decreased in February.

When unaccompanied children go missing, guardians, if appointed, are often informed swiftly. Although in most Member States a report will be submitted to the police, there is no evidence that a tracing procedure is initiated in all cases or that any follow-up action take place. In Bulgaria, for example, it has been reported that no tracing will take place in such cases; however, the missing child's data will be entered into SIS II.

Despite the increased number of missing unaccompanied children, no comprehensive and only a few concrete measures are in place to prevent disappearances or facilitate tracing, e.g. through fingerprinting or taking photographs.

In Croatia, for instance, photos are taken of all children, but fingerprints cannot be collected for tracing purposes from children under the age of 14 years. Social workers and NGOs in Slovenia inform children of the potential dangers of human trafficking and other risks to prevent disappearances. In Austria, a special cooperation initiative with the local police is in place to support reporting and tracing procedures, as the number of disappearances from the centre in Traiskirchen is increasing. Some Member States, for example Greece, resort to detaining children pending their transfer to specialised facilities in order to prevent disappearances.

In Sweden, the authorities will conduct a national study on disappearances of unaccompanied children to inform the development of a comprehensive policy and preventive measures.

## Family unity

Member States should take necessary measures to maintain family unity and prevent the separation of families (Articles 12, 23.5, 24 of the Reception Conditions Directive). Although the reported number of incidents have decreased, according to data collected by FRA, the risk of family separation remains and has increased at initial registration, during onward transfer and in preparation of return. In Hungary, for example, families are separated when detained, and male members are detained in different premises than women and children.

Changes in transportation (e.g. from busses to trains) and cooperation with NGOs proved positive for maintaining family unity in Slovenia. In Austria, there is still a risk of separation when family members are sent to different locations for registration although persons can wait for family members in specific areas set up at registration. In Croatia, family tracing is initiated immediately when a child is found to be unaccompanied.

In most Member States, NGOs initiate or support family tracing. In Croatia, Red Cross workers, with the support of UNHCR, initiate a family tracing procedure. In Slovenia, Restoring Family Links (RFL) activities at the registration centre in Dobova help to prevent occurrences of family separation. In cases of unaccompanied children in Sweden, the Migration Agency will initiate family tracing to support family reunification of the child with his/her parents or other family members.

## Detention

Detention of children should only be used as a last resort. Detention of children that is solely based on immigration-related reasons is generally not in accordance with the child's best interests principle, which must guide all action relating to children (Article 24 of the EU Charter of Fundamental Rights). When children are detained in exceptional cases, specific safeguards must apply (CRC, Reception Conditions Directive, Return Directive).

Primary concerns that arise in the current migration context relate to the following:

- insufficient individual assessment of the necessity to resort to deprivation of liberty;
- none or limited assessment of the child's best interests prior to detention (partly due to the late/lack of appointment of a guardian);
- the type of facility (in cases of prison-like facilities that do not provide for child-specific safeguards).

**Table: Reported detention of children for immigration-related reasons, by EU Member State**

	<b>AT</b>	<b>BG</b>	<b>HR</b>	<b>DE</b>	<b>EL</b>	<b>HU</b>	<b>IT</b>	<b>SI</b>	<b>SE</b>
<b>At first reception</b>	No	No	No	No	Yes	Yes	Yes	Yes	No
<b>Pending return</b>	No	Yes	Yes	No	Yes	Yes	N/A	Yes	Yes

*Source: FRA monthly reports for December 2015, January 2016 and February 2016 (data collected by FRA)*

Although unaccompanied children will not be detained in most Member States, detention of children together with their family members often occurs.

In Greece, unaccompanied children are temporarily detained at police stations until they can be referred to a reception facility. Similarly, in Slovenia, unaccompanied children are sometimes first held at the Centre for Foreigners, and in Bulgaria they are detained with their family members. In Hungary, families with children, as well as other vulnerable persons, are held at the detention facility Kiskunhalas without sufficient attention to their special needs (such as psycho-social counselling, educational and child-friendly spaces).

# 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*);
- Anti-Discrimination Bureau Styria (*Antidiskriminierungsstelle Steiermark*);
- Child and Youth Ombud Styria (*Kinder- und Jugendanwaltschaft Steiermark*);
- Red Cross Austria (*Rotes Kreuz Österreich*);
- Caritas Austria (*Caritas Österreich*);
- Caritas Styria (*Caritas Steiermark*);
- Worker's Samaritan Federation (*Arbeiter-Samariterbund*);
- Asylum Coordination Austria (*Asylkoordination Österreich*).

## 1.2. Overview of the situation

The Federal Ministry of the Interior/Department II/2, Operational Affairs reports that, from 1 to 20 February, nearly 35,000 persons arrived in Austria.<sup>1</sup> According to UNHCR reports, around 45,000 persons arrived in Austria from 29 January 2016 to 25 February 2016.<sup>2</sup> Further estimates show that around 47,000 persons arrived in Austria during the reporting period.<sup>3</sup>

The number of persons arriving decreased drastically compared with the final months of 2015.<sup>4</sup> Around 400 to 800 persons arrived in Spielfeld on a daily basis and on some days no new arrivals were registered<sup>5</sup>

New arrivals include men travelling alone, families and unaccompanied children.<sup>6</sup> Rumours that Afghan nationals are no longer allowed to enter Austria were not confirmed by persons working on the ground. They stated that Afghans are treated in the same way as other nationals.<sup>7</sup>

From 1 to 20 February, about 3,400 asylum applications were filed at the police stations.<sup>8</sup>

On 19 February Austria introduced an asylum claims cap at 80 asylum applications a day at its southern borders and a limit on transit, allowing up to a maximum of

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

<sup>2</sup> UNHCR, Europe's Refugee Emergency Response Update #24 covering period from 19 – 25 February 2016.

<sup>3</sup> Worker's Samaritan Federation.

<sup>4</sup> Red Cross Austria.

<sup>5</sup> Caritas Styria.

<sup>6</sup> Red Cross Austria.

<sup>7</sup> Red Cross Austria.

<sup>8</sup> Federal Ministry of the Interior/Department II/2, Operational Affairs.

3,200 people to travel to Germany. Since the introduction of this cap, the maximum number of asylum applications was not reached every day.<sup>9</sup> UNHCR also reports that the upper limit of the asylum claims cap has not yet been reached. The Austrian Minister of Interior, Johanna Mikl-Leitner, announced a further lowering of this limit in the future.<sup>10</sup>

The asylum claims cap and transit limit at the southern border were also introduced to set a double signal. On the one hand, the Austrian government wishes to signal migrants and refugees that Austria is open for those seeking international protection but not for any other kind of migration. On the other hand, the government shows the Austrian population that the situation is under control and vigilante groups are being prevented.<sup>11</sup>

According to the Austrian police, limiting reception hours was a necessary step to guarantee security. In case the daily contingent of new arrivals in Austria is exhausted, waiting an additional day in Slovenia is deemed reasonable given the provision of all necessary facilities by the Slovene border management. They offer every arriving person the opportunity to get an individual case review before the responsible asylum authorities, and there are no discriminatory practices on the basis of nationality, gender or age, according to the Ministry of Interior.<sup>12</sup>

After the successful testing of a new screening centre, refugees arriving from Slovenia cross only through the Sentilj–Spielfeld border, since the Karawanken tunnel has no screening facilities or sufficient infrastructure to register persons. There are plans to set up similar border management structures in the provinces of Carinthia (Karawanken tunnel) and Tyrol (Brenner).<sup>13</sup>

## 1.3. Criminal proceedings against migrants and people helping them

### 1.3.1 Criminal proceedings initiated against migrants and asylum seekers

Nothing new to report.

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

The police is currently investigating four reported cases of human trafficking.<sup>14</sup>

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<sup>9</sup> Red Cross Austria.

<sup>10</sup> UNHCR, Europe's Refugee Emergency Response Update #24 covering period from 19 – 25 February 2016.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> UNHCR, Europe's Refugee Emergency Response Update #22 covering period from 5 – 11 February 2016.

<sup>14</sup> Federal Ministry of the Interior/Department II/2, Operational Affairs.

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

### 1.4.1 Registration and identification

The reception and registration backlog was cleared during the reporting period. In light of possible future arrivals, the facilities, capacities and readiness of all relief units are maintained to cater for the arrival of up to 3,200 persons in transit and for up to 80 asylum applicants a day.<sup>15</sup>

Austrian transit facilities were sometimes empty during the last couple of weeks.<sup>16</sup> In Vienna, the situation improved in reception facilities and emergency accommodations are not fully occupied anymore.<sup>17</sup>

At the end of January, UNHCR reported that: "Upon arrival at the screening centre in Spielfeld (border crossing to Sentilj) in Austria, refugees and migrants are searched and their documents and country of destination are checked by the police. In case of fraudulent information or documents, they are returned to Slovenia but at any stage can apply for asylum in Austria. Also persons stating another country of destination than Germany or Austria will be returned. Those who want to apply for asylum in Austria or in Germany are given differently coloured wrist bands and undergo registration (national fingerprint system) and more detailed checks of their travel documents. After registration, they can either board buses (if arrival numbers are low) or go to the service area where the Red Cross, Caritas and the Army are providing food, medical care and clothes."<sup>18</sup>

Between 1 and 24 February 2016, Germany refused entry to nearly 5,700 persons, who were then taken back by the Austrian authorities.<sup>19</sup> In turn, on 15 February, Austria informed that it will return unaccompanied children to Slovenia who are not requesting asylum in Austria or expressing interest to request asylum in Germany, irrespective of their attachment to a non-relative family.<sup>20</sup>

According to information available to Asylum Coordination Austria, persons from Morocco often feel mistreated and under general suspicion of abusing international protection.<sup>21</sup>

Asylum Coordination Austria considers the identification of children's needs insufficient. When an unaccompanied child applies for asylum in Spielfeld (Styria), he or she has to wait in the registration tent until further transportation to Vordernberg (Styria) or Fehring (Styria) is initiated.<sup>22</sup> All unaccompanied children are then brought to the reception centre in Traiskirchen (Lower Austria).<sup>23</sup>

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<sup>15</sup> *Ibid.*

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

<sup>17</sup> Caritas Austria.

<sup>18</sup> UNHCR, [Europe's Refugee Emergency Response Update #20 covering the period from 22–28 January 2016](#).

<sup>19</sup> Federal Ministry of the Interior/Department II/2, Operational Affairs.

<sup>20</sup> UNHCR, [Europe's Refugee Emergency Response Update #23 covering the period from 12-18 February 2016](#).

<sup>21</sup> Asylum Coordination Austria.

<sup>22</sup> Caritas Styria.

<sup>23</sup> Federal Ministry of the Interior/Department II/2, Operational Affairs.

During registration, the Austrian authorities record the age given by the individual.<sup>24</sup> Age determination is done at a later stage during the asylum procedure.<sup>25</sup> Asylum Coordination Austria noted that age assessments occur also in cases where there are no doubts about the age.<sup>26</sup> As long as the age assessment process is ongoing, the persons are considered to be children. The first phase of age assessment is a visual check of the person, followed by x-rays of the wrist and computerised tomography scans, as well as teeth checks.<sup>27</sup>

#### **1.4.2 Asylum procedure**

Accelerated asylum procedures were conducted for persons from Morocco, Kosovo and Georgia, since these countries are considered safe countries.<sup>28</sup>

In Tyrol, the access to the asylum procedure is reported to be slow, with people waiting more than six months until their proceedings start.<sup>29</sup>

Since the beginning of February, the detention centre in Vordernberg is in use again, holding 23 persons pending their removal. All of these cases are Dublin cases concerning mainly Bulgaria and Italy.<sup>30</sup>

#### **1.4.3 Return procedure**

Deportations are only carried out after an in-depth case review, taking into consideration the principle of *non-refoulement* and whether the country of origin agrees to take the person back. There are political talks taking place with Morocco and Algeria, in order to make deportations to these countries easier.<sup>31</sup>

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

#### **1.5.1 Reception conditions and capacity**

Providing accommodation within the basic care scheme is still challenging; some of the regional and local authorities are still underperforming in this respect.<sup>32</sup> The introduction of a daily arrival cap also reflects the limited readiness of regional and local authorities to accommodate refugees.<sup>33</sup>

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<sup>24</sup> *Ibid.*

<sup>25</sup> *Ibid.*

<sup>26</sup> Asylum Coordination Austria.

<sup>27</sup> Child and Youth Ombud Styria.

<sup>28</sup> Caritas Styria.

<sup>29</sup> Caritas Austria.

<sup>30</sup> Caritas Styria.

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

<sup>32</sup> *Ibid.*

<sup>33</sup> *Ibid.*



There is still a lack of places within the basic care scheme provided by the federal state.<sup>34</sup> More than 10,000 persons are in provincial basic care in Styria,<sup>35</sup> and 6,300 asylum seekers are in basic care in Tyrol.<sup>36</sup>

Asylum seekers continue to be at risk of homelessness when federal authorities send them to regional authorities for accommodation.<sup>37</sup> Caritas Styria occasionally dealt with homeless asylum seekers during the reporting period. Caritas Styria took these persons to the magistrate of the city of Graz to carry out a health check and, if needed, also to the Asylum Authority to receive a permission to stay (*weisse Karte*). These persons were then accommodated by the provincial basic care of Styria.<sup>38</sup>

There is a risk that the lower reception standards of short-term transit accommodations are gradually being applied to facilities used for longer-term stays. The Asfinag hall in Salzburg is such an example.<sup>39</sup>

Sufficient resources to cater for new arrivals are available at the border crossing point in Spielfeld. In case of time pressure, the situation may sometimes get tense for the provision of water and food. Overall, persons arrive in good condition, since they received clothing and food along the Balkan route.<sup>40</sup>

During the reporting period, the transit facilities were almost empty; they are, nevertheless, kept ready for increasing numbers of new arrivals.<sup>41</sup>

The situation in Tyrol is calm and the transit accommodation in Kufstein is almost empty, except for people who were sent back from Germany.<sup>42</sup>

### 1.5.2 Child protection

Caritas Styria, which is not included in the registration process at the Spielfeld border crossing point, but provides food and clothing at a later stage, reported that families are sometimes separated at registration because family members are sent to different locations. It therefore happens that people have to search for their family members after registration.<sup>43</sup> Caritas Styria, together with its translators, then informs the army, which is responsible for transporting the newly arrived persons to their respective destinations.<sup>44</sup>

Unaccompanied children do not receive the necessary information in a child-friendly way at the initial reception centres,<sup>45</sup> according to the assessment of an interviewee.

The initial reception centre in Traiskirchen faces difficulties to provide child-appropriate treatment to children because of the ratio of caretakers to children,

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<sup>34</sup> Caritas Styria.

<sup>35</sup> *Ibid.*

<sup>36</sup> Caritas Austria.

<sup>37</sup> Asylum Coordination Austria.

<sup>38</sup> Caritas Styria.

<sup>39</sup> Asylum Coordination Austria.

<sup>40</sup> Caritas Styria.

<sup>41</sup> Federal Ministry of the Interior/Department II/2, Operational Affairs.

<sup>42</sup> Caritas Austria.

<sup>43</sup> Caritas Styria.

<sup>44</sup> Caritas Styria.

<sup>45</sup> Child and Youth Ombud Styria.

which is 1:15. The federal state and the provinces established this ratio in the basic care agreement. In practice, however, the federal state and the provinces interpret the agreement differently:<sup>46</sup> while the federal state assumes that one person for 15 children has to be contracted as a full-time staff member working 38.5 hours a week, the provinces assume that this person has to be present 24 hours a day.<sup>47</sup> Only security personnel is present in Traiskirchen at night, but there is nobody to take care of unaccompanied children, as reported by an interviewee.<sup>48</sup>

An estimated 100 children have disappeared from the initial reception centre in Traiskirchen in February, and are temporarily untraceable.<sup>49</sup> In case a child is missing, the institution accommodating the child, its legal representative or its guardian files an absence notification to the police (there is a special cooperation with the centre in Traiskirchen at the moment). The police immediately starts a tracing procedure.<sup>50</sup> In case a child goes missing in a Styrian basic care accommodation, a missing person report (*Abgängigkeitsanzeige*) is filed at the police station.<sup>51</sup>

The Child and Youth Ombud Styria states that there are various reasons why unaccompanied children disappear from care places. Some fear that the age determination process turns out negatively, meaning that they are declared to be mature. Some fear a negative asylum decision and others have relatives in other countries and travel on. Some fear deportation.<sup>52</sup>

Caritas Styria considers the situation for children in the first reception centres as less than optimal.<sup>53</sup> Yet, once the children are under the basic care arrangements, the situation seems to be reasonably good in Styria<sup>54</sup> – a view the Child and Youth Ombud for Styria shares.<sup>55</sup> Around 400 places for unaccompanied children were installed in the provincial basic care of Styria.<sup>56</sup> Staff at basic care accommodations are assumed to be aware of issues of (sexual) violence against children.<sup>57</sup> In Styria, private persons have also been running reception facilities for unaccompanied children for some years.<sup>58</sup>

Two out of three provincial associations of the Red Cross Austria report that they do not lodge unaccompanied children in their facilities and that the youth authority takes care of them in an adequate way. One provincial association of the Red Cross Austria reports that they provide accommodation in their facilities for unaccompanied children who do not have a clarified status of guardianship and who are not provided with adequate housing conditions.<sup>59</sup>

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<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

<sup>49</sup> Asylum Coordination Austria.

<sup>50</sup> Federal Ministry of the Interior/Department II/2, Operational Affairs.

<sup>51</sup> Caritas Styria.

<sup>52</sup> Child and Youth Ombud Styria.

<sup>53</sup> Caritas Styria.

<sup>54</sup> *Ibid.*

<sup>55</sup> Child and Youth Ombud Styria.

<sup>56</sup> Caritas Styria.

<sup>57</sup> *Ibid.*

<sup>58</sup> Caritas Styria.

<sup>59</sup> Red Cross Austria.

In case an unaccompanied child travels together with relatives (other than parents), guardianship is given to a suitable relative. If this is impossible, the child and youth authority generally appoints a guardian for an unaccompanied child.<sup>60</sup>

It was reported that in Styria the Child and Youth Authority in practice only provides guardianship to children when specific indications (that the interviewee could not further specify) are fulfilled. The Child and Youth Authority then legally assumes its guardianship role without a judicial decision.<sup>61</sup> It has to agree with and sign the documents in case of medical treatment or school issues, or when opening a bank account. The Styrian Child and Youth Authorities have authorised Caritas Styria to represent children in asylum matters and alien law procedures.<sup>62</sup>

In Vienna, the city of Vienna is the official guardianship holder of unaccompanied children who are lodged in institutions or basic care centres in the province of Vienna. The city of Vienna, however, entitles in writing the Worker's Samaritan Federation to represent unaccompanied asylum-seeking children. The Worker's Samaritan Federation has in turn drafted a power of attorney letter for its staff that they can prove to be in charge of representing unaccompanied, asylum-seeking children towards the authorities in matters such as kindergarten, schooling, approval of medical and/or psychological treatment or other therapies, training contracts (*Ausbildungsverträgen*), rent contracts and applications to receive documents (such as a passport).<sup>63</sup>

If unaccompanied children are stopped when travelling by train through Tyrol, they are given a guardian rather quickly, since there is a separate department in the Child and Youth Authority of the Province of Tyrol working on the issue of unaccompanied children.<sup>64</sup>

### 1.5.3 Healthcare

People in transit have access to healthcare on request.<sup>65</sup> Healthcare provision runs smoothly in transit and emergency accommodations, as well as in provincial basic care centres run by Red Cross Austria.<sup>66</sup>

Due to the risk of an influenza wave among refugees, the healthcare units at the borders were equipped to treat people accordingly. The health condition of arriving persons was nonetheless stable and relatively good, compared with the autumn of 2015.<sup>67</sup> No incidents of an outbreak of influenza were reported.<sup>68</sup>

In hospitals interpretation is sufficiently available but issues remain with general practitioners.<sup>69</sup>

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<sup>60</sup> Caritas Styria.

<sup>61</sup> *Ibid.*

<sup>62</sup> *Ibid.*

<sup>63</sup> Worker's Samaritan Federation.

<sup>64</sup> Child and Youth Ombud Styria.

<sup>65</sup> Federal Ministry of the Interior/Department II/2, Operational Affairs.

<sup>66</sup> Red Cross Austria.

<sup>67</sup> Federal Ministry of the Interior/Department II/2, Operational Affairs.

<sup>68</sup> Red Cross Austria.

<sup>69</sup> Asylum Coordination Austria.

In Upper Austria, the primary provision of healthcare is not a problem, but the number of female gynaecologists is insufficient to provide for the medical checks of women.<sup>70</sup>

In Vienna, the Emergency Medical Service (*Ärztefunkdienst*) comes to the refugee centres on fixed days to provide healthcare services.<sup>71</sup>

#### 1.5.4 Immigration detention

In the Deportation Detention Centre in Vordernberg, people in return procedures and asylum seekers are allegedly accommodated together.<sup>72</sup>

Children are not held in immigration detention.<sup>73</sup>

### 1.6. Responses in law, policy and/or practice

"Police chiefs from Austria, Croatia, the FYROM, Serbia and Slovenia met on 18 February in Zagreb, Croatia, to discuss possible further collaborative solutions to the migrant crisis."<sup>74</sup>

"In addition to the 1,000 soldiers already providing support in managing the refugee situation, another 450 soldiers will be deployed to the borders to assist the police."<sup>75</sup>

The return of some 50,000 rejected asylum seekers by 2019 and a new financial incentive system for voluntary returns was discussed. The authorities plan to include Algeria, Georgia, Ghana, Mongolia, Morocco and Tunisia in the list of countries of origin deemed as 'safe' to enable their asylum applications to be decided through accelerated procedures.<sup>76</sup>

"On 26 January, the Austrian Federal Government adopted the draft Asylum Act amendment and submitted it to the parliament. The amendment provides for a so-called 'temporary asylum', that is a residence permit valid for three years and an automatic review of the continued need for protection afterwards. In addition, restrictions to the right for family reunification, and in particular for beneficiaries of subsidiary protection, are foreseen."<sup>77</sup> The announced amendments to the asylum law create major confusion and uncertainties among refugees.<sup>78</sup>

### 1.7. Social response to the situation

The overall situation is deteriorating with increasingly negative attitudes among the population.<sup>79</sup> The events in Cologne have fundamentally changed the

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<sup>70</sup> Caritas Austria.

<sup>71</sup> *Ibid.*

<sup>72</sup> Asylum Coordination Austria.

<sup>73</sup> Federal Ministry of the Interior/Department II/2, Operational Affairs.

<sup>74</sup> UNHCR, Europe's Refugee Emergency Response Update #23 covering the period from 12 to 18 February 2016.

<sup>75</sup> UNHCR, Europe's Refugee Emergency Response Update #24 covering period from 19 – 25 February 2016.

<sup>76</sup> UNHCR, Europe's Refugee Emergency Response Update #21 covering the period from 29 January – 4 February 2016.

<sup>77</sup> UNHCR, Europe's Refugee Emergency Response Update #20 covering the period from 22 – 28 January 2016.

<sup>78</sup> Asylum Coordination Austria.

<sup>79</sup> Red Cross Austria.

atmosphere. It sent a signal that politicians are unable to cope with the situation, giving the public the impression that authorities are overstressed. This paves the way for fundamental rights restrictions. A majority of people feel that the overall social order is in danger.<sup>80</sup> For example, in Tyrol, the social response shifted from a welcoming culture to the opposite: when a new reception facility is opened, the population holds meetings and protests against it. Nevertheless, a sufficient number of volunteers remains available in reception facilities.<sup>81</sup> Information meetings about new reception facilities often escalate, including in Styria.<sup>82</sup> At the eastern border of Burgenland, two opinion groups oppose each other: the one opposing the arrival of refugees voices their concerns more loudly, whereas the other group of people is still willing to help.<sup>83</sup>

Provincial associations of Red Cross Austria report that common prejudices include beliefs that all refugees conduct sexual assaults, that women are not respected, and that alcohol and drugs are consumed in reception facilities.<sup>84</sup> Red Cross Austria reported that in some workshops held in a school project the fear of women and girls to be sexually assaulted by refugees/asylum seekers is increasingly evident.<sup>85</sup>

The population and media support Austria's more restrictive asylum policy. The populist parties' influence on public opinion could be reduced. According to the Federal Ministry of the Interior, the current immigration policy demonstrates that the authorities have the situation under control and contribute to prevent hate crimes. De-radicalisation within the population is an explicit goal of the current restrictive asylum policy.<sup>86</sup>

## 1.8. Hate crime incidents

The authorities monitor the activities of various groups, including the *Identitäre Bewegung Österreich (IBÖ)*. No violent crimes committed by these groups have been noted in the reporting period.<sup>87</sup>

The Federal Agency for State Protection and Counter Terrorism reported that the following demonstrations were held in January 2016:

- On 30 January, about 700 people participated in a demonstration organised by the Party of the People (*Partei des Volkes*) in Villach/Carinthia. Participants held speeches against planned asylum accommodations, as well as against Austria's asylum policy in general and called for the resignation of the Federal Chancellors of Austria and Germany. A counterdemonstration was held by approximately 70 persons under the motto "United against racism".
- On 31 January, the Party of the People held a demonstration with about 230 persons in Köflach/Styria, under the motto "Stop asylum quarters".

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<sup>80</sup> Asylum Coordination Austria.

<sup>81</sup> Caritas Austria.

<sup>82</sup> Caritas Styria.

<sup>83</sup> Caritas Austria.

<sup>84</sup> Red Cross Austria.

<sup>85</sup> Red Cross Austria.

<sup>86</sup> Federal Ministry of the Interior/Department II/2, Operational Affairs.

<sup>87</sup> *Ibid.*

The Federal Agency for State Protection and Counter Terrorism reported the following two incidents in January 2016:

- On 22 January, unknown perpetrators painted National Socialist symbols on a fence and on an advertisement poster nearby a transit facility in Graz, Styria.
- On 28 January, an act of arson was allegedly committed at an unused transit facility in Graz/ Styria.

The same agency reported the following demonstrations and incidents in February 2016:

- On 7 February, a banner saying "*Asylanten raus*" ("Asylum seekers get out") was found at a construction site in Klagenfurt/Carinthia.
- On 8 February, the initiative *Lichter für Österreich* (Lights for Austria) held a demonstration in Graz/Styria, and called for the resignation of the federal government.
- On 8 February, the initiative *Lichter für Österreich* held a demonstration in Salzburg with 15 people. A counter-demonstration was held by about 40 to 50 persons of the *Plattform gegen Rechts* (Platform against the right). They extinguished the candles lit by *Lichter für Österreich*.
- On 8 February, the *Identitäre Bewegung Österreich (IBÖ)* held an unannounced demonstration in front of the local authority in Neusiedl am See/Burgenland.
- On 8 February, the IBÖ held a demonstration together with *Lichter für Österreich* in Linz/Upper Austria with 20 persons. A counter-demonstration was held by about 50 persons.
- Between 10 and 11 February, a banner saying "*Stoppt Asylwahn*" ("Stop asylum madness") was set up at the asylum quarter Kornberg Castle.
- On 13 February, the IBÖ organised an "information event" in Vienna against an asylum quarter.
- On 13 February, the IBÖ distributed pepper sprays in Vienna.
- On 13 February, the IBÖ held a demonstration with more than 200 participants in Judenburg/Styria and called for the resignation of the government as well as for an "end to the asylum madness".<sup>88</sup>
- On 13 February, two xenophobic/islamophobic incidents occurred in Vienna: One incident was a written threat, the other one was an assault (*tätlicher Angriff*) against a female Muslim.
- On 15 February, the IBÖ held a demonstration in Vienna with about 80 persons, including hooligans of "*Unsterblich Wien*" ("Immortal Vienna").

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<sup>88</sup> Federal Agency for State Protection and Counter Terrorism.

- On 15 February, the IBÖ held a demonstration in Klagenfurt/Carinthia with 14 persons.
- On 15 February, a graffiti was painted on a door of a flat in Vienna saying "Asylsau" ("Asylum pig").
- On 16 February, the IBÖ disturbed and interrupted an information event regarding a planned asylum quarter in Vienna. The interrupters shouted "Lasst euch nicht verarschen" ("Don't let a fool be made of you") and distributed information leaflets about the IBÖ. The interrupters were escorted out by the police.
- Between 17 and 18 February, graffiti stating "RKS", "White Power" and Celtic crosses were painted on the garden wall of an asylum accommodation in Wolkersdorf/Lower Austria.
- On 20 February, the IBÖ held a demonstration in Klagenfurt with about 600 persons calling for the resignation of the government and claiming wanting to "end the asylum madness". Two persons raising their arm for the Hitler salute were identified at this demonstration. A counter-demonstration was held by approximately 250 persons of the Green and alternative students (*Grüne & Alternative Student\_innen, GRAS*) under the motto "Stop the IBÖ. Prevent Pogroms before they occur."
- On 20 February, an international demonstration against the border fence was held at the Brenner border crossing point with 200 persons, including persons from South Tyrol.
- On 20 February, the window of an asylum quarter was broken with a brick in Feistritz an der Drau/Carinthia.
- On 22 February, 60 persons of the IBÖ and *Lichter für Österreich* gathered in front of the parliament in Vienna.
- On 22 February, the IBÖ held a demonstration with 11 participants in Klagenfurt/Carinthia.
- On 22 February, the IBÖ held an unannounced demonstration with 50 participants in Dornbirn/Vorarlberg. This demonstration was dissolved by the authorities.
- On 22 February, the IBÖ held a demonstration with 20 participants in Linz/Upper Austria.
- On 22 February, the IBÖ held a demonstration with 10 participants in Vienna. They distributed flyers with information on asylum quarters in Floridsdorf/Vienna.
- Between 25 and 26 February, graffiti saying "Kein Asylheim" ("No asylum quarter") were painted on the window of the asylum quarter Kornberg Castle.

- Between 25 and 26 February, banners saying "*Asylwahn stoppen*" ("Stop asylum madness") were set up at the town sign of St. Stefan im Rosental/Styria.
- On 26 February, a citizens' initiative held a demonstration against two planned asylum quarters in Bergheim/Salzburg.
- On 27 February, the IBÖ held a demonstration with 320 participants in Freilassing near Salzburg. 250 persons attended a counterdemonstration.
- On 27 February, the IBÖ held a demonstration in Feldbach/Styria.
- On 27 February, two persons were prevented from spraying graffiti in Vienna. The persons escaped.

In February, the Anti-Discrimination Bureau Styria reported two incidents of hate crime (bodily injuries), three Islamophobic defamations against asylum seekers, one threat against a female migrant with a headscarf and seven graffiti against Muslims.<sup>89</sup>

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<sup>89</sup> 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 Lawyers for Human Rights (BLHR) (*Български адвокати за правата на човека*, БАПЧ).

### 2.2. Overview of the situation

In February, almost 1,200 people were apprehended at the border and within the territory of the country, including about 500 new arrivals apprehended when entering the country, mainly at the Bulgarian-Turkish border. They originated from Afghanistan, Iraq, Pakistan and Syria. Some 425 persons were apprehended at the border while trying to leave the country, mainly at the border with Serbia. They were from Afghanistan, Iraq, Iran, Pakistan and Syria. Finally, the remaining 225 people were apprehended within Bulgarian territory.<sup>90</sup>

Some 1,200 people applied for asylum, including about 700 men (150 aged between 0 and 13 years, 90 aged between 14 and 17 years, 390 between 18 and 34 years, 70 between 35 and 64 years and five aged 65 years or older) and about 470 women (140 aged between 0 and 13 years, 60 aged between 14 and 17 years, almost 200 between 18 and 34 years, 74 between 35 and 64 and nine aged 65 or older). The most common nationalities among the asylum applicants were Afghans, Iraqis, Pakistanis and Syrians.<sup>91</sup>

Refugee status was granted to 73 applicants, 63 persons obtained humanitarian status and 34 asylum applications were rejected.<sup>92</sup>

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<sup>90</sup> Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8:00 CET on 28 January 2016 to 8:00 CET on 25 February 2016.

<sup>91</sup> State Agency for Refugees; the figures are not final because data are still being processed.

<sup>92</sup> Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8:00 CET on 28 January 2016 to 8:00 CET on 25 February 2016.

## 2.3. Criminal proceedings against migrants and people helping them

### 2.3.1 Criminal proceedings initiated against migrants and asylum seekers

Three Syrians were charged with an attempt to join ISIS by going to Turkey and then to Syria. They were previously granted refugee status in Germany and convicted in Bulgaria for attempting to illegally cross the border with Turkey. Meanwhile, evidence was gathered about their ties to ISIS and the three were detained again.<sup>93</sup>

Proceedings were opened against 27 foreigners without any identity papers found in a cargo wagon at the Provadia train station on a train from Turkey to Austria on 28 February 2016. Nine men, 11 women and seven children from Iraq secretly entered the wagon in Istanbul. The men are under arrest in Shumen, the women and the children are placed in a social facility. All will be transferred to a reception centre of the State Agency for Refugees (*Държавна агенция за бежанците, ДАБ*).<sup>94</sup>

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

During the reporting period, border police arrested 18 persons on charges of people smuggling across the border.<sup>95</sup>

Charges were pressed against five border police officers from Svilengrad. They were found guilty of taking bribes from people smugglers; transporting people from Turkey to Western Europe. Three officers held management positions.<sup>96</sup>

A man was sentenced to a suspended sentence via plea bargaining to two years of imprisonment with a four years' probation period and a fine of BGN 5,000. The man smuggled 14 people coming from Afghanistan and Pakistan on Bulgarian territory by car.<sup>97</sup>

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<sup>93</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'The Specialised Prosecutor's Office charged three Syrians for an attempt to join ISIS', press release, 15 February 2016, [www.prb.bg/bg/news/aktualno/specializirana-prokuratura-obvini-trima-sirjski/](http://www.prb.bg/bg/news/aktualno/specializirana-prokuratura-obvini-trima-sirjski/).

<sup>94</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'The regional prosecutor's office in Novi Pazar opened proceedings for illegal entry against 27 foreigners', press release, 29 February 2016, [www.prb.bg/bg/news/aktualno/ajonnata-prokuratura-v-novi-pazar-obrazuva-dosdebn/](http://www.prb.bg/bg/news/aktualno/ajonnata-prokuratura-v-novi-pazar-obrazuva-dosdebn/).

<sup>95</sup> Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8:00 CET on 28 January 2016 to 8:00 CET on 25 February 2016.

<sup>96</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'The Specialised Prosecutor's Office charged five border police officers from Svilengrad with receiving bribes from smugglers', Press release, 9 February 2016, [www.prb.bg/bg/news/aktualno/specializirana-prokuratura-obvini-petima-granich/](http://www.prb.bg/bg/news/aktualno/specializirana-prokuratura-obvini-petima-granich/).

<sup>97</sup> Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'For only four days the regional prosecutor's office in Nova Zagora achieved a guilty sentence for a man helping 14 migrants to enter Bulgarian territory', Press release, 24 February 2016, [www.prb.bg/bg/news/aktualno/samo-za-4-dni-raionna-prokuratura-nova-zagora-post/](http://www.prb.bg/bg/news/aktualno/samo-za-4-dni-raionna-prokuratura-nova-zagora-post/).

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

### 2.4.1 Registration and identification

Amnesty International published its 2015-2016 report on the State of the World's Human Rights. It criticises Bulgaria for the continuing allegations of pushbacks by border police, for the poor reception conditions for asylum seekers and for the lack of an integration plan for refugees and people with international protection.<sup>98</sup>

Unaccompanied children are identified through checking the documents they present and noting down the age they claim.<sup>99</sup>

An interview with the child is also performed. At the border, border police with the assistance of interpreters interviews unaccompanied children. The interviews are conducted in a language the child understands and take into account his/her age. Children are usually asked when and where they are born and how and with whom they have arrived at the border. Children are also informed, in an understandable way, about the procedures for international protection. If the child wishes to apply for international protection, s/he is sent to the reception centres of the State Agency for Refugees. Children who have explicitly stated that they do not want to apply for international protection are referred to the competent social assistance directorate to place them under child protection measures (such as residential services, specialised institution and foster care).<sup>100</sup>

Due to the low number of child applicants, age assessment is performed rarely, in cases of very serious doubt as to the person's age.<sup>101</sup> Local child protection departments are immediately informed about each case of an unaccompanied child.

### 2.4.2 Asylum procedure

Registered asylum seekers residing outside the reception centres face procedural difficulties in transferring their asylum procedure from one local unit of the State Agency for Refugees to another. NGOs receive complaints that persons, who have their international protection procedure initiated outside Sofia and who consequently rent a residential space in the city, are summoned for interviews in the unit where their procedure started. This often requires travel of significant distance. The transfer of the procedure requires a separate application, which can be rejected by the officials.<sup>102</sup>

<sup>98</sup> Amnesty International (2016), 'Bulgaria 2015/2016', [www.amnesty.org/en/countries/europe-and-central-asia/bulgaria/report-bulgaria/](http://www.amnesty.org/en/countries/europe-and-central-asia/bulgaria/report-bulgaria/).

<sup>99</sup> State Agency for Refugees.

<sup>100</sup> State Agency for Child Protection.

<sup>101</sup> State Agency for Refugees.

<sup>102</sup> Refugee Support Group.

### 2.4.3 Return procedure

During the reporting period, a total of 36 irregular migrants were returned from Bulgaria.<sup>103</sup>

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

### 2.5.1 Reception conditions and capacity

As of 25 February 2016, some 620 asylum seekers were accommodated in the reception centres of the State Agency of Refugees. The majority were from Afghanistan, Iraq, Pakistan and Syria. The total capacity of the reception centres is 5,130 places. During the reporting period the occupancy rate ranged between 11 % and 13 %. Furthermore, some 540 asylum seekers were accommodated at external addresses at their own expense.<sup>104</sup>

During the reporting period, a large number of people (some 1,000) left the reception centres by their own will.<sup>105</sup>

On 15 February 2016, two persons arrived in Bulgaria from Greece as part of the relocation scheme. On 4 November 2015, Bulgaria agreed to host 1,302 persons from Greece and Italy.<sup>106</sup> The reception centre in Vrazhdebna in Sofia was designated to host people under the relocation scheme. However, so far it only hosts two people.

On 22 February 2016, the government dismissed the Chair of the State Agency for Refugees<sup>107</sup> and the Secretary General in charge of 'irregularities' in the spending of public funds after a media investigation revealed that food was purchased directly without any public procurement procedures, resulting in higher prices. On 24 February 2016, the government also dismissed the Agency's Deputy Chair.<sup>108</sup> Media reports state that the Prime Minister has forwarded the case to the Prosecutor General to investigate potential misuse of public funds.<sup>109</sup>

The State Agency for Refugees has tightened the rules for access to its reception centres, requiring prior notification (five days in advance). NGOs and volunteers are mainly affected by this restriction as it prevents them from providing assistance in cases of emergency.<sup>110</sup>

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<sup>103</sup> Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 28 January 2016 to 8.00 CET on 25 February 2016.

<sup>104</sup> Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 28 January 2016 to 8.00 CET on 25 February 2016.

<sup>105</sup> *Ibid.*

<sup>106</sup> Bulgaria, State Agency for Refugees (2016), 'The first two persons, who will be relocated from Greece to Bulgaria, will arrive on 15 February 2016', press release, 12 February 2016, [www.aref.government.bg/?cat=13&newsid=960](http://www.aref.government.bg/?cat=13&newsid=960).

<sup>107</sup> Bulgaria, Council of Ministers (2016), 'Nikola Kazakov is dismissed as SAR chairman', press release, 22 February 2016, [www.government.bg/cgi-bin/e-cms/vis/vis.pl?s=001&p=0212&n=3768&g](http://www.government.bg/cgi-bin/e-cms/vis/vis.pl?s=001&p=0212&n=3768&g).

<sup>108</sup> Marchev, G. (2016), 'State Agency for Refugees deputy Chairman is also fired', Dnevnik online, 24 February 2016, [www.dnevnik.bg/bulgaria/2016/02/24/2711514\\_i\\_zam-predsedatel\\_na\\_durjavnata\\_agencia\\_za\\_bejancite/](http://www.dnevnik.bg/bulgaria/2016/02/24/2711514_i_zam-predsedatel_na_durjavnata_agencia_za_bejancite/).

<sup>109</sup> Dnevnik (2016), 'Borisov refers to the Prosecutor General for misuse in Refugees Agency', Dnevnik online, 22 February 2016: [www.dnevnik.bg/bulgaria/2016/02/22/2710058\\_borisov\\_sezira\\_glavnii\\_prokuror\\_za\\_zloupotrebi\\_v/?ref=miniurl](http://www.dnevnik.bg/bulgaria/2016/02/22/2710058_borisov_sezira_glavnii_prokuror_za_zloupotrebi_v/?ref=miniurl).

<sup>110</sup> Refugee Support Group.

Volunteers, offering different activities to children and adults in reception centres, including computer literacy courses, were denied access to the computer room in Voenna Rampa centre. The computer literacy course was among the most attended activities offered by volunteers.<sup>111</sup>

### 2.5.2 Child protection

In case of disappearance of a child, the State Agency for Refugees immediately informs the police and local child protection departments. Searches are rarely done, but missing children are put into the relevant databases for wanted persons, so that it is known when the child is found in another country.

As a measure to prevent children from going missing, authorities decided to place all unaccompanied children on a special floor in the Ovcha Kupel reception centre, where social workers are available.<sup>112</sup> However, as of the end of February 2016, there are no unaccompanied children accommodated there.

Some 20-30 unaccompanied children are currently staying in the Voenna rampa reception centre instead. This is due to the deteriorating living conditions in Ovcha kupel. According to unofficial information, the Ovcha Kupel reception centre is going to be closed for repairs and the people accommodated there will be transferred to Voenna rampa.

None of the unaccompanied children in Voenna rampa go to school, although they are allowed to do so. The main reason is that they do not speak Bulgarian. Most of them only attend the activities organised by volunteers.<sup>113</sup>

Regarding guardianship systems for unaccompanied children, following the latest legislative amendments to the Asylum and Refugee Act,<sup>114</sup> guardians should be appointed by the local mayors without delay. These are usually officials from the municipal administration. Some municipal guardians appear to be insufficiently prepared to perform their tasks.

In principle, guardians should be present at the submission of the asylum application. In practice, authorities prefer not to wait for the appointment of a guardian and start the procedure without him/her present, who then later signs the relevant documentation. Guardians and representatives of local child protection departments are present at all subsequent stages of the procedure.<sup>115</sup>

Information to children is given in a child-friendly manner by officials of the State Agency for Refugees as well as by the representatives of the local child protection departments, e.g. with the assistance of an interpreter and using a language corresponding to the age of the child. NGOs providing legal aid are also informing the children.<sup>116</sup>

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<sup>111</sup> Caritas Bulgaria.

<sup>112</sup> State Agency for Refugees.

<sup>113</sup> Caritas Bulgaria.

<sup>114</sup> Bulgaria, Amendments to the Asylum and Refugee Act, 2 October 2015, Art. 25(1), para. 20, <http://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=97878>.

<sup>115</sup> State Agency for Refugees.

<sup>116</sup> *Ibid.*

There are no registered incidents of violence involving children. Officials of the State Agency for Refugees rely on in-house psychologists and supporting NGOs for prevention.<sup>117</sup>

### 2.5.3 Healthcare

The most widespread health problems over the reporting period were mild respiratory infections, hypothermia (during the cold periods) and wounds caused by continuous walking and unsuitable footwear. Occasionally, there have been new arrivals with chronic diseases such as diabetes.<sup>118</sup>

On 7 February 2016, two women (15 and 30 years old) died of hypothermia after crossing a river in the area of Malko Turnovo at the border with Turkey. They were part of a group of 19 people from Afghanistan. On the same day, there was about 50 centimetres of snow in the region. Eleven children and two men were hospitalised in a critical condition of hypothermia. All patients recovered within 24 hours.<sup>119</sup>

The distribution centre in Elhovo, run by the Ministry of the Interior (*Министерство на вътрешните работи, МВР*) has three well equipped medical cabinets. As of 17 February 2016, the shortage of medical supplies has been compensated by a donation delivered by the Refugee Support Group. The reception centre in Malko Turnovo, run by the border police, has only one paramedic. In emergency situations, it calls the emergency centres of the closest towns of Burgas and Yambol.<sup>120</sup>

### 2.5.4 Immigration detention

Detention applies to migrants who do not qualify or do not wish to apply for international protection. Those who have applied for protection, including children, are accommodated at the reception and registration centres of the State Agency for Refugees, which are open centres.

Unaccompanied children are not detained as the law explicitly forbids such detention. Children are placed in detention only if they wish to stay with their relatives. If subsequently the child decides that s/he no longer wishes to stay with these persons, s/he is released from the detention facility and is placed in the open State Agency for Refugees' centres.

As of 25 February 2016, about 400 irregular migrants, originating from Afghanistan, Iran, Iraq, Pakistan and Syria, were lodged in special homes for temporary accommodation of foreigners of the Ministry of the Interior. Special homes have a capacity of 940 persons. During the reporting period, some 820 new arrivals were accommodated in these homes and 893 persons were transferred to the State Agency for Refugees' centres. The centres' occupancy rate ranged between 25 % and 42 %.

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<sup>117</sup> *Ibid.*

<sup>118</sup> Refugee Support Group.

<sup>119</sup> Vesti.bg (2016), 'Two illegal migrants fell victims of the cold', Vesti.bg, 7 February 2016. [www.vesti.bg/temi-v-razvitiie/tema-bezhancite-ot-siriia/dve-nelegalni-migrantki-stanaha-zhertva-na-studa-u-nas-6049594](http://www.vesti.bg/temi-v-razvitiie/tema-bezhancite-ot-siriia/dve-nelegalni-migrantki-stanaha-zhertva-na-studa-u-nas-6049594).

<sup>120</sup> Refugee Support Group.

## 2.6. Responses in law, policy and/or practice

On 25 February 2016, the parliament voted for amendments to the Defence and Armed Forces of the Republic of Bulgaria Act (*Закон за отбраната и въоръжените сили на Република България*), allowing the army to assist the border police in so-called 'extraordinary and crisis circumstances'.<sup>121</sup> Such assistance will be ordered by an act of the government, which should also ensure the financial resources for its provision. The rules for using force in such cases will be set by the Minister of Defence.

On 2 March 2016, the National operational task force on the migration crisis (*Национален оперативен щаб по миграционната криза*), in the presence of the President of the Republic, reviewed the measures undertaken so far and discussed upcoming activities related to the migration flow. The main conclusion from the meeting was that the situation at the Bulgarian borders is currently under control and there is no need to convene the Consultative Council for National Security (*Консултативният съвет за национална сигурност*, КЧС).<sup>122</sup>

## 2.7. Social response to the situation

Civil society activists and volunteers working with asylum seekers launched a petition and published an open letter<sup>123</sup> to the government calling for a transparent procedure for the election of the next chair of the State Agency for Refugees and for holding a public hearing of the candidates.<sup>124</sup>

Between 15 and 25 February 2016, the Council of Refugee Women in Bulgaria (*Съвет на жените бежанки в България*, СЖББ) launched a campaign for donation of cosmetics, detergents, diapers and underwear. A total of 143 people benefited from the campaign, of whom 46 were asylum seekers and 97 refugees residing in the Sofia area.<sup>125</sup>

## 2.8. Hate crime incidents

The police registered no hate crime incidents during the reporting period.<sup>126</sup> The national equality body registered no complaints of discrimination against persons seeking international protection.<sup>127</sup>

On 18 February 2016, Bulgarian media reported about a private person who 'single-handedly' captured migrants irregularly crossing the border. The next day, the same media reported that about 10 other Bulgarians from an ATV driving club

<sup>121</sup> Bulgaria, Amendments to the Defense and Armed Forces of the Republic of Bulgaria Act, 25 February 2016, [www.parliament.bg/bg/laws/ID/29770/](http://www.parliament.bg/bg/laws/ID/29770/).

<sup>122</sup> Bulgaria, President of the Republic of Bulgaria (2016), 'The head of state praised the cooperation between the institutions on the migration crisis', press release, 2 March 2016, [www.president.bg/news3075/darzhavniyat-glava-dade-visoka-otsenka-na-vzaimodeystviето-na-institutsiite-po-migratsionnata-kriza.html](http://www.president.bg/news3075/darzhavniyat-glava-dade-visoka-otsenka-na-vzaimodeystviето-na-institutsiite-po-migratsionnata-kriza.html).

<sup>123</sup> Dnevnik (2016), 'Civic organisations call for transparent competition for new head of the Agency for Refugees', Dnevnik online, 24 February 2016, [www.dnevnik.bg/bulgaria/2016/02/24/2711181\\_grajdanski\\_organizacii\\_iskat\\_prozrachen\\_konkurs\\_za\\_nov/](http://www.dnevnik.bg/bulgaria/2016/02/24/2711181_grajdanski_organizacii_iskat_prozrachen_konkurs_za_nov/).

<sup>124</sup> For more information, please see: [www.peticia.com/138923](http://www.peticia.com/138923).

<sup>125</sup> For more information, please see: [www.facebook.com/events/585389428282218/](https://www.facebook.com/events/585389428282218/).

<sup>126</sup> Ministry of the Interior, Directorate General Criminal Police.

<sup>127</sup> Commission for Protection against Discrimination.

wanted to join this person in patrolling the border and arresting those who cross it illegally. The Prosecutor's office in Sredets refused to charge the person with assault due to lack of evidence. The victims, who were of Syrian origin, were not questioned.<sup>128</sup> Bulgarian Lawyers for Human Rights (BLHR) (*Български адвокати за правата на човека*, БАПЧ) published an open letter to the Ministry of the Interior and to the Prosecutor's office raising concerns about the refusal to investigate and about the potential threats in allowing civil patrols along the border.<sup>129</sup>

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<sup>128</sup> Ureport (2016), 'bTV: Man from Yambol catches refugees with bare hands', UReport, 18 February 2016, <http://ureport.bg/109152/2016/02/18/politika/bulgaria/btv-mazh-ot-yambol-lovi-bezhantsi-s-goli-ratse>; bTV (2016), 'Dozens of volunteers will guard the border', bTV, 19 February 2016, <http://m.btvnovinite.bg/video/videos/tazi-sutrin/desetki-dobrovolci-shite-ohranjavat-granicata-ni.html>.

<sup>129</sup> Bulgarian Lawyers for Human Rights. For more information, please see: [www.blhr.org/news/otvoreno-pismo-do-glavniya-prokuror-na-republika-bylgariya-i-do-mnistyra-na-vytreshnite-raboti/](http://www.blhr.org/news/otvoreno-pismo-do-glavniya-prokuror-na-republika-bylgariya-i-do-mnistyra-na-vytreshnite-raboti/).



## 3. Croatia

### 3.1. Stakeholders contacted

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

- Ministry of Health (*Ministarstvo zdravlja*);
- International Organisation for Migrations (IOM) Croatia, based in Zagreb;
- Welcome Initiative (*Inicijativa Dobrodošli*);
- 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 February 2016, the overall number of arrivals further decreased compared with January 2016. In total, about 36,400 people arrived in Croatia. Since 26 February, the number of new arrivals decreased drastically. Only one train was arriving a day, with less than 400 people. On certain days, there were no arrivals at all.<sup>130</sup>

During the reporting period, the overall number of children increased. On certain days, the children even outnumbered the adult men. Vulnerable groups accounted for approximately two thirds of the population.<sup>131</sup>

Since 21 February, only Iraqi and Syrian nationals who present proof that they underwent registration in Serbia are allowed to enter Croatia using official transport. Afghan nationals, who were allowed to enter the country prior to that date, are being denied entry already at the Macedonian border, but also in Šid, prior to boarding on trains to Croatia.<sup>132</sup> Persons who attempt to enter Croatia irregularly are subjected to the standard procedure.<sup>133</sup> This means that their compliance with entry conditions is checked, as provided by the Law on Foreigners (Official Gazette 130/11, 74/13, Articles 34-43). In cases of irregular entry, they can be charged, unless they seek asylum.

In Šid, Serbia, there is a Croatian translator who allegedly advises the police to deny entry to Croatia to people who come from cities in Syria held by the rebel groups, or in cases where the translator has concluded that the people are against the official Syrian regime.<sup>134</sup>

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<sup>130</sup> Croatia, Welcome Initiative.

<sup>131</sup> *Ibid.*

<sup>132</sup> Croatia, IOM Croatia.

<sup>133</sup> Croatia, Jesuit Refugee Service.

<sup>134</sup> Are You Serious.

### 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.<sup>135</sup>

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

Nothing new to report.<sup>136</sup>

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

#### 3.4.1 Registration and identification

The registration and identification procedures have not significantly changed compared with the previous reporting period. A change was detected in situations when the train arrives late in the day to the Slavonski Brod camp. On such occasions, new arrivals are not escorted directly to the registration facilities, but are allowed to rest and have a meal in the sectors. The same applied in the middle of February 2016 when, instead of crossing the Serbian–Croatian border at Tovarnik, new arrivals crossed the border at Bajakovo, where buses collected and brought them to the Slavonski Brod camp.<sup>137</sup> Another change is that the registration process lasts longer and is more thorough.<sup>138</sup>

All new arrivals are registered. Their photos and fingerprints are taken, but are not forwarded to the Eurodac system.<sup>139</sup>

The Protocol on the treatment of children separated from their parents, foreign nationals,<sup>140</sup> generally applies to unaccompanied children. This protocol provides that upon identification of an unaccompanied child a guardian is appointed to the child without delay. Bearing in mind that many children in transit camps are only temporarily separated from their families, it was decided that placing such children under guardianship was not necessary immediately. A special protocol was therefore agreed on in the Opatovac camp 3 October 2015, which governs such situations in the transit camps (*The Protocol regarding Unaccompanied and Separated children*). According to this special protocol, police officials carry out the initial identification of separated children during the registration process in the camp. Social services interview the child. Information on age assessment is unavailable. The Croatian Red Cross workers initiate a family tracing procedure,

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<sup>135</sup> IOM Croatia.

<sup>136</sup> *Ibid.*

<sup>137</sup> *Ibid.*

<sup>138</sup> Croatia Jesuit Refugee Service.

<sup>139</sup> IOM Croatia.

<sup>140</sup> Available at <https://vlada.gov.hr/UserDocsImages/Sjednice/Arhiva/104.%20-%2017.pdf>.

using mainly their own networks and those of UNHCR. Should they fail to find carers within 24 hours, the regular procedure is applied whereby the child is being appointed a guardian and placed in a children's home, or, if the child is older than 14 years and the conditions are satisfactory, in a reception centre.<sup>141</sup> If the child does not have relatives, a guardian is appointed from the Ministry of Social Policy and Youth's list of special guardians.<sup>142</sup> The Ministry of Social Policy and Youth and the Croatian Red Cross reported a lack of qualified interpreters available to assist in the communication with children.<sup>143</sup> Information on a possible shortage of guardians was not available.

### **3.4.2 Asylum procedure**

Three returnees from Slovenia, who were held in sector 3 of the Slavonski Brod camp, reported that they were discouraged from seeking asylum. They were forced to wait for several hours before being allowed to officially state their intentions to seek asylum and they were not given forms to indicate their requests in writing. They were asked by the police officers why they would wish to seek asylum in Croatia, since 90 % of asylum seekers do not get asylum and seeking asylum would prevent them from travelling further. They were also given a few days to rethink their intention. Only following a lawyers' intervention, were they allowed to seek asylum. Throughout this time, the people were worried about being returned to Serbia without an effective opportunity to seek asylum.<sup>144</sup>

### **3.4.3 Return procedure**

People who are denied entry into Slovenia are being returned to Croatia and some of them are then being returned to Serbia.<sup>145</sup> Information on the exact numbers was unavailable.

When returned from Slovenia to Croatia, people are placed in Ježevo (a detention centre for foreigners) or in the Slavonski Brod camp, sector 3 (informal detention facility). There is no clear rule as to when the people should be placed in Ježevo or in sector 3. On 24 February 2016, 113 people were present in Ježevo, which is declared to be operating at its full capacity. Some people are returned from Slovenia by trains directly to the Slavonski Brod camp, while others are temporarily placed in Porin (Centre for foreigners in Zagreb) and then transported to the Slavonski Brod camp. From there, people are either returned to Serbia, or registered again and redirected towards Slovenia with other refugees registered in the camp.<sup>146</sup>

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<sup>141</sup> IOM Croatia.

<sup>142</sup> Croatia, Welcome Initiative.

<sup>143</sup> *Ibid.*

<sup>144</sup> *Ibid.*

<sup>145</sup> IOM Croatia.

<sup>146</sup> Croatia, Welcome Initiative.

## 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 are similar to the previous reporting period. Sometimes people are transported from Šid to Slavonski Brod by buses instead of trains. If people need to stay in the camp for longer than the usual three to four hours, they are placed in sector 1. The facilities are satisfactory. The NGOs coordination holds daily meetings and cooperates well, in particular with regard to the delivery and dissemination of humanitarian aid.<sup>147</sup>

### 3.5.2 Vulnerable persons

As described in the previous reports, vulnerable groups have prioritised treatment with regard to the registration procedure, as well as adequate medical and special care.<sup>148</sup>

### 3.5.3 Child protection

There are children who get separated from their carers on their way to Croatia. Some get separated on the train from Šid to Slavonski Brod. The number of such incidents is small, especially in comparison to the period when the transit camp was located in Opatovac (until 2 November 2015). The exact numbers are not available.<sup>149</sup> UNHCR stated that there were no incidents of child abuse in the camp.<sup>150</sup>

The Ombudsperson Office for Children reports that children are allowed one warm meal per day and that the camp conditions are satisfactory. There are not enough activities designed for children.<sup>151</sup>

According to the Ministry of Interior, no child has gone missing since the beginning of the refugee crisis.<sup>152</sup>

There are measures in place to prevent child disappearance: taking photographs, fingerprinting (for children above the age of 14) and registration. Children are placed in child friendly spaces provided by UNICEF. If carers of a separated child cannot be traced, such a child is appointed a guardian and placed in a children's home.<sup>153</sup> Social workers are constantly present in the camp, but are unaware of any specific measures aimed at preventing (sexual) violence against children in the reception centres, child protection policies or complaint mechanisms designed to report abuse.

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<sup>147</sup> *Ibid.*

<sup>148</sup> *Ibid.*

<sup>149</sup> IOM Croatia.

<sup>150</sup> Croatia, Welcome Initiative.

<sup>151</sup> Croatia, Welcome Initiative.

<sup>152</sup> *Ibid.*

<sup>153</sup> IOM Croatia.

### 3.5.4 Healthcare

Persons in need of medical assistance are screened for in the registration area by the Croatian Red Cross. From 1 until 29 February, there were 43 emergency medical interventions, 849 general practice interventions, 52 hospitalisations and 217 camp infirmary interventions.<sup>154</sup>

People arrive to the camp with various health issues, but hardly anybody is willing to undergo any concrete medical treatment. People are eager to continue their journey despite open wounds on their legs, frostbites, flues and even acute pneumonia. Doctors are not allowed to enter in sector 3 (a secluded sector), so patients are brought to them by two policemen who remain present during the examination and demand translation of the conversation, which is frequently of a medical nature.<sup>155</sup>

Magna provides for pediatricians in the camp.<sup>156</sup>

### 3.5.5 Immigration detention

People who were returned from Slovenia were placed in the Slavonski Brod camp, sector 3, which is a secluded sector. The Croatian Red Cross has access to it and provides food, water and hygiene supplies. On 27 February, UNICEF was allowed access to sector 3 to work with children twice per day (10:00-12:00 CET and 17:00-19:00 CET). On 29 February, 299 persons were present in this sector of the camp. Other NGOs are not allowed to enter the sector.<sup>157</sup> The legal basis for such a *de facto* detention is unclear, as some people who were held there stated that they were issued no documents showing grounds for detention. Some Iraqi and Syrian nationals were held there for over a week, one of them was a child.<sup>158</sup>

## 3.6. Responses in law, policy and/or practice

Since 21 February, only Iraqi and Syrian nationals are allowed to enter Croatia. Afghan nationals, who were allowed entry prior to that date, are already being denied entry at the Macedonian border, and also in Šid, prior to boarding on trains to Croatia.<sup>159</sup>

## 3.7. Social response to the situation

On 18 February, the Welcome Initiative held a protest action in front of the International Hotel in Zagreb, where the chiefs of the Austrian, Croatian, Macedonian, Serbian and Slovenian police met to discuss the ongoing humanitarian crisis. The initiative wanted to stress that the right of each person to seek international protection needs to be respected.<sup>160</sup>

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<sup>154</sup> Croatia, Ministry of Health.

<sup>155</sup> Croatia, a doctor from the Ministry of Health.

<sup>156</sup> IOM Croatia.

<sup>157</sup> Croatia, Welcome Initiative.

<sup>158</sup> *Ibid.*

<sup>159</sup> IOM Croatia.

<sup>160</sup> Croatia, Welcome Initiative.

On 27 February, the European March for Refugees' Rights was held in 20 European countries. Croatia also organised marches in Pula, Split, Zadar and Zagreb. The participants demanded secure and legal routes for persons fleeing wars, conflicts, violence and poverty.<sup>161</sup>

### 3.8. Hate crime incidents

During the reporting period, the media covered xenophobic and racist statements against refugees. Small scale demonstrations against migrants took place. Nevertheless, no serious incidents of violence have been recorded.<sup>162</sup>

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<sup>161</sup> *Ibid.*

<sup>162</sup> Croatia, Jesuit Refugee Service.

## 4. Germany

### 4.1. Stakeholders contacted

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

- Federal Office for Migration and Refugees, Press Department (*Bundesamt für Migration und Flüchtlinge*, BAMF);
- Federal Border Police, Press Department, (*Bundespolizei*, BPOL);
- German Red Cross (*Deutsches Rotes Kreuz e.V.*);
- Federal Association for Unaccompanied Minor Refugees (*Bundesfachverband Unbegleitete minderjährige Flüchtlinge*, BumF);
- UNICEF Germany;
- Jesuit Refugee Service (*Jesuiten Flüchtlingsdienst*);
- Bavarian Refugee Council (*Bayerischer Flüchtlingsrat e. V.*);
- Central Council for Muslims in Germany (*Zentralrat der Muslime in Deutschland e. V.*, ZMD);
- Conference of Legal Advisors (*Rechtsberaterkonferenz*, RBK).

In addition, press releases of public stakeholders and media reports were used to fill in the gaps caused by the fact that stakeholders could not be interviewed.

### 4.2. Overview of the situation

Since the beginning of February 2016, the number of new arrivals significantly decreased. On some days in February, there were no persons in need of international protection crossing the main border crossing points from Austria to Germany.<sup>163</sup> In Feldkirchen (Bavaria), for instance, only four persons were accommodated in the 'Red Cross waiting room' reception centre (*Warteräume*) with a capacity up to 5,000 persons.<sup>164</sup> As a consequence, emergency shelters at the border with Austria were almost empty.<sup>165</sup>

Some 52,000 asylum applications were submitted in January 2016.<sup>166</sup> More than 90,000 new arriving people, originating mainly from Syria (nearly 36,000 persons), Iraq (some 28,000 persons) and Afghanistan (some 18,000 persons) had been registered in January 2016.<sup>167</sup>

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<sup>163</sup> Statements from the Federal Border Police and the Bavarian Refugee Council.

<sup>164</sup> German Red Cross.

<sup>165</sup> Consistent statements of the Bavarian Refugee Council and German Red Cross.

<sup>166</sup> Federal Ministry of the Interior, press releases from 4 February 2016

[www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/02/asylantraege-januar-2016.html](http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/02/asylantraege-januar-2016.html).

<sup>167</sup> Federal Ministry of the Interior, press release, 4 January 2016, available at:

[www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/02/asylantraege-januar-2016.html](http://www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/02/asylantraege-januar-2016.html).

## 4.3. Criminal proceedings against migrants and people helping them

### 4.3.1 Criminal proceedings initiated against migrants and asylum seekers

Due to the significant decline of new arrivals in February, criminal proceedings for illegal entry decreased.<sup>168</sup>

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

Nothing new to report.

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

### 4.4.1 Registration and identification

According to the newspaper *Frankfurter Allgemeine Zeitung*, citing the President of the Federal Office for Migration and Refugees, a huge backlog of asylum applications still exists. About 370,000 asylum applications are still pending a decision and further 300,000 to 400,000 persons have not yet submitted their asylum application.<sup>169</sup>

In principle, whenever police forces find an unaccompanied child, they must immediately hand it over to the responsible youth welfare office (*Jugendamt*) which takes it into care. If a person claims to be a child, the police has to treat this person as a child as long as an age-assessment procedure carried out by the youth welfare office does not prove otherwise. However, the police forces sometimes have doubts whether the statements of persons claiming to be unaccompanied children are true. In those cases, persons may be treated as adults and not handed over to the responsible youth welfare office.<sup>170</sup>

Unaccompanied children who travel without their parents but with other relatives such as siblings of full age, uncles, aunts and cousins are not taken into care. Instead, they are accommodated with their family members in reception centres although taking them into care might be a necessary measure for their own protection. In many cities, the degree of relationship is not verified by the authorities. As a consequence, there is a risk of human trafficking when a human trafficker pretends to be the relative of a child.<sup>171</sup>

There are gaps in the provision of asylum procedure information to children: children mostly do not understand the legal situation and do not know that they

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<sup>168</sup> Federal Border Police.

<sup>169</sup> Frankfurter Allgemeine Zeitung, 3 March 2016, available at: [www.faz.net/aktuell/politik/fluechtlingskrise/bamf-chef-erwartet-grossen-rueckstau-bei-bearbeitung-von-asylantraegen-14102875.html](http://www.faz.net/aktuell/politik/fluechtlingskrise/bamf-chef-erwartet-grossen-rueckstau-bei-bearbeitung-von-asylantraegen-14102875.html).

<sup>170</sup> Federal Association for Unaccompanied Minor Refugees.

<sup>171</sup> UNICEF.



also have the possibility to mention child-specific reasons for their flight. During the asylum interview, parents mostly do not want their children to say anything, as they are afraid of inconsistencies or disadvantages for their asylum claim.<sup>172</sup>

#### 4.4.2 Asylum procedure

The asylum procedure is negatively affected by the poor quality of the personal interview and of the asylum decisions. Many decision makers (*Entscheider*) of the Federal Office for Migration and Refugees are not sufficiently qualified since they have just started working at federal office. Apart from a few exceptions, Dublin rules are applied to applicants and Germany is not making use of the sovereignty clause to take responsibility for examining the application due to humanitarian reasons. Moreover, benefits are often restricted in Dublin cases according to the application of Paragraph 1 a of the Asylum Seekers Benefits Act (*Asylbewerberleistungsgesetz*).<sup>173</sup>

In general, a person cannot be detained in Germany upon submitting an asylum application. However, if a person in detention pending deportation submits a subsequent application for asylum (*Folgeantrag*), this person will remain in detention until a decision of initiating a further procedure is made by the Federal Office for Migration or the administrative court. Unaccompanied children are not detained in Germany.<sup>174</sup>

#### 4.4.3 Return procedure

Violations of the principle of non-refoulement are not known.<sup>175</sup>

Germany deports vulnerable persons if their asylum application was rejected. In February, a single mother with two children, one of whom had a serious disability, was deported to Albania.<sup>176</sup>

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

#### 4.5.1 Reception conditions and capacity

Due to the significant decline of new arrivals in Germany, the reception conditions for new arrivals slightly improved. Staff at the reception centres have had time to improve the quality of accommodation. Reconstruction works became possible.<sup>177</sup>

Enough water and food is available. No problems regarding the heating systems in accommodation centres were reported.<sup>178</sup>

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<sup>172</sup> Federal Association for Unaccompanied Minor Refugees.

<sup>173</sup> The Conference of Legal Advisors.

<sup>174</sup> Jesuit Refugee Service.

<sup>175</sup> *Ibid.*

<sup>176</sup> *Ibid.*

<sup>177</sup> German Red Cross.

<sup>178</sup> *Ibid.*

However, in many federal states there is still not enough space to accommodate persons in suitable conditions. Thousands of asylum seekers are accommodated in provisional mass reception centres, especially in city states. According to a survey conducted by the magazine "Spiegel", provisional emergency reception centres turn into long-term accommodation centres.<sup>179</sup> According to the survey, particularly Hamburg and Berlin accommodate high shares of asylum seekers in halls with a lack of privacy (some 45 % in both cases), followed by Saxony, Bavaria and North-Rhine-Westphalia, where nearly a third of all persons stay in facilities without adequate privacy.<sup>180</sup>

The sanitary conditions in mass reception centres are often problematic. Hundreds of asylum seekers have to share one toilet. Furthermore, in many mass reception centres asylum seekers have to walk far to reach showers and toilets. In the mass reception centre in Berlin-Tempelhof, for instance, the sanitary containers are 1.2 km away from the sleeping halls.<sup>181</sup>

#### 4.5.2 Vulnerable persons

Nothing new to report.

#### 4.5.3 Child protection

Children are not usually separated from other family members during the asylum procedure.<sup>182</sup>

According to the newspaper *Frankfurter Rundschau*, citing the Federal Criminal Police, over 4,700 unaccompanied children were listed as missing on 1 January 2016. This does not mean that they all became victims of human trafficking or other crimes. Children often appear again after they have been listed as missing. Double registrations can further lead to wrong missing person's entries. It cannot be excluded, however, that some children fall into the hands of criminals.<sup>183</sup>

In general, the conditions in reception facilities do not meet the criteria of a child's welfare. In some reception facilities, child-friendly spaces are available for children. There is no regulation, however, that ensures the implementation of specific measures to protect children and to consider specific needs for children in accommodation facilities.<sup>184</sup>

A guardian is not immediately appointed to an unaccompanied child in the asylum procedure. According to the new distribution procedure of the law improving the accommodation, care and support of foreign children and adolescents (*Gesetz zur Verbesserung der Unterbringung, Versorgung und Betreuung ausländischer Kinder*

<sup>179</sup> Spiegel online, 2 March 2016, available at: [www.spiegel.de/politik/deutschland/fluechtlinge-so-organisieren-die-bundeslaender-die-lage-a-1078809.html](http://www.spiegel.de/politik/deutschland/fluechtlinge-so-organisieren-die-bundeslaender-die-lage-a-1078809.html).

<sup>180</sup> *Ibid.*

<sup>181</sup> Federal Association for Unaccompanied Minor Refugees.

<sup>182</sup> See above under 4.4.1; Federal Association for Unaccompanied Minor Refugees.

<sup>183</sup> *Frankfurter Rundschau*, 2 February 2016, available at: [www.fr-online.de/flucht-und-zuwanderung/minderjaehrige-fluechtlinge--4749-kinder-in-deutschland-vermisst-24931854,33700656.html](http://www.fr-online.de/flucht-und-zuwanderung/minderjaehrige-fluechtlinge--4749-kinder-in-deutschland-vermisst-24931854,33700656.html).

<sup>184</sup> Federal Association for Unaccompanied Minor Refugees.

*und Jugendlicher*), children are first taken into provisional care at a shelter for unaccompanied children (*vorläufige Inobhutnahme*). In those facilities, no guardians are appointed and the youth welfare office represents the child, which may create conflicts of interests: if, for instance, a child wants to complain against a distribution decision to another federal state, the youth welfare office represents the child's claim while also being the institution that initiates the distribution procedure.<sup>185</sup>

In general, a guardian is appointed to unaccompanied children after they are assigned to the responsible federal state. This can take between three days and eight months. The guardian has to submit the asylum application since the child is not capable of acting on its own behalf in the asylum procedure. Due to the high number of unaccompanied children and the lack of guardians, one guardian can be responsible for up to 150 children.<sup>186</sup>

Guardians usually work within the youth welfare office. In addition, there are voluntary guardians as well as external professional guardians. The family court has to assess whether or not a person is suitable to become a guardian.<sup>187</sup>

It still takes several months until children get access to education. Sometimes children only have access to language courses, which is seen as sufficient. In special Bavarian accommodation centres for persons from the Balkan states, children had to wait up to eight months until they could attend school. As a consequence, special classes were established for them. However, children do not learn German in these classes and up to 45 children have to attend one class.<sup>188</sup>

#### **4.5.4 Healthcare**

The contacted stakeholders provided no new relevant information.

#### **4.5.5 Immigration detention**

In general, persons in detention pending deportation can walk inside the area of the detention centre. At night, these persons are locked in their cells. In a few cases, reporting obligations are applied as an alternative to detention.<sup>189</sup>

Cases where vulnerable groups were detained are not known.<sup>190</sup> No children have been detained in Germany since 2014.<sup>191</sup>

### **4.6. Responses in law, policy and/or practice**

On 25 February, the German Bundestag adopted the "asylum package II".

It provides for the establishment of special accommodation centres and a fast track procedure for persons whose asylum applications are "manifestly ill-founded" (e.g. persons from safe countries of origin). The asylum procedure for those persons

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<sup>185</sup> *Ibid.*

<sup>186</sup> Federal Association for Unaccompanied Minor Refugees.

<sup>187</sup> *Ibid.*

<sup>188</sup> *Ibid.*

<sup>189</sup> Jesuit Refugee Service.

<sup>190</sup> *Ibid.*

<sup>191</sup> *Ibid.*

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 only be granted with the admission to the responsible special accommodation centre. Violations of the residence obligation will result in benefits being halted.

Moreover, the 'asylum package II' intends to suspend the applications for the reunification of family members submitted by people granted subsidiary protection for two years. In general, this also applies to unaccompanied children although exceptions for humanitarian reasons are foreseen.

Finally, the act aims to implement strict rules regarding the obstacles to deportation due to health reasons.

#### 4.7. Social response to the situation

Islamophobia has increased heavily in Germany. Islam is increasingly seen as a reason for possible misconduct by asylum seekers. Racism is directed against asylum seekers, refugees as well as Muslims who have always been living in Germany.<sup>192</sup>

#### 4.8. Hate crime incidents

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

- 17 arson attacks against reception and accommodation centres,
- 107 "other attacks" against reception and accommodation centres (e.g. damage of property),
- 15 hostile demonstrations against refugees,
- 24 violent attacks directed against asylum seekers (33 injured persons).<sup>193</sup>

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<sup>192</sup> Central Council for Muslims in Germany.

<sup>193</sup> 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*);
- 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

During the month of February 2016, arrival figures immediately rose as weather conditions improved.<sup>194</sup> Some 56,000 persons arrived in Greece by sea, including about 18,100 children,<sup>195</sup> most of them are Afghans, Iraqi nationals and Syrians.<sup>196</sup> Lesbos was the main point of entry (with some 31,160 people), followed by Chios, Leros, Samothraki, Kos, Rhodes, Samos, Limnos, Alexandroupoli (land border in Evros), Kalymnos and Symi.

On 17 February, 600 people arrived in Farmakonisi, an uninhabited island with a military base. On the same date, 500 people arrived in Kastelorizo, an island with only 200 inhabitants.<sup>197</sup>

During the reporting period, the First Reception Service registered 951 third-country nationals among the new arrivals, of whom 651 were men, 300 women and 400 children aged between 0 and 17 years. At the same time, the First Reception Service registered 150 unaccompanied children; 135 boys under the age of 12 were among them.

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<sup>194</sup> Hellenic Coast Guard.

<sup>195</sup> *Ibid.*

<sup>196</sup> *Ibid.*

<sup>197</sup> Ministry for Migration Policy.

In total, 457 incidents were reported where the Hellenic Coastguard had to take action, rescuing more than 22,400 persons. The majority of incidents were related to either ungovernable or waterlogged boats.<sup>198</sup>

Since 21 February, in Idomeni, at the border with FYROM, Afghan nationals are not allowed to cross the borders into FYROM. Additionally, the number of people eligible to cross the borders decreased, with less than 200 people crossing the border each day.

## 5.3. Criminal proceedings against migrants and people helping them

### 5.3.1 Criminal proceedings initiated against migrants and asylum seekers

Nothing new to report.

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

In February 2016, the Greek authorities prosecuted 45 cases of suspects allegedly involved in smuggling human beings.<sup>199</sup>

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

### 5.4.1 Registration and identification

From 12 October 2015 to 6 March 2016, over 300 persons have been relocated from Greece, the majority of whom were men, 133 women, including two unaccompanied children. The Asylum Service reported 533 relocation take-charge requests whose confirmation was pending by the destination Member State.<sup>200</sup> The total number of relocation take-charge-requests pending closure amounted to 593 requests during this period, 74 cases of which were rejected. There have been 79 withdrawals<sup>201</sup> and 74 resignations. The Member States concerned by these requests are Bulgaria, Cyprus, the Czech Republic, Estonia, Finland, France, Germany, Ireland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania and Sweden. The total number of requests amounts to almost 2,000 requests.

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<sup>198</sup> Hellenic Coast Guard.

<sup>199</sup> *Ibid.*

<sup>200</sup> Relocation cases that have been completed for specific reasons (transferred, withdrawal, examination by the Greek Asylum Service, family reasons, medical reasons, death of applicant, return to country of origin, resignations, other reasons).

<sup>201</sup> The prospective applicant for relocation could not be traced to the notification of the acceptance decision by the State party relocation.

Registration is conducted by using EURODAC machines at all entry points.<sup>202</sup> The registration time depends on the number of daily arrivals, taking one to two days on average.

Hotspots in Lesbos and Chios can register up to 1,500 people a day.<sup>203</sup> Some backlog occurred in Chios and Lesbos during the reporting period due to the high number of arrivals.<sup>204</sup>

#### **5.4.2 Asylum procedure**

There were around 1,500 asylum applications in February,<sup>205</sup> including 70 unaccompanied children. A large majority of the applicants were men (over 1,000).

The main region of registration was Attica (around 900 persons), followed by Lesbos (around 200), Thessaloniki (around 120), South and North Evros (around 90), Rhodes (around 60), Amygdaleza (around 30), Patra (14), Samos (around 50) and Chios (4).<sup>206</sup> Most of the applicants are aged between 18 and 34 years. The main countries of origin were Syria, followed by Pakistan and Afghanistan.<sup>207</sup>

#### **5.4.3 Return procedure**

IOM conducted visits to open centres hosting migrants in and around Athens to inform migrants about the assisted voluntary return (AVR) service, counsel them on the procedure, and register those who wish to enrol in the programme.

IOM provides information sessions on voluntary returns at Idomeni, in pre-removal centres, on the islands and in temporary shelters across the mainland. IOM also distributes information flyers on AVR in the regions of Ioannina, Corinth, Crete and Thessaloniki.<sup>208</sup>

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

#### **5.5.1 Reception conditions and capacity**

On 13 February 2016, the hotspot in Chios started operating. It has the capacity to host up to 1,000 people.<sup>209</sup> On 16 February, Panos Kammenos, the Minister of Defence, announced at a press conference that four out of five hotspots are ready to host refugees.<sup>210</sup>

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<sup>202</sup> Ministry for Migration Policy.

<sup>203</sup> NGO PRAKIS.

<sup>204</sup> *Ibid.*

<sup>205</sup> Asylum Service.

<sup>206</sup> The Asylum Service did not provide information on whether they were new arrivals.

<sup>207</sup> Asylum Service. The Asylum Service provided the recognition rate statistics, based on data from decisions (at first instance) until 31 December 2015.

<sup>208</sup> IOM Athens.

<sup>209</sup> Ministry for Migration Policy.

<sup>210</sup> *Ibid.*

The works for the expansion of the hotspot capacity in Lesvos are ongoing. By the end of February 2016, the hotspots in all sea locations except in Kos were up and running.<sup>211</sup>

The informal sites that were established on the islands (Samos, Chios and Leros) are still in use.<sup>212</sup>

On the mainland, the Ministry for Migration Policy established two camps in the Schisto area, which are close to Piraeus, and in the Diavata area which is close to Thessaloniki. Each camp has the capacity to accommodate 2,000 people.<sup>213</sup>

In Idomeni, the border crossing restrictions by FYROM, in force since 21 February 2016, led to overcrowdings in the temporary shelter with more than 6,000 people stranded in the area at the end of the month.<sup>214</sup>

UNHCR set up 50 family tents and two rub halls as temporary shelters at the EKO gas station in Polykastro for the people waiting to reach Idomeni at the border with FYROM.<sup>215</sup> MSF also set up 11 rub halls and placed 30 toilets at the EKO gas station in Polykastro.<sup>216</sup>

Due to a strike organised by farmers, many roads were blocked and people could not proceed towards Idomeni. As a result, the accommodation facilities in the Attica region and in the port of Piraeus were overcrowded for several days.<sup>217</sup>

The total number of beds available for asylum seekers in accommodation facilities on the mainland is 593 places, which were all occupied in February. In addition, there is a large number of pending applications for accommodation that cannot be addressed due to a capacity lack.<sup>218</sup>

Food in the hotspots is provided by the armed forces. Volunteers are allowed to provide dry food. In Idomeni, the provision of food is conducted by MSF and volunteers. In Diavata, the food is provided by the Hellenic Red Cross and MdM.<sup>219</sup>

### **5.5.2 Vulnerable persons**

On all islands and in Idomeni, UNHCR continued to identify and refer people with specific needs and medical cases to different services, including cancer and disability cases, unaccompanied and separated children, and sexual and gender-based violence survivors.<sup>220</sup>

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<sup>211</sup> *Ibid.*

<sup>212</sup> NGO PRAKSIS.

<sup>213</sup> Ministry for Migration Policy.

<sup>214</sup> Ministry for Migration Policy.

<sup>215</sup> UNHCR Greece.

<sup>216</sup> NGO PRAKSIS.

<sup>217</sup> *Ibid.*

<sup>218</sup> Ministry for Migration Policy.

<sup>219</sup> NGO PRAKSIS.

<sup>220</sup> Ministry for Migration Policy.



### 5.5.3 Child protection

In Chios, there was no special residence area for unaccompanied children. As a result, children were detained at police headquarters, in places used as rest houses for police officers.<sup>221</sup>

The Ministry for Migration Policy has submitted a draft law, which, inter alia, establishes an Unaccompanied Minors Protection Department responsible for the study, design and monitoring of the implementation of policies for the reception and social protection of unaccompanied children.<sup>222</sup>

Unaccompanied children are held in Idomeni's police station until they are transferred to accommodation facilities.<sup>223</sup>

Children are kept in police custody before being transferred to open reception facilities on the mainland. In case relatives or next of kin are not identified as caregivers, unaccompanied children are registered, referred to the Prosecutor and placed in existing reception facilities around Greece.<sup>224</sup> The prosecutor should take all appropriate actions in order for a guardian to be appointed. In practice, however, the competent local prosecutors – acting as temporary guardians according to the law – do not come into contact with the child or are not updated on its case after it has been placed in accommodation facilities.<sup>225</sup> A draft Ministerial Decision is being prepared regarding the revision of the guardianship system.<sup>226</sup>

The procedure for appointing a guardian delays the transfer to adequate child protection facilities around Greece. Therefore, many children stay temporarily in the reception facility in Moria, which is not equipped for a long term stay. In other entry points, the authorities have established separate containers for the accommodation of children.<sup>227</sup>

In addition, there are delays with medical examinations, a procedure that has to be completed before the referral. Problems arise concerning the organisation of appointments for medical examinations at hospitals.<sup>228</sup>

The two transit facilities of NGO PRAKSIS and METAction for unaccompanied children in Lesvos that can accommodate up to 60 children are currently operating at full capacity.<sup>229</sup>

Three new transit facilities are going to be established in Samos and Chios for unaccompanied children, in order to avoid detention. NGO PRAKSIS will operate the facilities in Samos and Chios and METAction will operate the one in Chios.<sup>230</sup>

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<sup>221</sup> NGO PRAKSIS.

<sup>222</sup> Ministry for Migration Policy.

<sup>223</sup> MDM Greece.

<sup>224</sup> Ministry for Migration Policy.

<sup>225</sup> *Ibid.*

<sup>226</sup> Ministry for Migration Policy.

<sup>227</sup> NGO PRAKSIS.

<sup>228</sup> *Ibid.*

<sup>229</sup> *Ibid.*

<sup>230</sup> *Ibid.*

The NGO METAction conducts all the transfers of unaccompanied children from the entry points to the accommodation facilities on the mainland, except for those conducted by the NGO PRAKSIS to its own reception facilities.<sup>231</sup>

The existing bed spaces for unaccompanied children on the mainland are 423. All reception facilities were full during the reporting period and many children had to wait in detention facilities until their transfer.<sup>232</sup>

The rate of absconding from reception facilities is currently reduced in comparison with previous months, when children absconded within a day from their referral. Children tend to stay on average for a period of 20 days before leaving the reception centres.<sup>233</sup>

On 16 February 2016, the Ministry of Health issued a Ministerial Decision on the age assessment of children seeking asylum.<sup>234</sup> At any stage before the Asylum Service, if the competent employee has doubts about the age of a person requesting international protection, s/he informs the Head of the Regional Asylum Office (PGA), substantiating the doubts on the age of the applicant. The applicant can then be referred to a competent structure of the public health system or a body supervised by the Ministry of Health in order to be assessed by a paediatrician, a psychologist and a social worker working there.<sup>235</sup>

#### 5.5.4 Healthcare

In Idomeni, people tackled a range of diseases. The number of traumatised people increased, also due to violence.<sup>236</sup>

The Ministry of Health is in the process of ensuring access to health services for persons without legal residence documents. Currently, only asylum seekers and recognised refugees are entitled to full health coverage, while other categories of aliens without legal documents are entitled only to emergency health coverage. Under Law 4368/2016 "Measures to speed up government work and other provisions", specific groups of people falling under the protective provisions of the new law (pregnant women, children, people with chronic medical conditions etc.) will be entitled to all primary and secondary care benefits. The measure will be implemented by public health facilities, where they will receive a certification of their status and a healthcare card, valid for six months with the possibility of being renewed.<sup>237</sup>

MdM Greece started to provide health services on ferries transferring people from the islands to mainland Greece. During February 2016, MdM Greece made around 1,300 health consultations, the majority of which concerned children, including infants.<sup>238</sup>

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<sup>231</sup> NGO PRAKSIS.

<sup>232</sup> *Ibid.*

<sup>233</sup> *Ibid.*

<sup>234</sup> ΦΕΚ 335/Β/16-02-2016: <http://goo.gl/6aVhJF>.

<sup>235</sup> Ministry of Health.

<sup>236</sup> MDM Greece.

<sup>237</sup> Ministry of Health.

<sup>238</sup> MDM Greece.

### 5.5.5 Immigration detention

The current capacity of pre-removal centres in Greece is 5,099. On 29 February 2016, the total number of detainees was 962 people, 101 of whom were asylum seekers. The total capacity for all pre-removal centres, screening centres and the First Reception Centre (Orestiada) is 5,856. On 29 February 2016, the total number of detainees was 1,640 people, which means a 28 % occupancy rate.

Provision of food is currently limited and is covered mainly by the Armed Forces or through other *ad hoc* solutions.<sup>239</sup>

## 5.6. Responses in law, policy and/or practice

On 22 February 2016, a group of Afghans protested in Idomeni against not being allowed to cross the border by blocking the railway lines. On 23 February 2016, the Greek police ran an operation to remove Afghans from the railway lines. Approximately 1,200 Afghans were returned by buses to Athens. The border opened again and Syrians and Iraqis were allowed to cross, but at a much slower pace than previously, with only 100-200 individuals allowed to cross every day.

The Ministry of Migration Policy called on all active actors in Idomeni to attend an emergency operational coordination meeting regarding the operation of the new relocation centre in Diavata, in the area of Thessaloniki. The Ministry asked international organisations and NGOs to contribute to the optimal operation of the centre. The police was delaying the buses until the situation at the border became less crowded. Some migrants left their buses and started walking to Idomeni without realising the distance. This resulted in several instances of migrants being stranded, fatigued and approached by smugglers.<sup>240</sup>

## 5.7. Social response to the situation

The United Nations High Commissioner for Refugees, Filippo Grandi, visited Greece on 23-24 February. The High Commissioner visited Lesbos with the Alternate Minister of Migration Policy, Yiannis Mouzalas, and expressed his gratitude to Lesbos' residents and volunteers. He also confirmed UNHCR's constant support. The High Commissioner warned that border closures by EU Member States would cause "further chaos and confusion" and would increase the burden on Greece "which is already shouldering a very big responsibility". At a press conference in Athens, he highlighted the need to expand legal pathways and increase solidarity across Europe in addressing the refugee crisis.<sup>241</sup>

On 2 February, a protest took place outside the embassy of Denmark in Athens. The key demand was the withdrawal of the law for the confiscation of valuables which was recently adopted by Denmark and which provides restrictive measures for asylum seekers in Denmark.<sup>242</sup>

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<sup>239</sup> NGO PRAKSIS.

<sup>240</sup> IOM Athens.

<sup>241</sup> Europe's Refugee Emergency Response Update #24.

<sup>242</sup> Ministry for Migration Policy.

On 27 February, a protest took place outside the embassy of Austria in Athens against the Austrian government's decision to close its borders.<sup>243</sup>

## 5.8. Hate crime incidents

The Racist Violence Recording Network (RVRN) has not recorded any incidents of racially motivated violence and hate crime, or any other related incident in the past month.<sup>244</sup>

In Kos, there have been clashes between the police and locals over the setup of a new hotspot centre.<sup>245</sup>

In Diavata, the local population tried to stop the works taking place at the area of a former military base. The protestors brought down the fence and the riot police had to intervene and stop them.<sup>246</sup>

MDM-Greece recorded incidents in Idomeni concerning third-country nationals that were abused by FYROM's authorities when they attempted to enter the country without authorisation.<sup>247</sup>

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<sup>243</sup> *Ibid.*

<sup>244</sup> Racist Violence Recording Network.

<sup>245</sup> Ministry for Migration Policy.

<sup>246</sup> *Ibid.*

<sup>247</sup> MDM Greece.

## 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*);
- Károlyi István Children's Centre in Fót (*Károlyi István Gyermekközpont Fót*);
- 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

February proved to be the busiest month in Hungary since 17 October 2015 – the day when the fences were set up along the Hungarian-Croatian borders. While the number of new arrivals in January 2016 was around 650 persons, almost 2,400 persons crossed the border into Hungary in February.<sup>248</sup> The number of new arrivals started to increase in the second half of February. While in January, fewer than 10 people crossed the border on an average day, on 21 February 2016, around 240 people arrived.<sup>249</sup> The authorities believe that the changing border policies of the Balkan states and the arrival of spring played an important role in this increase.<sup>250</sup> Most of the new arrivals crossed the borders with Serbia. There was a slight increase in the number of people who crossed the borders with Romania.<sup>251</sup> Of the nearly 2,400 new arrivals, 95 % were men and 5 % women. There were 65 persons under the age of 18 years, of whom 20 were registered as unaccompanied children.<sup>252</sup> Most of the new arrivals came from Pakistan, Morocco, Afghanistan and Algeria. Among the new arrivals, the ratio of those coming from

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<sup>248</sup> National Police Headquarters.

<sup>249</sup> *Ibid.*

<sup>250</sup> Ministry of Internal Affairs.

<sup>251</sup> National Police Headquarters.

<sup>252</sup> National Police Headquarters.

African countries (such as Algeria, Congo, Libya, Morocco, Somalia and Tunisia) increased in February.<sup>253</sup>

Concerning asylum applications, almost 2,200 people applied for asylum during the reporting period.<sup>254</sup> Asylum seekers were mainly from Pakistan (around 600 persons), Morocco (around 400), Afghanistan (around 200), Algeria (around 200), Iran (around 100), Syria (around 100) and Somalia (80).<sup>255</sup>

Some of the new claims submitted in the reporting period were not from new arrivals. Many people who received an entry-ban order after committing the crime of unauthorised border fence crossing, also filed claims for asylum. This may be to avoid deportation, as applicants cannot be expelled from the country during the asylum procedure. In total, 1,277 persons (out of 2,178 asylum seekers) applied for asylum in a police procedure.<sup>256</sup>

The Office of Immigration and Nationality made 68 positive decisions (accepting the asylum claims) and 206 negative decisions (rejecting the claims) in February. In over 7,300 cases the Office terminated the process, as the applicants had left the country.<sup>257</sup>

## 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 2,400 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 borders. Criminal proceedings were initiated by the police against around 1,200 of them in February.<sup>258</sup> It seems that more and more people fear that Europe will close its borders completely. Hence, many of them are willing to take the risk of crossing the fences and committing crimes in order to get to the European Union as soon as they can.<sup>259</sup> Everyone admitted that they had committed the crime of unauthorised border fence crossing, therefore investigation did not take long and their cases were processed quickly. Most of the defendants were taken into custody and waited for trial in custody.<sup>260</sup>

The District Court of Szeged (*Szegedi Járásbíróság*) held 775 criminal trials in the reporting period. 771 people were sentenced to expulsion. Defendants originated mainly from Pakistan, Morocco, Iran, Somalia and Syria. 560 people received a

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<sup>253</sup> *Ibid.*

<sup>254</sup> Office of Immigration and Nationality.

<sup>255</sup> *Ibid.*

<sup>256</sup> National Police Headquarters.

<sup>257</sup> Office of Immigration and Nationality.

<sup>258</sup> The provision of unauthorised border crossing as offence is set out in Article 352/A of Act C of 2012 on the Criminal Code, available at: [njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=152383.297990#foot\\_121\\_place](http://njt.hu/cgi_bin/njt_doc.cgi?docid=152383.297990#foot_121_place). The provision was introduced in the Criminal Code by Act CXL of 2015 on the amendment of certain laws as a result of the migrant situation, available at: [njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=177552.298006](http://njt.hu/cgi_bin/njt_doc.cgi?docid=177552.298006). Act CXL of 2015 entered into force on 15 September 2015.

<sup>259</sup> National Police Headquarters.

<sup>260</sup> General Attorney's Office.

one-year entry ban; 186 a two-year entry ban; and six persons a three-year entry ban. In 17 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 – they had been found guilty of unauthorised border crossing earlier and were reoffenders. The court imposed probation on one 18-year-old perpetrator and reprimanded another juvenile without ordering their expulsion. There was only one defendant who had been found guilty of committing the crime of damaging border fences.<sup>261</sup> All of the defendants made a statement straight after the verdict that they would waive their right to appeal. The prosecutor appealed in one case, asking for imprisonment without suspension against one defendant. None of the defendants requested the translation of the court’s verdict in writing.<sup>262</sup>

During the reporting period, the police initiated criminal procedures against 29 people (some of them were new arrivals, whereas others had arrived earlier in 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.<sup>263</sup>

On 17 February, a 22-year-old Algerian national, who was in alien police detention in Kiskunhalas, attacked one of the guards after having a disagreement with him. The defendant punched the guard in the chest. The prosecutor pressed charges against the Algerian national, and the District Court of Kiskunhalas (*Kiskunhalasi Járásbíróság*) sentenced the defendant to suspended imprisonment for two years along with a two-year entry ban. The defendant did not appeal against the decision.<sup>264</sup>

The prosecutor pressed charges against 10 people in relation to the riot they had committed in the Nagyfa alien police detention centre on 23 October 2015. According to the indictment, the 10 defendants were in alien police detention for weeks as the court had sentenced them to expulsion before. On the morning of 23 October 2015, eight defendants barricaded the cell door with their beds. They told the guards that they wanted to leave freely and they wanted to get some assurance that their situation would be resolved soon. They refused to take food and warned the guards that they were capable of committing suicide. The riot soon got followers in the adjacent cells, and two other defendants broke the windows of their cells and damaged the heating system. The riot ended around 23.00 CET when the defendants gave up the barricade. The County Court of Szeged will trial the case.<sup>265</sup>

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<sup>261</sup> 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](http://njt.hu/cgi_bin/njt_doc.cgi?docid=152383.297990#foot_121_place). The provision was introduced in the Criminal Code by Act CXL of 2015 on the amendment of certain laws as a result of the migrant situation, available at: [njt.hu/cgi\\_bin/njt\\_doc.cgi?docid=177552.298006](http://njt.hu/cgi_bin/njt_doc.cgi?docid=177552.298006). Act CXL of 2015 entered into force on 15 September 2015.

<sup>262</sup> County Court of Szeged.

<sup>263</sup> National Police Headquarters.

<sup>264</sup> An official was attacked again in Kiskunhalas, available at: <http://ugyesszeg.hu/wp-content/uploads/sajto1/2016/02/2016.02.19-bacs2.pdf>.

<sup>265</sup> Pressing charges against the rioters in Nagyfa, available at: <http://mklu.hu/?p=26954>.

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

During the reporting period, the police apprehended and initiated new criminal procedures against 16 men who were accused of committing the crime of human trafficking and smuggling.<sup>266</sup> The prosecutor pressed charges against 10 perpetrators (mostly Romanian, Serbian and Hungarian nationals) accusing them of committing the crime of human trafficking and smuggling. The court ordered pre-trial detention of the defendants in all cases.<sup>267</sup>

One case got particular attention in the media. According to the indictment, the police spotted and wanted to check the papers of a convoy of three cars in Bács-Kiskun County on 19 February 2016. The drivers refused to obey and drove away from the scene. The police set up a cordon close to the city of Domaszék to force the convoy to stop. The drivers, however, did not stop or slow down, and drove through the cordon. The policemen shot at the convoy. Two bullets damaged the engine of one of the cars. The convoy continued on to the freeway where the chase continued. Later, the damage forced one car to stop, so the police could apprehend the Serbian driver and five Moroccan nationals. The court ordered the pre-trial detention of the Serbian national.<sup>268</sup>

During the reporting period, the authorities did not register cases of individuals or associations facilitating the irregular entry or stay of asylum seekers without profit.<sup>269</sup>

## **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 in only a few cases. In case of resistance or objection, the authorities could successfully solve the conflict when they provided information about the purpose and the legal background of the fingerprinting and registration.<sup>270</sup>

In the transit zones of Röszke and Tompa (Serbian borders), the authorities systematically interview new arrivals in order to identify vulnerable groups (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.<sup>271</sup>

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<sup>266</sup> National Police Headquarters.

<sup>267</sup> General Attorney's Office.

<sup>268</sup> The Serbian human smuggler who drove through the police cordon is in pre-trial detention, available at: <http://mkl.uhu/?p=26973>.

<sup>269</sup> National Police Headquarters.

<sup>270</sup> National Police Headquarters.

<sup>271</sup> *Ibid.*



When the police interview and check the documents of a group of new arrivals and suspect that there may be a child in the group, they first question the group with the help of an interpreter in order to identify family relations. In case the documents prove or the child claims that he/she is more than 14 years old, the police check his/her fingerprints and search the available criminal and immigration databases. In case they cannot identify an adult who is responsible for the child, the police registers him/her as an unaccompanied child.<sup>272</sup> If the person claims that he/she is a child at a later stage of the procedure (e.g. when submitting the application for asylum), the immigration authority orders the medical examination of the person. The medical expert may also use pelvis and teeth x-rays in order to carry out the age assessment. In case the immigration authority has doubts about the age of the person, it orders the medical examination also if the person would like to be treated as an adult.<sup>273</sup> The medical expert provides an estimate on whether the child is under or over 18 years old. In case the expert estimates that the age of the person is most likely around 18-19 years, the immigration authority treats the person as a child. After identifying the unaccompanied child, the Office of Immigration and Nationality accommodates the child in a children's home, and forwards this decision to the guardianship authority (*gyámhatóság*) and the regional childcare protection services. The guardianship authority has an obligation to find a guardian for the unaccompanied child in eight days. In case the guardian feels it is necessary, he/she may also turn to organisations that provide legal assistance in order to help the child in any legal procedure (asylum procedure, criminal procedure, etc.). The guardian is obliged to keep daily contact with the child.<sup>274</sup> In order to provide better information to children, the Ministry of Human Capacities (*Emberi Erőforrások Minisztériuma*) plans to make a picture leaflet about the procedure the authorities follow while dealing with unaccompanied children. This leaflet will be used by the police during the initial interviews.<sup>275</sup>

The authorities respect the requests of new arrivals to reunite them with their families in case other family members arrived earlier and are still in the country. The Office of Immigration and Nationality and the police try to accommodate families together in the same reception centre or detention facility.<sup>276</sup> 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 the women and children in the same family.<sup>277</sup>

#### **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.<sup>278</sup>

While the transit zones along the Hungarian-Serbian borderline (Röszke and Tompa) also accept asylum claims, it is practically impossible to get protection status there. UNHCR reported that on 21 February 2016, the Tompa transit zone

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<sup>272</sup> *Ibid.*

<sup>273</sup> Office of Immigration and Nationality.

<sup>274</sup> Office of Immigration and Nationality.

<sup>275</sup> Ministry of Human Capacities.

<sup>276</sup> National Police Headquarters.

<sup>277</sup> Hungarian Helsinki Committee.

<sup>278</sup> UNHCR Hungary.

admitted 51 persons, the majority of them were Afghan and Iranian nationals in addition to two Syrian families. Among these arrivals, there were pregnant women and children. They reported that they belonged to a larger group of around 500 persons that the Serbian police forced to leave Serbia. They were brought to the border area from where they had to walk on their own to the Tompa transit zone on an eight-hour long journey. The authorities only admitted those who had agreed to apply for asylum in Hungary. The Office of Immigration and Nationality interviewed them and rejected their claims based on the safe third country rule.<sup>279</sup>

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. In the reporting period, however, the Hungarian Helsinki Committee and UNHCR Hungary could still successfully counsel around 90 asylum seekers to challenge the negative decisions of the Office of Immigration and Nationality in court.<sup>280</sup>

During the reporting period, 87 people filed claims for judicial review before the Administrative and Labour Court of Szeged (*Szegedi Közigazgatási és Munkaügyi Bíróság*) against the decisions of the Office of Immigration and Nationality rejecting their asylum applications. In 11 of these cases, the court rejected the review claims and upheld the office's decisions. In 55 cases the court repealed the office's decisions and sent the cases back to the Office of Immigration and Nationality to check the facts more precisely and not to automatically apply the safe third country rule. 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 of Immigration and Nationality to individualise the procedures and explore the circumstances of each claimant. In five cases, the court had to terminate the process as the claimants had left the country. All other review claims have not yet been decided.<sup>281</sup>

### 6.4.3 Return procedure

In the reporting period, many of the new arrivals arrived through the borders with Serbia.<sup>282</sup> As Serbia still readmits only its own nationals, most other people stay in immigration detention waiting for the execution of the expulsion order for an undefined period of time.<sup>283</sup> In the reporting period, 291 people were expelled. Statistics about the target countries are only available when the Hungarian Police executed the expulsion process in order to execute the court's entry-ban orders. In February, the police executed the expulsion of 102 persons to the following countries: Ukraine (33), Romania (31), Serbia (16), Kosovo (13), Austria (five), Moldova (two), Bulgaria (one) and Russia (one). The readmitted people were nationals of these countries.<sup>284</sup>

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<sup>279</sup> *Ibid.*

<sup>280</sup> Hungarian Helsinki Committee.

<sup>281</sup> County Court of Szeged.

<sup>282</sup> National Police Headquarters.

<sup>283</sup> Hungarian Helsinki Committee. UNHCR Hungary.

<sup>284</sup> 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.<sup>285</sup>

The transit zones along the Croatian borders (Letenye and Beremend) did not host any refugees or asylum seekers in the reporting period, while – especially in the second half of February – the transit zones along the Serbian borders (Röszke and Tompa) were busy hosting around 50 refugees or asylum seekers a day.<sup>286</sup> For the first time in 2016, people sought asylum in these transit zones. The daily presence of UNHCR was essential to ensure the provision of basic needs in Tompa (as the facility was still not functional) and to inform the asylum seekers about the asylum procedures and their right to appeal against the rejection decision.<sup>287</sup>

The practice of the transit zones was that they only admitted and accommodated those who accepted to apply for asylum in Hungary. In case they did not do so, they had to return to Serbia. UNHCR reported that on 21 February 2016 the transit zone of Röszke admitted 46 men (most of them were from Pakistan, Morocco and Palestine); however, because none of them accepted to apply for asylum, they were returned to Serbia.<sup>288</sup>

In the open reception centres of Vámoszabadi, Bicske and Nagyfa the reception conditions were adequate, and asylum seekers had access to proper food, potable water and heating.<sup>289</sup> UNHCR visited the open reception centre in Nagyfa on 1 February 2016. It found that while asylum seekers were generally satisfied with the treatment and services provided, they complained about the lack of communication tools (wireless internet, pay phones) to communicate with their families. It is a problem especially because the open reception centre is 20 km away from the nearest city. While the Office of Immigration and Nationality operated a shuttle service to the city of Szeged three days a week, asylum seekers did not find it sufficient, as they could only use the shuttle after they had received their humanitarian residence permit. The head of the reception centre agreed to make the shuttle more frequent (four days a week), and to discuss the possibility of free internet access with the internet service provider.<sup>290</sup>

New temporary reception centres are expected to open in Körmend and Szentgotthárd (in the western part of the country close to the Austrian border) in March, given the growing number of new arrivals. These centres would be able to accommodate another 300-500 persons.<sup>291</sup>

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<sup>285</sup> Office of Immigration and Nationality.

<sup>286</sup> Hungarian Helsinki Committee.

<sup>287</sup> UNHCR Hungary.

<sup>288</sup> *Ibid.*

<sup>289</sup> Office of Immigration and Nationality.

<sup>290</sup> Hungarian Association for Migrants, Hungarian Helsinki Committee.

<sup>291</sup> A reception centre is being built in Körmend, available at: [http://index.hu/belfold/2016/02/29/menekultlabor\\_nagyfa\\_bezaratas/](http://index.hu/belfold/2016/02/29/menekultlabor_nagyfa_bezaratas/).

The Office of Immigration and Nationality ordered asylum detention against 271 persons in the reporting period.<sup>292</sup> The Office of Immigration and Nationality may order asylum detention in order to ensure the applicant does not leave Hungary during the asylum procedure.<sup>293</sup> Civil society organisations regularly visit the asylum detention facilities. UNHCR conducted a monitoring visit to the Békéscsaba asylum detention centre on 15-16 February 2016. They found that the facility accommodated its maximum capacity of 185 persons. The representatives of UNHCR organised information sharing sessions on issues of interest to the asylum seekers (e.g. procedural rights and obligations, legal aid). These sessions were followed by individual counselling interviews where cases in need of medical assistance, psycho-social counselling, age assessment and legal aid were identified. These cases were referred to the head and staff of the detention facility. UNHCR shared its experience with the head of the detention centre and highlighted how important it was to ensure a safe and peaceful environment, free of verbal and physical abuse.<sup>294</sup> Civil society organisations find that medical assistance provided at asylum detention facilities is still poor as people can only get access to very basic medical care.<sup>295</sup>

There have been allegations of mistreatment against asylum seekers in the asylum detention facility of Békéscsaba. One asylum seeker stated that a guard physically abused him. UNHCR assisted the detained person to file an official complaint to initiate the investigation process. Investigation in the case is ongoing.<sup>296</sup>

Alien police detention was ordered by both the Office of Immigration and Nationality and the Police, against 144 and 130 people, respectively. Alien police detention is ordered in cases where a person is about to be deported. This happens when the Office of Immigration and Nationality, or the court, expels somebody.<sup>297</sup> On 29 February 2016, 109 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.<sup>298</sup> 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 people) happen quite often.<sup>299</sup> 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, and detained people do not get proper information about the length of readmission procedures. The lack of information often leads to frustration and psychological exhaustion of the detained people.<sup>300</sup> UNHCR visited the alien police detention centre in Kiskunhalas on 2 February 2016, and found that the time spent

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<sup>292</sup> Office of Immigration and Nationality.

<sup>293</sup> Article 31/A of Act LXXX of 1997 on the right to asylum, available at: [http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=A0700080.TV](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0700080.TV).

<sup>294</sup> UNHCR Hungary.

<sup>295</sup> UNHCR Hungary. Hungarian Helsinki Committee.

<sup>296</sup> UNHCR Hungary.

<sup>297</sup> Article 54 of Act II of 2007 on the admission and stay of third country nationals, available at: [http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=A0700002.TV](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0700002.TV) (2 February 2016).

<sup>298</sup> National Police Headquarters.

<sup>299</sup> Hungarian Helsinki Committee.

<sup>300</sup> UNHCR Hungary.

by detained people outside was insufficient: 10-15 minutes instead of the one hour per day as is stated by the law.<sup>301</sup>

### 6.5.2 Vulnerable persons

In the transit zones of Röszke and Tompa along the Serbian borders, the Hungarian authorities reported that they systematically identified vulnerable persons among the new arrivals and they granted priority access to the transit zones to children, pregnant women, families and people with disabilities.<sup>302</sup> Still, UNHCR reported that on 21 February 2016, the Tompa transit zone admitted 51 persons, among them pregnant women and children. The authorities were only willing to admit those who had agreed to apply for asylum in Hungary. Then, the Office of Immigration and Nationality interviewed them and rejected their claims based on the safe third country rule in an extraordinarily fast procedure.<sup>303</sup>

In case the person who committed the crime of unauthorised border fence crossing is a woman or a child (under the age of 18 years), alien police detention is executed in a detention facility of the Office of Immigration and Nationality, and not in one of the penal institutions in the country.<sup>304</sup> When UNHCR visited the alien police detention facility in Kiskunhalas on 2 February 2016, it found that the centre accommodated families with children and other vulnerable groups (such as persons with disabilities), without sufficiently accommodating their special needs (such as psycho-social counselling, educational and child-friendly space).<sup>305</sup>

Several civil society organisations provide counselling and psychiatric care to the victims of human smuggling and trafficking, and the authorities systematically notify these organisations about such cases.<sup>306</sup>

### 6.5.3 Child protection

Transit zones are typically not equipped with special containers to provide a child-friendly space.<sup>307</sup> In the refugee camps (open facilities) social workers are available and assist children. There are child-friendly spaces in all refugee camps in Hungary.<sup>308</sup>

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 about 25 children on an average day, which corresponds to about a third of their total capacity (88 beds).<sup>309</sup> Fluctuation remains very high in the children's homes as most of the children (90 %-95 %) leave after spending one to three days in these institutions. The majority of the unaccompanied children are boys aged over

<sup>301</sup> *Ibid.*

<sup>302</sup> Hungarian Police Headquarters.

<sup>303</sup> UNHCR Hungary.

<sup>304</sup> Ministry of Internal Affairs.

<sup>305</sup> UNHCR Hungary.

<sup>306</sup> Hungarian Helsinki Committee.

<sup>307</sup> *Ibid.*

<sup>308</sup> Office of Immigration and Nationality.

<sup>309</sup> Ministry of Human Capacities.

14 years.<sup>310</sup> Children's homes organise educational and community activities for the children, and they make sure that the child gets education that suits his/her age while they also offer group activities.<sup>311</sup>

While the number of such incidents decreased significantly, civil society organisations occasionally identify underage asylum seekers in detention facilities.<sup>312</sup> Their experiences, however, is that the authorities are very cooperative in these situations, and they immediately order the medical examination and interview of the person. Until the medical expert confirms the person's age, they treat him/her as an adult.<sup>313</sup>

The guardianship authority orders a guardian for every unaccompanied child in eight days after the immigration authority notifies it about the accommodation of the child in a children's home. The guardian's consent is not needed to file a claim for asylum, so the child can do it on his/her own. The statistics show that 95 % of the underage claimants are older than 14 years, so they enjoy limited legal capacity granted by the law that allows them to submit an asylum application on their own.<sup>314</sup>

#### **6.5.4 Healthcare**

In the open reception centres (refugee camps) the healthcare provided to people is satisfactory. There were no complaints about the availability and professionalism of healthcare services and medication. Even the most serious medical conditions were treated properly, either on site or in the city hospitals nearby. Civil society organisations, however, found that most of the closed detention facilities of the Office of Immigration and Nationality and the alien police detention facilities could only provide very basic medical care to the detained people (including children). Detention clinics could not provide professional medical assistance to those with more serious medical conditions, and medical assistance was typically slow.<sup>315</sup>

#### **6.5.5 Immigration detention**

In the reporting period, the police placed 109 people in alien police detention.<sup>316</sup> Around 560 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 information often results in misunderstandings and frustration.<sup>317</sup> As the readmission procedures are still slow, tensions remain high in the detention centres and penal institutions due to the uncertain date of the readmission.<sup>318</sup>

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<sup>310</sup> *Ibid.*

<sup>311</sup> Károly István Children's Centre in Fót.

<sup>312</sup> UNHCR Hungary.

<sup>313</sup> Hungarian Helsinki Committee.

<sup>314</sup> Office of Immigration and Nationality.

<sup>315</sup> Hungarian Helsinki Committee.

<sup>316</sup> National Police Headquarters.

<sup>317</sup> UNHCR Hungary.

<sup>318</sup> Hungarian Helsinki Committee.

## 6.6. Responses in law, policy and/or practice

On 11 February 2016, the Hungarian Government stated that the fences at the Serbian and Croatian borderlines would not keep a mass of migrants out of the country. The present technical and human infrastructure would not be enough to withhold a flow of migrants in case they started to come in large numbers again. As the fences along the Serbian borderline are damaged at multiple points (the people smugglers and irregular migrants cut through the fences), the government ordered more policemen and military personnel to guard the fence. Starting from 24 February 2016, the Hungarian Army assists the border patrol with air surveillance from helicopters along the southern borders.<sup>319</sup> The prime minister also announced that they had already started to obtain supplies for establishing new fences, probably along the Romanian-Hungarian borderline.<sup>320</sup>

On 24 February 2016, the Prime Minister of Hungary announced that the government will initiate a referendum about the EU's relocation quota scheme. The question for the referendum ("Do you want the European Union to relocate non-Hungarian citizens to Hungary without the approval of the Hungarian Parliament?") was submitted to the National Election Office (*Nemzeti Választási Iroda*) on 24 February 2016, and on 29 February the National Election Committee (*Nemzeti Választási Bizottság*) declared that the question was qualified for a referendum.<sup>321</sup> The idea and the legal base of the referendum are heavily criticised by civil society organisations and lawyers. The focus of the criticisms is that the Fundamental Law of Hungary (*Magyarország Alaptörvénye*)<sup>322</sup> does not allow a referendum to question the international obligations of the country.<sup>323</sup> The Eötvös Károly Institute (*Eötvös Károlyi Intézet*), an institute established in 2003 to provide novel, unconventional framework for shaping democratic public affairs in Hungary, published a statement on its website questioning the legal base and justification of the referendum. This statement emphasises that being a member of the European Union does not allow a Member State to select which decisions of the EU it considers binding and which it does not. The statement concludes that the Hungarian government will most likely use the referendum to gain political advantage and popular votes. The institute also argues that even in case of a referendum, the Hungarian parliament, which should be bound by the result of the referendum, cannot possibly influence the government on how to represent the country in the EU on this matter. Therefore, the referendum is unable to reach its original purpose of providing binding instructions to the parliament.<sup>324</sup>

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<sup>319</sup> Helicopters are in action at the Southern borders, available at: [http://index.hu/belfold/2016/02/24/helikoptereket\\_vet\\_be\\_a\\_deli\\_hataron\\_a\\_honvedseg/](http://index.hu/belfold/2016/02/24/helikoptereket_vet_be_a_deli_hataron_a_honvedseg/).

<sup>320</sup> The government is building new fences, available at: [http://index.hu/belfold/2016/02/11/orban\\_menekultvalsag\\_hatarzar/](http://index.hu/belfold/2016/02/11/orban_menekultvalsag_hatarzar/).

<sup>321</sup> Orbán announced: there will be a referendum about the quota, available at: [http://index.hu/belfold/2016/02/24/orban\\_varatlanul\\_bejelentest\\_tesz\\_a\\_parlamentben/](http://index.hu/belfold/2016/02/24/orban_varatlanul_bejelentest_tesz_a_parlamentben/).

<sup>322</sup> The Fundamental Law of Hungary, available at: [http://net.jogtar.hu/jr/gen/hjegy\\_doc.cgi?docid=A1100425.ATV](http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1100425.ATV).

<sup>323</sup> Serious problems about the government's quota referendum plan, available at: [http://hvg.hu/itthon/20160224\\_kvota\\_nepszavazas\\_kerdes\\_szabalytalansag\\_Nemzeti\\_Valasztasi\\_Bizottsag](http://hvg.hu/itthon/20160224_kvota_nepszavazas_kerdes_szabalytalansag_Nemzeti_Valasztasi_Bizottsag).

<sup>324</sup> Deception in a professional level? – aka the referendum of the Government, available at: <http://www.ekint.org/ekint/ekint.news.page?nodeid=896>.

## 6.7. Social response to the situation

The Hungarian Association for Migrants (*Menedék Migránsokat Segítő Egyesület*) frequently organises programmes and activities for refugee children. On most Saturdays in February, the association took 50-60 children with them to watch movies and visit child-friendly exhibitions. They also often organise sport events and football games for children.<sup>325</sup>

The Hungarian Helsinki Committee presented movies to the public on multiple occasions in February to show the life of refugees and their struggle to get to Europe as a way of promoting understanding and tolerance.<sup>326</sup>

Migration Aid, a voluntary organisation formed in Budapest in June 2015, seemed to be the most active Hungarian NGO outside Hungary in February. It continued many of its aid projects with the help of volunteers and financial donors (SIRIUS-HELP rescue operation to save lives at sea, BALKAN-HELP project to assist asylum seekers while travelling through the Balkans).<sup>327</sup>

## 6.8. Hate crime incidents

There were no attacks and incidents reported against the refugee camps and the transit zones in the reporting period.<sup>328</sup>

The government plans to launch a new campaign to inform Hungarians planning to travel abroad about the potential terrorist threats and the declining standards of public safety in Europe as a result of the migration flow.<sup>329</sup>

The Local Government of Algyő asked the Hungarian government to close the reception centre in Nagyfa. According to the Local Government of Algyő, due to the proximity of the Nagyfa reception centre, more and more refugees are present in the city of Algyő. The city's mayor stated that there were two incidents in February when young male refugees insulted Hungarian girls on buses, creating intolerance among the local population towards refugees.<sup>330</sup>

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<sup>325</sup> Hungarian Association for Migrants.

<sup>326</sup> Hungarian Helsinki Committee.

<sup>327</sup> Migration Aid.

<sup>328</sup> National Police Headquarters.

<sup>329</sup> There is going to be a new campaign about the migration, available at: [http://index.hu/belfold/2016/02/12/fidesz\\_lillafured\\_kosa\\_harrach/](http://index.hu/belfold/2016/02/12/fidesz_lillafured_kosa_harrach/).

<sup>330</sup> A reception centre is being built in Körmen, available at: [http://index.hu/belfold/2016/02/29/menekulttabor\\_nagyfa\\_bezaratas/](http://index.hu/belfold/2016/02/29/menekulttabor_nagyfa_bezaratas/).



## 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);
- Jesuit Refugee Service 'Centro Astalli';
- Community of Sant'Egidio (*Comunità di Sant'Egidio*);
- 'Melting Pot Europa' project;
- Association 'Senza confine';
- NGO 'Borderline Sicilia'.

### 7.2. Overview of the situation

The number of arrivals in the reporting period was approximately 3,800.<sup>331</sup>

On 2 February 2016, around 120 people were rescued by the Italian Navy ship 'Bettica'. On the following day, around 120 people (including eight women and five children) were rescued by the Italian Navy ship 'Vega'.<sup>332</sup> On the same day, the coast guard ship 'Fiorillo' rescued nearly 120 people, and disembarked them in the port of Messina (Sicily). The people rescued at sea came from Sub-Saharan African countries and were received by the staff of the municipality.<sup>333</sup>

On 12 February 2016, around 90 people (including nine women and 30 children) were rescued by the Italian Navy ship 'Borsini'. A day later, they were disembarked in Pozzallo (Sicily).<sup>334</sup>

On 16 February 2016, over 360 people were rescued by the Italian Navy ship 'Fulgosi' in three operations. All of the rescued people were disembarked in Pozzallo the next day.<sup>335</sup> On the same day, nearly 100 people were rescued by a commercial vessel in the framework of an operation coordinated by the Italian Maritime Rescue Coordination Centre (*Centro Nazionale di Coordinamento del Soccorso Marittimo*), headquartered in Rome. They were disembarked in Lampedusa (Sicily) with the assistance of the coast guard.<sup>336</sup>

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<sup>331</sup> Information provided by the Ministry of the Interior.

<sup>332</sup> Information available on the Twitter account of the Italian Navy: <https://twitter.com/italiannavy>.

<sup>333</sup> Information available on the Twitter account of the Italian Coast Guard as well as at: [www.messinaora.it/notizia/2016/02/04/nuovo-sbarco-117-migranti-accolti-nel-molo-marconi/71056](http://www.messinaora.it/notizia/2016/02/04/nuovo-sbarco-117-migranti-accolti-nel-molo-marconi/71056).

<sup>334</sup> Information available on the Twitter account of the Italian Navy: <https://twitter.com/italiannavy>.

<sup>335</sup> *Ibid.*

<sup>336</sup> Information available on the Twitter account of the Italian Coast Guard: <https://twitter.com/guardiacostiera?lang=it>.

On 19 February 2016, 30 people disembarked in Agrigento (Sicily). They had departed from Libya and came from North African countries. There were two children among them. The coast guard found two corpses at sea, probably migrants travelling with the above mentioned group of people, who had not survived the journey. Those who arrived in Agrigento were provided with basic assistance and could speak to a cultural mediator. They confirmed that there had been 40 people on the boat and that some of them might have escaped or could have died at sea.<sup>337</sup>

On 20 February 2016, about 100 people disembarked in Pozzallo after being rescued at sea by the Norwegian vessel 'Siem Pilot', deployed by the European Agency for the Management of Operational Cooperation at the External Borders (Frontex). Among the rescued were 63 men, 28 women, and 14 children, all from Sub-Saharan African countries (Egypt, Somalia, and Eritrea).<sup>338</sup>

On the weekend of 20–21 February, about 1,000 people were rescued in eight operations coordinated by the Italian Maritime Rescue Coordination Centre. The people were rescued by the following ships: 'Dattilo' (110 people), 'Bettica' (around 240 people, including two women), 'Cigala Fulgosi' (around 240 people, including 36 women and 15 children), and units of the European Union military operation in the southern Central Mediterranean (Eunavfor MED) (around 480 people). The people were transferred on board the German ship 'Frankfurt' (operating in the framework of the Eunavfor MED operation) and the Coast Guard ship 'Dattilo'.<sup>339</sup>

On 23 February 2016, the German ship 'Frankfurt' disembarked the migrants in Lampedusa and Augusta (Sicily), while the Coast Guard ship 'Dattilo' disembarked the migrants in Messina.<sup>340</sup>

Among the people disembarked in Messina, four were seriously injured because they had been shot with firearms near the Libyan coast. After arriving at the port, they received healthcare assistance and were then transferred to the nearby hospital. Those who did not need healthcare assistance at the hospital were brought to the reception centres in the area.<sup>341</sup>

On 23 February 2016, the Norwegian vessel 'Siem Pilot', deployed by Frontex, disembarked around 200 rescued people (including four children) in Pozzallo. The

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<sup>337</sup> Information available at: [http://palermo.repubblica.it/cronaca/2016/02/19/news/migranti\\_tragico\\_sbarco\\_nell\\_agrigentino\\_cadaveri\\_in\\_mare-133759909/?ref=HRER1-1](http://palermo.repubblica.it/cronaca/2016/02/19/news/migranti_tragico_sbarco_nell_agrigentino_cadaveri_in_mare-133759909/?ref=HRER1-1), <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIB6115.TIF&subcod=20160220&numPag=1&>, and <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SB56011.TIF&subcod=20160220&numPag=1&>.

<sup>338</sup> Information available at: <http://siciliamigranti.blogspot.it/2016/02/a-pozzallo-accoglienza-sempre-piu.html>.

<sup>339</sup> Information available on the Twitter accounts of the Italian Navy and the Italian Coast Guard, as well as at: [www.eeas.europa.eu/csdp/missions-and-operations/eunavfor-med/news/20160222\\_01\\_en.htm](http://www.eeas.europa.eu/csdp/missions-and-operations/eunavfor-med/news/20160222_01_en.htm).

<sup>340</sup> Information available at: [www.eeas.europa.eu/csdp/missions-and-operations/eunavfor-med/news/20160222\\_01\\_en.htm](http://www.eeas.europa.eu/csdp/missions-and-operations/eunavfor-med/news/20160222_01_en.htm); <http://siciliamigranti.blogspot.co.at/2016/02/colpi-di-arma-da-fuoco-sparati-sui.html>.

<sup>341</sup> Information available at: <http://siciliamigranti.blogspot.it/2016/02/colpi-di-arma-da-fuoco-sparati-sui.html>; <http://www.strettoweb.com/2016/02/messina-arrestati-6-scafisti-ritenuti-responsabili-dello-sbarco-di-migranti-di-ieri-foto-e-dettagli/379825/>.

coast guard ship 'Diciotti' rescued around 100 people and the German corvette 'Ludwigshafen' rescued nearly 130 people.<sup>342</sup>

On 23 February 2016, the Italian Navy ship 'Cigala Fulgosi' rescued over 400 people and found four corpses. The Italian Navy ship 'Bettica' rescued nearly 220 people, and the Italian Navy ship 'Scirocco' rescued over 100 people.

On 24 February 2016, the Italian Navy ship 'Cigala Fulgosi' disembarked the rescued people as well as the corpses in Augusta.<sup>343</sup>

On 28 February 2016, the Italian Navy ship 'Bettica' disembarked 118 people (85 men, seven women and 28 children) in Augusta after rescuing them the day before.

## 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

On 7 February 2016, the police apprehended an Ethiopian smuggler in Germany, who is suspected of being responsible for the Lampedusa disaster, the most dramatic shipwreck ever experienced by migrants, which caused the death of over 360 people in October 2013.<sup>344</sup> Meanwhile, the Court of Palermo has convicted six Eritreans for smuggling of migrants. However, the leaders of the criminal organisation could not be prosecuted since they are still on the run.<sup>345</sup>

Regarding the prosecution of smugglers or people facilitating the irregular entry of migrants, the NGO 'Borderline Sicilia' has expressed its concern about the identification of smugglers as the people who are steering the boats. As reported by people travelling by sea and who arrived in Italy, those who steer the boats are not always smugglers and affiliated with criminal organisations; they are actually people forced – under threat of death – to steer the boats by those who organise the journey.<sup>346</sup>

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<sup>342</sup> Information available on the Twitter accounts of the Norwegian Police and the Italian Coast Guard:

<https://twitter.com/guardiacostiera?lang=it>.

<sup>343</sup> Information available on the Twitter account of the Italian Navy: <https://twitter.com/italiannavy>.

<sup>344</sup> Information available at:

<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIL1081.TIF&subcod=20160208&numPag=2&>.

<sup>345</sup> Information available at:

<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIG2023.TIF&subcod=20160209&numPag=1&> and

<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM2320.TIF&subcod=20160209&numPag=2&>.

<sup>346</sup> Information available at: <http://siciliamigranti.blogspot.it/2016/02/a-pozzallo-accoglienza-sempre-piu.html>.

The same information was confirmed by the Operation Commander of the Eunavfor MED mission, who was audited by the Joint Defence Commission of the Italian Houses of Parliament on 4 February 2016.<sup>347</sup> According to the Operation Commander, smuggling activities are organised hierarchically on three different levels: the first one is composed of the activities of the Libyan chiefs of smuggling; the second one is composed of operational members who are Libyan, Egyptian, or Tunisian citizens; the last level consists of people who are actually travelling to Europe. The latter group is composed of people coming from Sub-Saharan countries like Morocco or Tunisia, who generally share the fate of migrants and risk dying during the journey. The president of the Juvenile Court of Catania confirmed that those who steer the boats and smuggle migrants across the Mediterranean Sea are often children coming from Sub-Saharan countries or North Africa. They are forced to embark on these dangerous journeys and to steer the boats towards the Italian coasts.

The latest episode of this kind occurred in Pozzallo on 24 February 2016, where three boats with 342 people on board disembarked. Four out of the six helmsmen immediately apprehended by police officers, turned out to be children enrolled in Libya and forced to embark on the journey to Sicily.<sup>348</sup>

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

### 7.4.1 Registration and identification

On 26 January 2016, the Superintendents of Police and the Prefects of Agrigento, Ragusa, and Trapani (Sicily) were heard before the Chamber of Deputies Parliamentary Commission of Inquiry on the Centres for Migrants. The hearing focused on the hotspot situation.<sup>349</sup> The authorities reported on reception conditions and identification procedures in the hotspots of Lampedusa, Pozzallo, and Trapani. As for Lampedusa, the Superintendent of Police and the Prefect of Agrigento described the criteria to guide the newly arrived migrants and to make a distinction between asylum seekers and 'economic migrants'. They confirmed the use of the 'news sheet' (*foglio notizie*) as a first identification step that takes place at the disembarkation point, even though the complete identification procedure is implemented at the hotspot. Healthcare assistance is provided at sea and at the port and, later, inside the centre. Several organisations are currently operating in the hotspot: Italian police officers, UNHCR, the International Organization for Migration (IOM), Save the Children, Frontex, and officers from the European Asylum Support Office (EASO). From 28 September 2015 to 22 January 2016, nearly 4,900 people arrived in Agrigento (around 3,800 in Lampedusa and 1,100 in Porto Empedocle). In 2015, 180 disembarkation operations took place

<sup>347</sup> The hearing report is available at: [www.senato.it/application/xmanager/projects/leg17/file/repository/commissioni/stenografici/17/congiunte/4a-IV-20160204-AU-BOZZA.pdf](http://www.senato.it/application/xmanager/projects/leg17/file/repository/commissioni/stenografici/17/congiunte/4a-IV-20160204-AU-BOZZA.pdf).

<sup>348</sup> Information available at: [http://palermo.repubblica.it/cronaca/2016/02/25/news/pozzallo\\_quattro\\_scafisti\\_minorenni\\_alla\\_guida\\_dei\\_gommoni-134194104/](http://palermo.repubblica.it/cronaca/2016/02/25/news/pozzallo_quattro_scafisti_minorenni_alla_guida_dei_gommoni-134194104/).

<sup>349</sup> The hearing report is available at: [www.camera.it/leg17/1058?idLegislatura=17&tipologia=audiz2&sottotipologia=audizione&anno=2016&mese=01&giorno=26&idCommissione=69&numero=0038&file=indice\\_stenografico](http://www.camera.it/leg17/1058?idLegislatura=17&tipologia=audiz2&sottotipologia=audizione&anno=2016&mese=01&giorno=26&idCommissione=69&numero=0038&file=indice_stenografico).

and over 27,100 people arrived. The most common nationalities were Eritrean, Somali, Nigerian, and Moroccan.

Regarding relocation, more than 300 people benefitted from this procedure by the end of January; most of them were Eritrean asylum seekers who had been identified in Lampedusa, transferred to the Villa Sikania regional hub and, later, to the reception centre for asylum seekers located in Castelnuovo di Porto (Lazio), where they wait to be transferred to another Member State. On 22 January 2016, 275 people were waiting for relocation in Villa Sikania. Relocation procedures are carried out by police officers in cooperation with EASO staff. Asylum seekers who do not belong to the nationalities eligible for relocation are also transferred to Villa Sikania, and then brought to the different reception centres for asylum seekers scattered throughout the Italian territory. Those who do not apply for international protection are identified and transferred to identification and expulsion centres (*centri di identificazione ed espulsione*, CIE) or, if they cannot be accommodated there, they are notified about a delayed removal order. As for identification procedures, the Superintendent of Police stressed that the main change introduced with the hotspot system is that the identification procedure – including fingerprinting and photographing – must be accomplished at the hotspot. In the past, identification could be completed in the centre where the migrant was transferred to. This is the reason why, according to their experience, identification procedures take much longer than the foreseen 48–72 hours.

Moreover, many people refuse identification and there is still no common legislative procedure aimed at tackling this problem. As for Pozzallo, the Prefect announced that the NGO 'Emergency', after visiting the port and the hotspot, had declared its commitment to providing basic healthcare assistance at the disembarkation point. He also confirmed that the hotspot is often overcrowded. In the case of Trapani, the Prefect declared that 400 people are currently accommodated in the centre. The hotspot is not fully operational but the identification procedure is similar to the one implemented in Lampedusa.

The NGO 'Borderline Sicilia' visited the hotspot in Pozzallo and released a report concerning identification and registration procedures carried out at the centre. According to the report, the centre is functioning according to the 2015 Government Roadmap:<sup>350</sup> the 21 EASO and Frontex officers cooperate with Italian police officers in identification procedures. When the report was published, the centre hosted 140 adults. Children are transferred to *ad hoc* centres located in other regions. The local Prefecture pointed to the difficulties encountered in implementing the relocation scheme since a regional hub has not been opened yet. Regarding identification procedures, the hotspot staff confirmed that the people hosted there are immediately transferred by bus from the port to the centre, and are asked to fill in the 'news sheet' in order to be classified according to three main categories: 1) those who are eligible for relocation and are therefore guided to regional hubs; 2) those who apply for international protection and have to be transferred to reception centres at national level; and 3) those who are irregular migrants and have to be expelled. UNHCR staff seems to have enough time to

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<sup>350</sup> The 2015 Government Roadmap and the Circular of the Ministry of the Interior of 6 October 2015 are available at: [www.asgi.it/notizia/hotspot-e-ricollocaemento-la-road-map-dellitalia/](http://www.asgi.it/notizia/hotspot-e-ricollocaemento-la-road-map-dellitalia/).

inform all the newly arrived people about their rights and about the possibility to apply for international protection.<sup>351</sup>

On 1 February 2016, the NGO 'Borderline Sicilia' reported the case of an unaccompanied child who received a delayed removal order, in spite of the fact that Italian law bans the deportation of children. He arrived in Lampedusa 21 November 2015 where he was not identified as a child. He was supported by Save the Children and subsequently moved to a temporary reception facility in Agrigento (Sicily), where he was allowed to stay only for two weeks, as the centre has to guarantee a proper turnover in order to be able to host new people arriving from Lampedusa. During these two weeks, he received legal assistance by Save the Children, however, it was not possible to correct the mistake and change the child's age in the file. The police suggested appealing against the delayed removal order because of the person's age. Two weeks later the child escaped from the centre and travelled on his own to Milan.<sup>352</sup> This incident illustrates the risks of mistakes when operating registration systems at high speed and the absence of practical mechanisms to correct them.

The NGO 'Borderline Sicilia' has also visited the reception centre of Palanebiolo (Sicily) and reported several problems concerning identification and fingerprinting. This is not a proper reception centre but an emergency facility that was supposed to be quickly dismantled. According to the NGO, people living in the centre, who belong to different nationalities (i.e. Gambia, Somalia, Nigeria, Mali, and Ethiopia), were forced to undergo identification by police officers who used physical force (one person interviewed claimed that the police had grabbed his arms and beaten people with a stun baton) to convince them to cooperate during their registration, allegedly without providing them with adequate information first. Most of them tried to refuse identification to be able to leave Italy and move to other EU countries where they claim to have family members waiting for them. Furthermore, the NGO reported that several children were living in the reception centre: these children reported that, during the journey from the port to the reception centre, they had been advised by the interpreters to declare to the police authorities that they were over 18 years old because children were going to be expelled.<sup>353</sup>

As for the hotspot system, the two hotspots at Taranto (Apulia) and Augusta are expected to open by the end of 2016. In November 2015, the Italian Ministry of the Interior launched a public tender to select the private organisation that will manage and implement hotspot activities. However, the tender has been suspended following a petition filed with the Public Prosecutor's Office by a member of parliament, as well as a parliamentary question submitted to the government about the lack of authorisation by port authorities to use port facilities to implement the hotspot system.<sup>354</sup>

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<sup>351</sup> The report is available at: <http://siciliamigranti.blogspot.it/2016/02/borderline-sicilia-visita-lhotspot-di.html>.

<sup>352</sup> Information available at: <http://siciliamigranti.blogspot.it/2016/02/la-storia-di-alagie-uno-dei-tanti.html>.

<sup>353</sup> Information available at: <http://siciliamigranti.blogspot.it/2016/02/pala-nebiolo-di-messina-impronte-con-la.html>.

<sup>354</sup> The parliamentary question is available at: <http://aic.camera.it/aic/scheda.html?core=aic&numero=4/11809&ramo=CAMERA&leg=17&testo=immigrazione>.

### 7.4.2 Asylum procedure

In February 2016, the Senate Special Commission for the Protection and Promotion of Human Rights released a report on the reception conditions and functioning of Centres for Identification and Expulsion (CIE) and on the hotspots. As for identification, the commission confirmed the procedures in place in Lampedusa: newly arrived people are asked to fill in the 'news sheet' explaining their reason for travelling to Italy. This is a way to guide them and make a distinction between those who are eligible for international protection, those who are eligible for relocation, and those who are economic migrants. The report confirms that the time available for this procedure is so short that UNHCR staff cannot inform all of them about the international protection procedure. This procedure has severe consequences on the possibility to apply for international protection, and it does not seem to properly guarantee the right to information and the right to apply for international protection on an individual basis.

Most of the people currently hosted at the hotspot are those who refused to be identified because they want to continue their journey towards other EU Member States. This creates a critical situation because they cannot leave the hotspot before identification is completed but according to the rules, a person cannot be held in a place against his/her will for more than 96 hours. The report confirms that most of those who are classified as economic migrants have received a delayed removal order compelling them to leave the Italian territory within seven days, or are detained in a CIE: these cases represent more than 18 % of the overall number of arrivals between 1 September 2015 and 13 January 2016. Generally, these people have not been given adequate information about the possibility to appeal against the removal order before a court, as well as about the chance to apply for international protection.<sup>355</sup>

On 2 February 2015, the Undersecretary of State of the Ministry of the Interior in charge of immigration policies released an interview on the future reform of the Italian legislative system concerning asylum procedures, which should be approved by spring 2016. According to his declarations, a legislative reform is going to be submitted to the parliament soon; the aim of the reform is to speed up the asylum procedure, replacing the current system consisting of the Territorial Commissions for Granting International Protection (*Commissioni Territoriali per il Riconoscimento della Protezione Internazionale*). At the moment, asylum commissions are composed of several experts representing all institutions involved in the procedure, including a UNHCR member. The idea is to replace this system with a single expert responsible for the procedure and for analysing the applicant's individual life path. This expert is supposed to decide if the applicant is eligible for asylum status.<sup>356</sup>

On 3 February 2016, the association 'Senza Confine' published an annual report on asylum seekers' conditions in Italy. The report focuses on issues, such as

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<sup>355</sup> The report is available at:

[www.senato.it/application/xmanager/projects/leg17/file/repository/commissioni/dirittiumaniXVII/rapporto\\_cie.pdf](http://www.senato.it/application/xmanager/projects/leg17/file/repository/commissioni/dirittiumaniXVII/rapporto_cie.pdf).

<sup>356</sup> Information available at: [www.vita.it/it/article/2016/02/02/manziona-schengen-non-e-in-discussione-presto-la-riforma-dell'accoglienza/138145/](http://www.vita.it/it/article/2016/02/02/manziona-schengen-non-e-in-discussione-presto-la-riforma-dell'accoglienza/138145/).

detention of asylum seekers, renewal of residence permits and travel documents, as well as other issues.<sup>357</sup>

Italian courts overturned some negative first instance asylum decisions, granting international protection to third-country nationals from countries that are generally considered as safe third countries: Egypt, Mali, Nigeria, Gambia, Senegal, and Pakistan.<sup>358</sup> The Civil Court of Milan has accepted the plea of a Nigerian asylum seeker whose application for international protection had been rejected by the relevant territorial commission. The applicant had been subject to prosecution in his country of origin because of his sexual orientation.<sup>359</sup>

Regarding relocation, the European Commission reports that, as of 8 March 2016, 349 individuals were relocated from Italy to nine Member States, and 536 were relocated from Greece. In total, 885 people have relocated so far. 20 Member States and Lichtenstein have made relocation facilities available.<sup>360</sup>

### 7.4.3 Return procedure

Nothing new to report.

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

### 7.5.1 Reception conditions and capacity

On 18 February 2016, the Ministry of the Interior declared that the current accommodation capacity of the Italian reception system is not adequate to face the current influx of people. For that reason, the Ministry of Interior asked all the Italian Prefects to increase the reception capacity in 2016 by making further 50,000 places available. The Italian reception system consists of 14 reception centres, five CIE, 1,800 temporary facilities, and 430 facilities of the Central Service for the National Asylum-Seekers and Refugees Protection System (*Servizio centrale del sistema di protezione per richiedenti asilo e rifugiati*, SPRAR). This system is currently hosting 105,248 people, most of whom are in temporary facilities. With steadily increasing arrivals, the Ministry of the Interior has planned to increase the overall capacity from 100,000 to 150,000 places by the end of

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<sup>357</sup> The report is available at: <https://codadirittoasilo.files.wordpress.com/2015/11/coda-rapporto-finale-ottobre-2015.pdf>.

<sup>358</sup> ASGI lawyers; Civil Court of Rome, order of 22 January 2016, available at: [www.meltingpot.org/IMG/pdf/ordinanza\\_tribunale\\_roma\\_15\\_dicembre\\_2015\\_status\\_rifugiato.pdf](http://www.meltingpot.org/IMG/pdf/ordinanza_tribunale_roma_15_dicembre_2015_status_rifugiato.pdf); Civil Court of Potenza, order of 20 January 2016, available at: [www.meltingpot.org/IMG/pdf/2799\\_2015.pdf](http://www.meltingpot.org/IMG/pdf/2799_2015.pdf); Civil Court of Potenza, order of 20 January 2016, available at: [www.meltingpot.org/IMG/pdf/507\\_2015.pdf](http://www.meltingpot.org/IMG/pdf/507_2015.pdf); Civil Court of Potenza, order of 28 January 2016, available at: [www.meltingpot.org/Riconoscimento-della-protezione-sussidiaria-a-due-cittadini.html#.VtRk5zhAdW](http://www.meltingpot.org/Riconoscimento-della-protezione-sussidiaria-a-due-cittadini.html#.VtRk5zhAdW); Civil Court of Potenza, order of 28 January 2016, available at: [www.meltingpot.org/Riconoscimento-della-protezione-sussidiaria-a-due-cittadini.html#.VtRk5zhAdW](http://www.meltingpot.org/Riconoscimento-della-protezione-sussidiaria-a-due-cittadini.html#.VtRk5zhAdW); Civil Court of Potenza, order of 28 January 2016, available at: [www.meltingpot.org/IMG/pdf/ordinanza\\_senegal\\_pz.pdf](http://www.meltingpot.org/IMG/pdf/ordinanza_senegal_pz.pdf); Civil Court of Venice, order of 18 February 2016, available at: [www.meltingpot.org/IMG/pdf/tribunale\\_di\\_venezia\\_ordinanza\\_dd\\_18.2.2016.pdf](http://www.meltingpot.org/IMG/pdf/tribunale_di_venezia_ordinanza_dd_18.2.2016.pdf).

<sup>359</sup> Information available at: [http://milano.repubblica.it/cronaca/2016/02/26/news/milano\\_il\\_giudice\\_concede\\_lo\\_status\\_di\\_rifugiato-134250275/](http://milano.repubblica.it/cronaca/2016/02/26/news/milano_il_giudice_concede_lo_status_di_rifugiato-134250275/).

<sup>360</sup> Information available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state\\_of\\_play\\_-\\_relocation\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/european-agenda-migration/press-material/docs/state_of_play_-_relocation_en.pdf)



2016.<sup>361</sup> The President of the Region of Veneto, who belongs to the Northern League (*Lega Nord*) political party, declared in an interview that he will protest against the ministerial plans because he does not want the improvement of the reception system nor the influx to increase.<sup>362</sup>

On 1 February, 34 asylum seekers hosted in the reception facilities run by the association 'Trame' in Carignano (Piedmont) seized the headquarters of the association to demonstrate against reception conditions and the reduction in the daily pocket money. A 27-year-old asylum seeker from Côte d'Ivoire was arrested for threats and assaults against a public official.<sup>363</sup>

On 3 February, local healthcare authorities carried out two inspections in the reception centres for asylum seekers located in the area of Lanusei (Sardinia) after the poor living conditions had been publicly reported by guests. The inspections confirmed that living conditions are critical state due to bad sanitary conditions, overcrowding, poor heating, and damaged furniture. Healthcare authorities recommended that the management of the two centres improve the living conditions.<sup>364</sup>

On 14 February, seven reception centres for refugees and asylum seekers in Campania were closed down by police authorities because they did not guarantee basic reception conditions. This decision, triggered by a public complaint by the Italian General Confederation of Labour (*Confederazione Generale Italiana del Lavoro*, CGIL), was grounded on poor sanitary conditions, overcrowded facilities, bad food supply, and lack of transparency in management procedures. In addition, refugees and asylum seekers living in these centres were forced to clean the facilities even though the organisations that manage the centres were supposed to guarantee cleaning activities.<sup>365</sup>

According to the previously cited report by the Senate Special Commission for the Protection and Promotion of Human Rights, the hotspot in Lampedusa features poor reception conditions. More than 135 unaccompanied children are living in the hotspot without any kind of assistance or protection.<sup>366</sup>

On 25 February 2016, 'LasciateCIEntrare', a campaign for civil society monitoring of administrative detention centres, released a report on the visits it made to

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<sup>361</sup> Information available at: [www.repubblica.it/cronaca/2016/02/18/news/migranti\\_piano\\_nazionale\\_del\\_viminale-133668425/](http://www.repubblica.it/cronaca/2016/02/18/news/migranti_piano_nazionale_del_viminale-133668425/).

<sup>362</sup> Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM5013.TIF&subcod=20160219&numPag=1&>.

<sup>363</sup> Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIL2019.TIF&subcod=20160202&numPag=1&> and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIL2044.TIF&subcod=20160202&numPag=1&>.

<sup>364</sup> Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB54302.TIF&subcod=20160204&numPag=1&>.

<sup>365</sup> Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SI81045.TIF&subcod=20160215&numPag=1&> and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIL1064.TIF&subcod=20160215&numPag=1&>.

<sup>366</sup> The report is available at: [www.senato.it/application/xmanager/projects/leg17/file/repository/commissioni/dirittiumaniXVII/rapporto\\_cie.pdf](http://www.senato.it/application/xmanager/projects/leg17/file/repository/commissioni/dirittiumaniXVII/rapporto_cie.pdf).

reception and detention centres.<sup>367</sup> All seven CIE were visited, along with 50 emergency reception centres, mainly in southern Italy, two first-aid and reception centres (*centri di primo soccorso e accoglienza*, CPSA), seven centres for asylum-seekers reception (*centri per l'accoglienza dei richiedenti asilo*, CARA), and four SPRAR centres. Geographical remoteness, uneven reception conditions, a lack of services – even the basic ones –, and a lack of healthcare are some of the issues pointed out. The report provides a detailed description of the visits. Unfortunately, the monitoring is not based on a common monitoring sheet.

Northern League leaders in Veneto asked municipal mayors belonging to the party not to participate in the meetings called by the Prefects, aimed at organising and implementing the regional reception system. This political party claimed that no more refugees can be hosted on their regional territory; the Prefects declared that they will go ahead no matter if the mayors agree or not.<sup>368</sup> The Prefects also stated that, should an agreement not be reached, they would seize empty buildings with a view to implementing the reception system.<sup>369</sup>

## 7.5.2 Vulnerable persons

Nothing new to report.

## 7.5.3 Child protection

On 8 February 2016, a parliamentary question was submitted to the government on the disappearance of unaccompanied children. According to information from the European Police Office (Europol), about 10,000 unaccompanied children have disappeared across Europe, many of whom in Italy. They are mainly Eritrean, Somali, and Syrian children attempting to travel to northern Europe where they can allegedly rely on family members. The aim of the question is to foster the creation of a national database – connected with European databases – containing data on unaccompanied children arriving in Italy and living in reception centres specifically targeted at children. Moreover, the question concerned identification procedures aimed at assessing children's age and the funding of the reception system for children.<sup>370</sup> The Ministry of the Interior has not answered yet.

The Italian Parliament approved Law 20 January 2016, No. 12, Provisions aimed at fostering social integration of foreign children residing in Italy through their admission to sports clubs belonging to national federations, sports associations, and organisations promoting sports activities (*Legge 20 gennaio 2016, n. 12, Disposizioni per favorire l'integrazione sociale dei minori stranieri residenti in Italia mediante l'ammissione nelle società sportive appartenenti alle federazioni*

<sup>367</sup> The report is available at: [www.lasciatecientrare.it/j25/attachments/article/193/lasciateCIEntrare%20rapporto%202016-2.pdf](http://www.lasciatecientrare.it/j25/attachments/article/193/lasciateCIEntrare%20rapporto%202016-2.pdf).

<sup>368</sup> Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=VE44011.TIF&subcod=20160218&numPag=2&> and <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SB55174.TIF&subcod=20160219&numPag=2&>.

<sup>369</sup> Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SB56294.TIF&subcod=20160220&numPag=1&>.

<sup>370</sup> The parliamentary question is available at: <http://aic.camera.it/aic/scheda.html?core=aic&numero=4/11999&ramo=CAMERA&leg=17&testo=immigrazione>.

*nazionali, alle discipline associate o agli enti di promozione sportiva*). This new law is very important because it allows children aged over 10 who are regularly living in Italy to enrol in football teams under the same conditions as Italian children.

The NGO 'Accoglie-Rete', based in Sicily, has developed a project aimed at training future volunteer guardians who, according to Italian legislation, are in charge of protecting the best interests of unaccompanied children. The training scheme provides future guardians with the necessary knowledge and skills to enable them to understand their central role in child protection.

UNHCR, in its January report, recommended that Italy should speed up the appointment of guardians for unaccompanied asylum-seeking children, and establish adequate reception facilities for vulnerable people, including within hotspots and in relocation countries, to ensure that they are considered a priority group in the framework of relocation procedures.

On 25 January 2016, the Justice of the Peace of Genoa suspended an expulsion order against an irregular migrant living in Italy with his wife and underage son on the grounds that it could seriously harm the child's wellbeing.<sup>371</sup>

#### **7.5.4 Healthcare**

The Ministry of the Interior, in cooperation with IRC, has set up a healthcare assistance facility in Pordenone (Friuli-Venezia Giulia) for people arriving via the so-called 'Balkan route'. The service is aimed at providing an initial health screening before identification and registration and at preventing the spread of contagious diseases.<sup>372</sup>

The NGO 'Emergency' has publicly reported on the critical situation concerning healthcare assistance for children living with irregular migrant parents in Veneto. These children do not have the possibility to register in the national healthcare system, and consequently cannot be assisted by a paediatrician. Unlike in other Italian regions where children living with irregular migrant parents are allowed to enrol in the national healthcare system, the children in Veneto can only occasionally access emergency healthcare assistance or paediatric care provided by social services.<sup>373</sup>

On 17 February 2016, a person from Sierra Leone who was living in a SPRAR facility in the area of Catanzaro was subjected to involuntary psychiatric treatment. The person had protested against the rejection of his application for international protection, and asked to be returned to his country of origin as quickly as possible. Given the impossibility of being returned in a few days' time, he protested by damaging a television and some pieces of furniture at the reception centre. As a consequence of his protests, the staff of the centre called an ambulance and he was brought to a hospital. Following his attempt to leave the hospital, he was

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<sup>371</sup> Justice of the Peace of Genoa, decree of 25 January 2016, available at: [www.meltingpot.org/IMG/pdf/20160203103734794.pdf](http://www.meltingpot.org/IMG/pdf/20160203103734794.pdf).

<sup>372</sup> Information available at: [www.interno.gov.it/it/notizie/pordenone-nuovo-presidio-sanitario-i-richiedenti-asilo](http://www.interno.gov.it/it/notizie/pordenone-nuovo-presidio-sanitario-i-richiedenti-asilo).

<sup>373</sup> Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIG6074.TIF&subcod=20160213&numPag=2&>.

subjected to involuntary psychiatric treatment.<sup>374</sup> On 22 February 2016, 18 people living in the SPRAR protested against his treatment by chaining themselves to the entrance gate of the centre. The police managed to calm down the protestors and asked to meet with the authorities of the city in which the centre is located to address the situation.<sup>375</sup>

### 7.5.5 Immigration detention

Nothing new to report.

## 7.6. Responses in law, policy and/or practice

On 15 December 2015, the Ministry of Foreign Affairs and the Ministry of the Interior signed an agreement with the Community of Sant'Egidio, the Federation of Evangelic Churches (*Federazione delle Chiese Evangeliche*) and the Waldensian Evangelical Church (*Chiesa Evangelica Valdese*) with the intention of guaranteeing a humanitarian corridor for up to 1,000 Syrian refugees living in camps in Ethiopia, Morocco, and Lebanon, who belong to vulnerable categories. The project, supported by the two ministries, has been financed thanks to the resources voluntarily donated to the Waldensian and Methodist Churches. On 29 February 2016, 24 families arrived at the Rome Fiumicino airport via this humanitarian corridor.<sup>376</sup>

The chief of the Italian police and the President of the Council of Ministers signed a cooperation agreement with the chief of the Nigerian police to improve and implement measures aimed at countering irregular migration and trafficking in human beings, and at fostering cooperation between police authorities and officers of the two countries. Thanks to this agreement, repatriating irregular Nigerian migrants from Italy back to their country of origin will be easier and faster. Similar agreements will be signed in the near future with Senegal and Gambia.<sup>377</sup>

On 9 February 2016, CIR released a report titled 'Bridges, not walls' (*Ponti non muri*), and submitted a proposal to the Italian government and the EU for the adoption of six measures to enhance legal entry options. These measures include: diplomatic asylum, i.e. the possibility for EU Member States to award international protection to an individual in need even in their diplomatic offices in third countries (and not only to applicants reaching the national territory); resettlement; humanitarian admission, i.e. the procedure through which EU Member States can guarantee specific refugee groups temporary protection for humanitarian reasons; sponsorship of refugees through which private individuals can financially contribute to the admission and integration of refugees; a flexible visa policy; and protected entry procedures that could allow asylum seekers to apply for international

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<sup>374</sup> Information available at: [www.ansa.it/calabria/notizie/2016/02/22/tso-ad-amico-protesta-in-centro-sprar\\_56a5be46-88b3-4371-9575-cf146302e488.html](http://www.ansa.it/calabria/notizie/2016/02/22/tso-ad-amico-protesta-in-centro-sprar_56a5be46-88b3-4371-9575-cf146302e488.html).

<sup>375</sup> Information available at: [www.ansa.it/calabria/notizie/2016/02/22/tso-ad-amico-protesta-in-centro-sprar\\_56a5be46-88b3-4371-9575-cf146302e488.html](http://www.ansa.it/calabria/notizie/2016/02/22/tso-ad-amico-protesta-in-centro-sprar_56a5be46-88b3-4371-9575-cf146302e488.html).

<sup>376</sup> Information available at: [www.fedevangelica.it/index.php/it/comunicati/280-cs10-corridoi-umanitari](http://www.fedevangelica.it/index.php/it/comunicati/280-cs10-corridoi-umanitari).

<sup>377</sup> Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIX3172.TIF&subcod=20160203&numPag=2&> and [www.aise.it/esteri/renzi-in-nigeria-litalia-ponte-per-lafrica-/55237/157](http://www.aise.it/esteri/renzi-in-nigeria-litalia-ponte-per-lafrica-/55237/157).

protection outside the reception country's border and thus avoid resorting to irregular migration.<sup>378</sup>

The Head of the National Authority for the Protection of Rights of People Detained or Deprived of Liberty (*Garante nazionale per i diritti delle persone detenute o private della libertà personale*) was appointed at the beginning of February 2016. During an interview, this authority has stressed that one of the urgent priorities concerns the hotspot situation. Regarding this issue, the authority has declared to be willing to guarantee that fundamental rights are respected and promoted within hotspots, including: the right to be informed about one's own detention status, as well as police officers' duty to assure that detention is always authorised by judicial authorities; the right to be informed about international protection, and the right to apply for it; and the right not to be exposed to torture or cruel and degrading treatment.<sup>379</sup>

## 7.7. Social response to the situation

On 2 February 2016, several NGOs and associations – including CIR, Amnesty International, ASGI, the NGO 'Borderline Sicilia', and Doctors for Human Rights (*Medici per i diritti umani*, MEDU) – organised a flash mob demonstration in front of Palazzo Chigi – the Italian government's headquarters in Rome – in order to raise public awareness and foster political debate on the abolition of the criminal offence of irregular entry and stay, envisaged by Italian legislation.<sup>380</sup> The demonstrators proclaimed that: "Migration is not a crime."<sup>381</sup>

On 2 February 2016, a guide titled 'Welcome to Italy' was published in the framework of the 'Melting Pot Europa' project. The guide, targeted at newly arrived people, was prepared and promoted within the 'Welcome to Europe' Euro-African network, which gathers several NGOs and associations promoting migrants' and refugees' rights across Europe and Africa. The guide provides basic information about immigration and international protection in the Italian legal system, identification and registration procedures, and the Italian reception system.<sup>382</sup> Similarly, several associations coordinated by the NGO 'Volontarinsieme' issued a guide targeting migrants, refugees, and asylum seekers living in the Treviso area (Veneto). The guide provides basic information on the asylum procedure and reception conditions, and is available in several languages.<sup>383</sup>

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<sup>378</sup> Information available at: [www.redattoresociale.it/Notiziario/Articolo/500022/Migranti-le-6-misure-sicure-e-realizzabili-per-evitare-le-morti-in-mare](http://www.redattoresociale.it/Notiziario/Articolo/500022/Migranti-le-6-misure-sicure-e-realizzabili-per-evitare-le-morti-in-mare) and [www.cir-onlus.org/it/comunicazione/news-cir/51-ultime-news-2016/1982-ponti-non-muri-tutto-il-dibattito-su-radio-radicale](http://www.cir-onlus.org/it/comunicazione/news-cir/51-ultime-news-2016/1982-ponti-non-muri-tutto-il-dibattito-su-radio-radicale). CIR's report summary is available at: [www.cir-onlus.org/images/pdf/Brochure%20ponti%20non%20muri\\_UNIPOL.pdf](http://www.cir-onlus.org/images/pdf/Brochure%20ponti%20non%20muri_UNIPOL.pdf). The full text of the report is available at: [www.cir-onlus.org/images/pdf/ponti\\_non\\_muri\\_per%20PER%20WEB.pdf](http://www.cir-onlus.org/images/pdf/ponti_non_muri_per%20PER%20WEB.pdf).

<sup>379</sup> The interview is available at: [www.redattoresociale.it/Notiziario/Articolo/500192/Hotspot-Mauro-Palma-la-detenzione-dei-migranti-e-la-questione-piu-urgente](http://www.redattoresociale.it/Notiziario/Articolo/500192/Hotspot-Mauro-Palma-la-detenzione-dei-migranti-e-la-questione-piu-urgente).

<sup>380</sup> Art. 10bis of Legislative Decree No. 286/1998, available at: [www.meltingpot.org/IMG/pdf/TUI\\_VERSIONE\\_AGGIORNATA\\_08\\_2012.pdf](http://www.meltingpot.org/IMG/pdf/TUI_VERSIONE_AGGIORNATA_08_2012.pdf).

<sup>381</sup> Information available at: [www.cir-onlus.org/it/comunicazione/news-cir/51-ultime-news-2016/1976-reato-di-immigrazione-irregolare-clandestina-e-la-legge-adesione-del-cir-al-flash-mob-davanti-palazzo-chigi](http://www.cir-onlus.org/it/comunicazione/news-cir/51-ultime-news-2016/1976-reato-di-immigrazione-irregolare-clandestina-e-la-legge-adesione-del-cir-al-flash-mob-davanti-palazzo-chigi) and [www.meltingpot.org/Migrare-non-e-reato.html#.Vs7rG5zhAdV](http://www.meltingpot.org/Migrare-non-e-reato.html#.Vs7rG5zhAdV).

<sup>382</sup> The guide is available at: [www.meltingpot.org/IMG/pdf/welcome\\_to\\_italy\\_web\\_italian\\_final\\_version\\_defminimal.pdf](http://www.meltingpot.org/IMG/pdf/welcome_to_italy_web_italian_final_version_defminimal.pdf).

<sup>383</sup> Information available at: [www.redattoresociale.it/Notiziario/Articolo/500182/La-guida-del-Csv-di-Treviso-per-l-integrazione-dei-richiedenti-asilo](http://www.redattoresociale.it/Notiziario/Articolo/500182/La-guida-del-Csv-di-Treviso-per-l-integrazione-dei-richiedenti-asilo). The guide is available at: [www.trevisovolontariato.org/cont/file/progetti/Migranti/guida%20per%20i%20rifugiati.pdf](http://www.trevisovolontariato.org/cont/file/progetti/Migranti/guida%20per%20i%20rifugiati.pdf).

At the beginning of February 2016, an online call was launched to combat hate speech in mass media. The promoters analyse the way in which newspapers, TV programmes, and mass media report on news concerning migrants and the language they use to disseminate information, especially when reporting on criminal offences. In their view, the language currently used enhances racist and intolerant behaviour and might encourage hate crimes.<sup>384</sup> Similarly, on 9 February 2016, 'Centro Astalli' made a public plea for mass media to guarantee that information concerning refugees and migrants arriving in Italy is treated in a proper way.<sup>385</sup>

RAI (the Italian national broadcasting company), in cooperation with SPRAR, has promoted an initiative called 'Welcome with a book' ('*Un libro per accogliere*'). RAI has invited the audience to choose and send a book they would like to donate to refugees living in Italy. This initiative is aimed at promoting and fostering integration through culture.<sup>386</sup>

On 11 February 2016, a mobile phone app called 'Online medical emergency' was launched. This initiative, promoted by the association 'Emergenza Sorrisi' and the Italian Donation Institute (*Istituto Italiano della Donazione*, IID), is aimed at offering migrants, refugees, reception centres, and associations active in the protection of migrants' rights an online healthcare assistance service based on the contribution of several different medical specialists.<sup>387</sup> On 16 February 2016, another app was launched by a company called 'Trellyz' in cooperation with several NGOs and associations, including CIR and 'Centro Astalli'. The application, named 'RefAid', is aimed at providing refugees and asylum seekers with basic information about services, reception, and assistance they can benefit from through a geo-localisation system.<sup>388</sup>

On 20 February 2016, a demonstration was organised at the border with Austria by left-wing members of the Regional Parliament of Friuli-Venezia Giulia, associations, and NGOs in order to protest against the closure and militarisation of the border between Italy and Austria, currently under debate in the EU. The promoters' goal was not to protest against Austria but to contrast the 'wall policy', which could fragment the EU and betray its ideals.<sup>389</sup>

On 23 February 2016 in Palermo (Sicily), the association 'Sos Méditerranée' – founded in Germany and active in France and Italy – presented a new initiative: a save-and-rescue ship named 'Aquarius'. It will patrol the sea in the Sicilian Strait to rescue migrants travelling from Africa and bring them to the Italian coasts. This

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<sup>384</sup> Information available at: [www.meltingpot.org/Cronaca-nera-o-cronaca-razzista.html#.Vs8GIJzhAdV](http://www.meltingpot.org/Cronaca-nera-o-cronaca-razzista.html#.Vs8GIJzhAdV).

<sup>385</sup> The text of the plea is available at: <http://centroastalli.it/il-centro-astalli-lancia-un-appello-ai-media-italiani-allassuefazione-da-naufragio/>.

<sup>386</sup> Information on the initiative is available at: [www.redattoresociale.it/Notiziario/Articolo/499709/Regala-un-libro-a-un-rifugiato-quando-l-accoglienza-passa-anche-dalla-cultura](http://www.redattoresociale.it/Notiziario/Articolo/499709/Regala-un-libro-a-un-rifugiato-quando-l-accoglienza-passa-anche-dalla-cultura).

<sup>387</sup> The description of the initiative is available at: [www.redattoresociale.it/Notiziario/Articolo/500200/Telemedicina-per-i-migranti-ecco-l-app-per-profughi-e-centri-accoglienza](http://www.redattoresociale.it/Notiziario/Articolo/500200/Telemedicina-per-i-migranti-ecco-l-app-per-profughi-e-centri-accoglienza).

<sup>388</sup> Information available at: [www.cir-onlus.org/it/comunicazione/news-cir/51-ultime-news-2016/1990-rifugiati-lanciate-oggi-la-piattaforma-e-l-app-mobile-refaid-in-italia-cir-partecipa-al-progetto](http://www.cir-onlus.org/it/comunicazione/news-cir/51-ultime-news-2016/1990-rifugiati-lanciate-oggi-la-piattaforma-e-l-app-mobile-refaid-in-italia-cir-partecipa-al-progetto).

<sup>389</sup> Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SI84071.TIF&subcod=20160218&numPag=2&b> and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB31050.TIF&subcod=20160222&numPag=2&>.

project has been welcomed by the Mayor of Palermo, and will benefit from a protocol signed between the promoting association and the coast guard.<sup>390</sup>

On 24 February 2016, the Italian postal service initiated a new service targeting migrants, asylum seekers, and refugees living in the city of Turin. In the framework of the initiative, four desk workers have been hired in order to guarantee that postal services are offered in the languages frequently spoken by migrants living in the area – Arabic, English, French, and Spanish. This is an important initiative considering that the renewal of the residence permits is one of the activities the postal service is responsible for, and linguistic barriers can make it harder for migrants to go through this procedure.<sup>391</sup>

On 26 February 2016, a new project named 'Itinerant One-Stop Shop for Solidarity on the Road' (*Sportello mobile per portare in strada la solidarietà*, S.T.A.M.P.) was presented in Rome. The initiative, implemented by associations and individuals engaged in the protection of migrants' rights, consists of a mobile operational unit offering services to migrants and refugees living in Rome, regardless of their legal status. The services offered include: legal counselling; basic information about everyday life in the city; information about healthcare; and free Wi-Fi connection.<sup>392</sup>

## 7.8. Hate crime incidents

On 11 February 2016, a Bengali peddler regularly living in Milan was violently attacked by two men while he was offering them to buy his roses. The two assailants quickly escaped, and the victim was transported by an ambulance to the nearby hospital, where he was treated for cranial trauma. Police authorities are currently investigating the case.<sup>393</sup>

On 15 February 2016 in Rosarno (Calabria), two African seasonal workers were violently attacked on their way back from work by two people travelling by car. This is the latest of several episodes of racism and violence against seasonal workers employed in the agricultural sector of that area. The local prefect has proposed the adoption of a protocol – to be shared by institutions, associations, and NGOs – aimed at renovating the encampments where these workers live, guaranteeing decent health and living conditions, and implementing proper long-term housing solutions.<sup>394</sup> On 28 February 2016, several associations and NGOs organised a concert in the centre of the town in order to express solidarity with the survivors of the racist attacks and raise awareness about this critical issue.<sup>395</sup>

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<sup>390</sup> Information available at: [www.redattoresociale.it/Notiziario/Articolo/501425/Aquarius-parte-la-nave-delle-associazioni-europee-per-salvare-i-migranti](http://www.redattoresociale.it/Notiziario/Articolo/501425/Aquarius-parte-la-nave-delle-associazioni-europee-per-salvare-i-migranti).

<sup>391</sup> Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=TO43041.TIF&subcod=20160224&numPag=1&>.

<sup>392</sup> Information available at: [www.meltingpot.org/S-T-A-M-P-uno-sportello-mobile-per-portare-in-strada-la.html#.VtRisZzhAdV](http://www.meltingpot.org/S-T-A-M-P-uno-sportello-mobile-per-portare-in-strada-la.html#.VtRisZzhAdV).

<sup>393</sup> Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIF6411.TIF&subcod=20160213&numPag=1&>.

<sup>394</sup> Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIK4018.TIF&subcod=20160218&numPag=2&>.

<sup>395</sup> Information available at: [www.redattoresociale.it/Notiziario/Articolo/501869/Braccianti-stranieri-aggredditi-Rosarno-si-mobilita-con-un-concerto](http://www.redattoresociale.it/Notiziario/Articolo/501869/Braccianti-stranieri-aggredditi-Rosarno-si-mobilita-con-un-concerto).

On 19 February 2016, some citizens and retailers in a neighbourhood of Bologna made a public plea against the establishment of a new reception centre for refugees in that area. In their opinion, such a reception centre would trigger an increase in violent episodes, robberies, unrest, and impoverishment of the area.<sup>396</sup>

On the same day, the party New Force (*Forza Nuova*, FN) voiced its willingness to organise night patrolling in the neighbourhood of a refugee reception centre located in the area of Genoa to protect citizens living in the neighbourhood.<sup>397</sup>

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<sup>396</sup> Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIG5215.TIF&subcod=20160219&numPag=1&>.

<sup>397</sup> Information available at: [http://genova.repubblica.it/cronaca/2016/02/19/news/via\\_chedera\\_forza\\_nuova\\_minaccia\\_ronde\\_qui\\_e\\_dovunque\\_ci\\_siano\\_i\\_migranti\\_-133789063/?ref=search](http://genova.repubblica.it/cronaca/2016/02/19/news/via_chedera_forza_nuova_minaccia_ronde_qui_e_dovunque_ci_siano_i_migranti_-133789063/?ref=search).



## 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 Postojna (*Center za socialno delo Postojna*);
- 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 Naturalisation (*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 (*Ministrstvo za notranje zadeve*);
- 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*);
- Project "Countering Hate Speech with Speech" (*Z (od)govorom nad sovražni govor*), Peace Institute (*Mirovni inštitut*);
- The national TV news website MMC [www.rtvsllo.si](http://www.rtvsllo.si), Editor-in-chief.

### 8.2. Overview of the situation

The police reports that nearly 34,800 people entered the territory of the Republic of Slovenia from 1 February to 29 February.<sup>398</sup> The Border Police Division provides lower numbers of around 27,100 arrivals (around 9,400 men and 6,100 women) during the reporting period, originating mainly from Syria, Afghanistan and Iraq, including some 11,600 children (five of which were unaccompanied). They entered

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<sup>398</sup> Police, Ministry of the Interior, press release, 1 March 2016, available at: [www.policija.si/index.php/component/content/article/35-sporocila-za-javnost/83199-podatki-o-tevilu-migrantov-ki-so-vstopili-v-slovenijo-do-29-februarja-2016-do-12-ure](http://www.policija.si/index.php/component/content/article/35-sporocila-za-javnost/83199-podatki-o-tevilu-migrantov-ki-so-vstopili-v-slovenijo-do-29-februarja-2016-do-12-ure).

Slovenia from Croatia mainly by train.<sup>399</sup> During the reporting period, 270 people requested international protection, which is a significant increase compared to previous months.<sup>400</sup>

UNICEF Slovenia believes the percentage of children and women crossing the country is increasing, estimating it to be at around 60 %.

## 8.3. Criminal proceedings against migrants and people helping them

### 8.3.1 Criminal proceedings initiated against migrants and asylum seekers

Irregular border crossing is not a crime. It is a misdemeanour.<sup>401</sup> In the reporting period, no criminal proceedings have been initiated against migrants or asylum seekers related to prohibited crossing of the border.<sup>402</sup> There have been, however, several instances of misdemeanour proceedings initiated against aliens under the Aliens Act<sup>403</sup> and the State Border Control Act.<sup>404</sup>

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

No such criminal proceedings have been initiated during the reporting period.<sup>405</sup>

## 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. The police fingerprinted around 26,900 people from 1 to 29 February.<sup>406</sup> All individuals over the age of 14 requesting international protection in the reported period have also been registered in EURODAC.<sup>407</sup>

At the reception centre, the police divides people into groups according to the number of identity documents they have and they first register those whose identity can be established the fastest.<sup>408</sup> The police identifies people, in

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<sup>399</sup> General Police Directorate, Uniformed Police Directorate, Border Police Division.

<sup>400</sup> Asylum Home.

<sup>401</sup> As stipulated in Articles 142 to 147 of the Aliens Act, 27 June 2011, available at: [www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761](http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761).

<sup>402</sup> The Office of the State Prosecutor General.

<sup>403</sup> Slovenia, Aliens Act, 27 June 2011 with subsequent amendments, available at: [www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761](http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761).

<sup>404</sup> Slovenia, State Border Control Act, 20 April 2010 with subsequent amendments, available at: [www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5964](http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5964).

<sup>405</sup> The Office of the State Prosecutor General.

<sup>406</sup> General Police Directorate, Uniformed Police Directorate, Border Police Division.

<sup>407</sup> Asylum Home.

<sup>408</sup> Legal Information Centre of NGOs, Slovenian Philanthropy, Caritas Slovenia.

accordance with Article 40 of the Police Tasks and Powers Act<sup>409</sup>, primarily on the basis of documents and interviews.

At a meeting in Zagreb on 18 February 2016, the police chiefs of Austria, Slovenia, Croatia, Serbia and FYROM signed a declaration on a uniform approach to profiling, registration and the controlled passage of refugees and migrants from the Macedonian-Greek border to the final destinations Austria and Germany.<sup>410</sup> According to the changes agreed upon, after undergoing an interview, i.e. profiling, and registration at the Macedonian-Greek border, only the persons arriving from war-torn countries will be able to continue their journey to Austria and Germany.<sup>411</sup>

The procedures at the reception centres, however, seem to have changed in comparison with previous months. An undisclosed source from the field reports that NGOs had limited access to provide information on procedures. The police only allows them to inform people before registration, whilst NGOs could not access those already registered and those returned from Austria. The Peace Institute (*Mirovni inštitut*) reports of drastic changes in the registration procedure in practice. They report that in the period until 16 February, 217 persons were rejected at the border and returned to Croatia, including persons from Syria, Iraq and Afghanistan.<sup>412</sup> The fact that this is happening is consistent with the information provided by the border police. Croatia then returned the people to Serbia on the 16 February. Moreover, the Peace Institute (*Mirovni inštitut*) reports that at the reception centre Dobova, the police automatically rejects all persons who are not from Syria, Iraq or Afghanistan, and even some who are from these countries but fail to give a 'right' answer to misleading questions asked by the officers. For example: an officer asks via a translator "What will you do in Germany?" If the person (even from a war-torn country) replies "I will try to find a job", the police officer interprets this to be economic migration. Or if the person says "I would like to finish university", the police officer interprets the reason for travel to be studies, which is also not a valid reason for the person to be allowed to continue his/her journey.<sup>413</sup>

The police did not detect any criminal activity related to human trafficking relating to irregular migrants in the period from 1 February to 29 February.<sup>414</sup>

#### **8.4.2 Asylum procedure**

During the reporting period, 270 requests for international protection were filed (100 from Afghanistan, 54 from Syria, 51 from Iraq; others came from Iran, Morocco, Algeria, Pakistan, Kosovo, Cuba, Albania, Egypt, Nigeria and Tunisia, and

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<sup>409</sup> Slovenia, Police Tasks and Powers Act, 30 January 2013 with subsequent amendments, available at: [www.uradni-list.si/1/content?id=111944](http://www.uradni-list.si/1/content?id=111944).

<sup>410</sup> Police, Ministry of the Interior, press release, 18 February 2016, available at: [www.policija.si/eng/index.php/component/content/article/13-news/1829-fank-uniform-profiling-for-more-effective-regulation-and-reduction-of-migration-flow](http://www.policija.si/eng/index.php/component/content/article/13-news/1829-fank-uniform-profiling-for-more-effective-regulation-and-reduction-of-migration-flow).

<sup>411</sup> *Ibid.*

<sup>412</sup> Mirovni Inštitut, 'A Report on Drastic Changes Regarding the Treatment of Refugees', 18 February 2016: [www.mirovni-institut.si/porocilo-o-izrazitih-spremembah-v-zvezi-z-obravnavo-bequncev/](http://www.mirovni-institut.si/porocilo-o-izrazitih-spremembah-v-zvezi-z-obravnavo-bequncev/).

<sup>413</sup> *Ibid.*

<sup>414</sup> General Police Directorate, Uniformed Police Directorate, Border Police Division.

one from a stateless person). Among them there were 197 men, 73 women and 103 children, 46 of which were unaccompanied.<sup>415</sup>

Due to an increased number of individuals seeking international protection, the government designated additional premises for accommodating asylum seekers, ensuring a capacity of 610 people. As the main facility (Asylum Home, *Azilni dom*) with a capacity to host 200 people in the south-western outskirts of the capital, is full, two external units have been opened in Ljubljana (Samski dom Kotnikova - 90 persons) and Logatec (Kompleks Logatec - 200 persons), with *Počitniški dom MNZ Debeli Rtič* (for 120 persons) at the coast on standby.<sup>416</sup>

An undisclosed source from the field reports that the police ignored some requests for international protection and that those persons were returned to Croatia.

The Asylum Home reports that there were no rejections of requests for international protection based on the safe third country principle.<sup>417</sup>

Under the Dublin procedure, eight persons were returned back to Slovenia (a family of six from Afghanistan, one man from Egypt, one man from Iran, and one person from Tunisia).<sup>418</sup>

During the reporting period, 10 asylum seekers had their movement limited: one to the premises of the Asylum Home and nine (three from Afghanistan, five from Algeria, one from Tunisia) were detained at the Centre for Foreigners (*Center za tujce*).<sup>419</sup>

The Asylum Home (*Azilni dom*) reports that age assessment in the asylum procedure is done according to Article 44 of the International Protection Act.<sup>420</sup> The Act foresees that the competent authority may order a medical examination for determining the age of an unaccompanied child. The asylum seeker must be informed of the medical examination in written form in the language that s/he understands and the examination can only be carried out if the unaccompanied child and/or his/her representative consents. If the unaccompanied child and/or his/her representative refuse the examination without valid reasons, s/he is regarded as an adult. However the decision to reject an application for asylum cannot be based solely on the refusal. If there is doubt about the actual age of the asylum seeker even after the examination, s/he is regarded as a child.

At the identification phase,<sup>421</sup> the police reports that child age assessment is mostly done on the basis of documents and interviews.<sup>422</sup> The police has the option to assess the stage of bone growth, however, this measure is not used in practice. The police is responsible for giving children information on the procedures, along with social workers. The police reports that information is provided at the beginning of the procedure, during identification and is done in an appropriate,

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<sup>415</sup> Asylum Home.

<sup>416</sup> Ministry of the Interior, press release, 26 February 2016, available at: [www.mnz.gov.si/si/novinarsko\\_sredisce/novica/article/12137/9588/1113d4cd3cdf5be66b3ceb69005d1e2f/](http://www.mnz.gov.si/si/novinarsko_sredisce/novica/article/12137/9588/1113d4cd3cdf5be66b3ceb69005d1e2f/).

<sup>417</sup> Asylum Home.

<sup>418</sup> *Ibid.*

<sup>419</sup> *Ibid.*

<sup>420</sup> Article 44 of the International Protection Act, 21 February 2011 with subsequent amendments.

<sup>421</sup> General Police Directorate, Uniformed Police Directorate, Border Police Division.

<sup>422</sup> *Ibid.*

child-friendly manner.<sup>423</sup> Social workers for children are present at identification procedures.

### 8.4.3 Return procedure

The police reports that around 7,500 people were handed over to the authorities of neighbouring countries.<sup>424</sup> During the reporting period, 41 people were forcibly returned after being accommodated in the Centre for Foreigners (*Center za tujce*), including people from Iraq, Afghanistan, Bosnia and Herzegovina, Pakistan, Syria and other countries.<sup>425</sup> Two returnees were unaccompanied children from Albania and Afghanistan. 132 people were detained at the Centre for Foreigners (*Center za tujce*) on the basis of a bilateral readmission agreement (50 from Syria, 39 from Afghanistan, 16 from Iraq, 9 from Morocco, and other countries), six of whom were unaccompanied children.<sup>426</sup>

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

### 8.5.1 Reception conditions and capacity

Numbers fluctuated throughout the reporting period from around 8,300 in the beginning of February to nearly 7,800 in late January.<sup>427</sup> At no point were any of the reception or accommodation centres overcrowded,<sup>428</sup> nor were asylum seekers accommodated together with persons in return procedures.<sup>429</sup>

Under the new system of dealing with people on the Balkan Route, trains arrive at the train station in Dobova from Croatia at around 22.00 CET. Because of the late hour and the limitations imposed by the police,<sup>430</sup> the number of NGOs present at the registration centre in Dobova has decreased. Those that are still present did not report about any significant changes regarding accessibility of food, water, heating, and sanitary conditions in Dobova (entry point) or Šentilj (exit point).

Two temporary accommodation centres for people in return procedures have also began accommodating people in Vrhnika and Lendava.<sup>431</sup> Vrhnika has the capacity to accommodate 900 persons and Lendava 610.<sup>432</sup> People are not detained as in

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<sup>423</sup> *Ibid.*

<sup>424</sup> General Police Directorate, Uniformed Police Directorate, Border Police Division.

<sup>425</sup> Centre for foreigners in Postojna, senior police inspector.

<sup>426</sup> Centre for foreigners in Postojna, senior police inspector.

<sup>427</sup> *URSZR*, Daily reports on protection, rescue and help activities, 1 February 2016- 29 February 2016, not published, sent upon request.

<sup>428</sup> *Ibid.*

<sup>429</sup> Legal Information Centre of NGOs, Slovenian Philanthropy.

<sup>430</sup> See below, Section V. b.

<sup>431</sup> *URSZR*, daily reports on protection, rescue and help activities, 1 February 2016- 29 February 2016, not published, sent upon request.

<sup>432</sup> Ministry of the Interior, press release, 26 February 2016, available at: [www.mnz.gov.si/si/novinarsko\\_sredisce/novica/article/12137/9588/1113d4cd3cdf5be66b3ceb69005d1e2f/](http://www.mnz.gov.si/si/novinarsko_sredisce/novica/article/12137/9588/1113d4cd3cdf5be66b3ceb69005d1e2f/)

the Centre for Foreigners, however, some NGOs report of poor living conditions.<sup>433</sup> Due to damaged pipes, there were issues regarding access to water and the Administration of the Republic of Slovenia for Civil Protection and Disaster Relief (*Uprava Republike Slovenije za zaščito in reševanje*) has warned in its reports that the conditions at Lendava are inappropriate for long-term accommodation.<sup>434</sup>

Slovenian Philanthropy (*Slovenska filantropija*) warned that NGOs were not present at accommodation centres Vrhnika and Lendava when the government started accommodating persons there. Now, they are present in Vrhnika, which mostly accommodates families, and Slovenian Philanthropy (*Slovenska filantropija*) has set up a playroom for children.

### 8.5.2 Vulnerable persons

There are still no general formal procedures or guidelines in place for identifying vulnerable persons.<sup>435</sup> In February, the police prohibited NGOs as well as UNHCR, from being present during the registration process in Dobova.<sup>436</sup> As a result, there is no information whether there are informal guidelines and practices in place nor is it clear whether vulnerable persons are granted priority treatment during the registration process. It is known, however, that the police does not grant privileges to vulnerable persons when it comes to rejecting people at the border and returning them to Croatia; it has been reported that persons with disabilities have been returned, and some families would have been separated on a number of occasions if NGOs had not intervened.<sup>437</sup> In order to prevent occurrences of family separation, an RFL (Restoring Family Links) representative is continuously present at the registration centre in Dobova and is, according to other NGOs, doing great work.<sup>438</sup>

Finally, Caritas Slovenia reports that persons with disabilities are still being provided with wheelchairs and that accommodation centres are wheelchair accessible.

### 8.5.3 Child protection

While disappearances of children from the Centre for Foreigners do not occur<sup>439</sup> since children are *de facto* detained, that is not the case for children who are accommodated at the Asylum Home or any of the Crisis Centres. These are 'open type' institutions and individuals are permitted to leave as they wish. The Asylum Home (*Azilni dom*) reported that during the reporting period, 20 unaccompanied children left and did not return to the Asylum Home and the Crisis Centres, where

<sup>433</sup> Legal Information Centre of NGOs, Slovenian Philanthropy, Caritas Slovenia, Slovenian Philanthropy, UNICEF Slovenia and The Peace Institute, Report from 18 February 2016, available at: [www.mirovni-institut.si/porocilo-o-izrazitih-spremembah-v-zvezi-z-obravnavo-beguncev/](http://www.mirovni-institut.si/porocilo-o-izrazitih-spremembah-v-zvezi-z-obravnavo-beguncev/).

<sup>434</sup> URSZR, daily reports on protection, rescue and help activities, 1 February 2016 – 29 February 2016, not published, sent upon request.

<sup>435</sup> Please note that age assessment may only be conducted after an individual seeks international protection. Pursuant to the International Protection Act, consent needs to be obtained before such a procedure. According to the Legal Information Centre of NGOs, however, in practice, age assessment is generally not being conducted.

<sup>436</sup> Slovenian Philanthropy.

<sup>437</sup> Slovenian Philanthropy.

<sup>438</sup> Slovenian Philanthropy, Caritas Slovenia.

<sup>439</sup> Centre for Social Work Postojna.

they were accommodated. While other interviewees did not provide precise numbers, they reported that disappearances regularly occur:<sup>440</sup> some estimate that about 80 % of children disappear from the Asylum Home.<sup>441</sup> Slovenian Philanthropy reports that they have not detected any signs of potential human trafficking in cases where they were able to keep in touch with children continuing to their final destination. While the Slovenian Philanthropy reports that in cases of disappearances, the children's guardians are notified but no search is organised, others have provided contrary information. They reported that as soon as a child is found missing, they notify both the child's guardian as well as the police who initiate a search.<sup>442</sup> Reports by some media attest to the latter version.<sup>443</sup> To prevent disappearances or mitigate potential adverse effects on a child who decides to leave, children are informed on potential procedural consequences of leaving the Asylum Home, as well as potential dangers they might face on their journey onwards.<sup>444</sup> Members of the Institute of African Studies also talk to children about the dangers of human trafficking.<sup>445</sup> The Asylum Home reports that they have not encountered cases of sexual violence against children, but have various preventive mechanisms in place.<sup>446</sup>

There are no significant changes regarding child friendly spaces, access to education and leisure activities.

As described in our December report, the International Protection Act and the Aliens Act require the appointment of a representative/guardian for unaccompanied children before an unaccompanied child becomes subject of a return procedure<sup>447</sup> or when an unaccompanied child requests asylum.<sup>448</sup> Their role is not only to inform children regarding their situation and guide them through all legal procedures, but also to act as a substitute parent, which includes helping the child make relevant decisions, taking them to the doctor if necessary, etc.<sup>449</sup> They are also needed for the child to submit an asylum application.<sup>450</sup> While the Centre for Social Work Postojna<sup>451</sup> reports that they are severely understaffed with one guardian per 50 children, UNICEF reports that there are generally no staff shortages since additional guardians were recruited in late 2015.

People, including children, generally only spend a couple of hours at the reception/registration centre in Dobova and the accommodation centre in Šentilj, where child friendly spaces have been established by UNICEF in January.<sup>452</sup>

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<sup>440</sup> Legal Information Centre of NGOs, Slovenian Philanthropy, Crisis Centre Bežigrad.

<sup>441</sup> Undisclosed source.

<sup>442</sup> Legal Information Centre of NGOs, Crisis Centre Bežigrad.

<sup>443</sup> Article on the web news portal 24ur, 'Decision about a centre in Kidričevo has not been made, migrants cannot be forbidden to move freely in Lendava', 29 February 2016: [www.24ur.com/novice/slovenija/odlocitev-o-centru-v-kidricevem-se-ni-sprejeta-v-lendavi-migrantom-prostega-gibanja-ne-morejo-prepovedati.html](http://www.24ur.com/novice/slovenija/odlocitev-o-centru-v-kidricevem-se-ni-sprejeta-v-lendavi-migrantom-prostega-gibanja-ne-morejo-prepovedati.html).

<sup>444</sup> Asylum Home.

<sup>445</sup> *Ibid.*

<sup>446</sup> *Ibid.*

<sup>447</sup> Slovenia, Article 82(1) of the Aliens Act, 27 June 2011 with subsequent amendments, available at: [www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761](http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761).

<sup>448</sup> Slovenia, Article 16(4) of the International Protection Act, 21 February 2011 with subsequent amendments, available at: [www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4911](http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4911).

<sup>449</sup> UNICEF Slovenia.

<sup>450</sup> Slovenian Philanthropy.

<sup>451</sup> Centre for Foreigners is in CSD Postojna's jurisdiction.

<sup>452</sup> UNICEF Slovenia.

Children who seek asylum are accommodated either at the Asylum Home (*Azilni dom*) or, those who are under the age of 16, at Crisis Centres (*Krizni centri*) across the country. While they are at the Asylum Home, children are provided with psycho-social support and are accommodated separately from other asylum seekers. NGOs have found this to be inappropriate, since children are still in contact with all asylum seekers during the day and thereby exposed to risks related to human trafficking.<sup>453</sup> Accommodation at Crisis Centres is also regarded as inappropriate by some NGOs due to a lack of interpreters, reluctance of Crisis Centres to accommodate refugees, and the fact that Crisis Centres are spread all across the country, making it harder for NGOs to reach, inform and assist children.<sup>454</sup> UNICEF regards accommodating children with foster families as the optimal solution, which alleviates the process of integration for children.<sup>455</sup> This option has not been used so far.

Children who are subjects of a return procedure are either accommodated at the Centre for Foreigners (*Center za tujce*),<sup>456</sup> or the newly opened accommodation centre Vrhnika. This centre only accommodates families and children in return procedures. Nonetheless, it is still considered inappropriate for children by some NGOs,<sup>457</sup> mostly due to a lack of activities for children and a lack of psycho-social support.<sup>458</sup>

#### 8.5.4 Healthcare

Nothing significantly new to report. A medical team is either present or available on call at all registration and accommodation centres. Medication is readily available at all times and all costs of healthcare are covered by the state.<sup>459</sup> From 1 to 29 February 2016, more than 2,300 people have been treated, including around 880 children and 65 pregnant women.<sup>460</sup> Around 20 people have been hospitalised, including four children and seven pregnant women.<sup>461</sup>

#### 8.5.5 Immigration detention

During the reporting period, about 400 people, including some 150 Syrians and 120 Afghans, were detained at the Centre for Foreigners (*Center za tujce*) on the basis of establishing identity or removal from the country. Among them were 28 unaccompanied children, most of whom were from Afghanistan.<sup>462</sup> There were 132 people detained at the centre on the basis of a bilateral agreement on return (mainly Syrians, Afghans and Iraqis).<sup>463</sup> The Centre for Foreigners (*Center za tujce*) can accommodate up to 350 people<sup>464</sup> and is accommodating a greater

<sup>453</sup> Legal Information Centre of NGOs, Slovenian Philanthropy.

<sup>454</sup> Legal Information Centre of NGOs.

<sup>455</sup> UNICEF Slovenia.

<sup>456</sup> For adequacy of the Centre for Foreigners for children please see previous reports.

<sup>457</sup> Slovenian Philanthropy.

<sup>458</sup> Caritas Slovenia.

<sup>459</sup> Ministry of Health, Legal Information Centre of NGOs, Slovenian Philanthropy.

<sup>460</sup> Ministry of Health, Daily reports on healthcare offered to migrants and refugees, not published, sent upon request.

<sup>461</sup> Ministry of Health, Daily reports on healthcare offered to migrants and refugees, not published, sent upon request.

<sup>462</sup> Centre for foreigners in Postojna, senior police inspector.

<sup>463</sup> Centre for foreigners in Postojna, senior police inspector.

<sup>464</sup> URSZR, Daily reports on protection, rescue and help activities, 1 February 2016–29 February 2016, not published, sent upon request.



number of people than in previous months, although they have not reported any problems with overcrowding so far.

Unaccompanied children who are not asylum seekers can be accommodated in the Centre for Foreigners (*Center za tujce*) in exceptional circumstances. These circumstances, according to the police, occur when no other adequate accommodation provided by the Social Work Centre (CSD) is available. However, stricter police supervision cannot be imposed on unaccompanied children. The authorities are trying to provide more appropriate accommodation centres for unaccompanied children and the Ministry of Interior has stressed the vulnerability and need for protection of this particular group.<sup>465</sup>

## 8.6. Responses in law, policy and/or practice

There have been a number of changes regarding border control policies that were agreed upon or came into effect during the reporting period.

On 18 February 2016, the Heads of Police of Austria, Slovenia, Croatia, Serbia, and FYROM met in Zagreb and agreed on a common method of profiling, registering, and transporting people to their final destination.<sup>466</sup> They also agreed to only permit transit from FYROM to Austria for up to around 580 people per day.<sup>467</sup> Additionally, they agreed to only let persons arriving from war-torn countries to continue their journey.<sup>468</sup> NGOs report that only Syrian, Iraqi, and Afghan citizens who explicitly claim to be fleeing war are permitted to continue their journey to Austria.<sup>469</sup> As a direct result of these changes, the number of individuals rejected at the border with Croatia has increased<sup>470</sup> and there have also been reports of individuals not being granted access to the asylum procedure.<sup>471</sup>

Furthermore, the parliament's act granting the military some limited police powers, including crowd control, to enable the military to patrol the border more effectively, has entered into force.<sup>472</sup>

Due to an increased number of individuals seeking international protection, two external units of the Asylum Home (*Azilni dom*) have opened in Ljubljana and Logatec.<sup>473</sup> These additional external units can accommodate up to 310 asylum seekers.<sup>474</sup> Temporary accommodation centres for people in return procedures

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<sup>465</sup> Ministry of the Interior, press release, 25 February 2016, available at:

[www.mnz.gov.si/si/novinarsko\\_sredisce/novica/article/12137/9650/10968319e85505b9a3e79315b8d75e5b/](http://www.mnz.gov.si/si/novinarsko_sredisce/novica/article/12137/9650/10968319e85505b9a3e79315b8d75e5b/).

<sup>466</sup> Article on the web news portal RTVSLO, 'Agreement between the police on the Balkan Route: up to 580 migrants per day', 26 February 2016: [www.rtvlo.si/begunska-kriza/dogovor-policij-balkanske-poti-do-580-prebeznikov-dnevno/386809](http://www.rtvlo.si/begunska-kriza/dogovor-policij-balkanske-poti-do-580-prebeznikov-dnevno/386809).  
<sup>467</sup> *Ibid.*

<sup>468</sup> Police, Ministry of the Interior, press release, 18 February 2016, available at:

[www.policija.si/eng/index.php/component/content/article/13-news/1829-fank-uniform-profiling-for-more-effective-regulation-and-reduction-of-migration-flow](http://www.policija.si/eng/index.php/component/content/article/13-news/1829-fank-uniform-profiling-for-more-effective-regulation-and-reduction-of-migration-flow).

<sup>469</sup> Mirovni Inštitut, 'A Report on Drastic Changes Regarding the Treatment of Refugees', 18 February 2016: [www.mirovni-institut.si/porocilo-o-izrazitih-spremembah-v-zvezi-z-obravnavo-beguncev/](http://www.mirovni-institut.si/porocilo-o-izrazitih-spremembah-v-zvezi-z-obravnavo-beguncev/).

<sup>470</sup> See above, Section 8.4.3.

<sup>471</sup> See above, Section 8.4.2.

<sup>472</sup> Article on the web news portal RTVSLO, 'The military with police powers, use of force permitted under limited circumstances', 24 February 2016: [www.rtvlo.si/slovenija/vojska-s-policijskimi-pooblastili-izjemoma-dovoljena-uporaba-sile/386582](http://www.rtvlo.si/slovenija/vojska-s-policijskimi-pooblastili-izjemoma-dovoljena-uporaba-sile/386582).

<sup>473</sup> Ministry of the Interior, press release, 22 February 2016, available at:

[www.mnz.gov.si/si/novinarsko\\_sredisce/novica/browse/2/article/12208/9641/539546ad7ecb1ead187f364789637b4b/](http://www.mnz.gov.si/si/novinarsko_sredisce/novica/browse/2/article/12208/9641/539546ad7ecb1ead187f364789637b4b/).

<sup>474</sup> URSZR, Daily reports on protection, rescue and help activities, 29 February 2016, not published, sent upon request.

have also began accommodating people in Vrhnika and Lendava.<sup>475</sup> Except for Ljubljana, the mayors and the local population of these areas have continuously been calling for a restriction of people's movement to the accommodation centres, but to no effect.<sup>476</sup>

On 17 February, the government expanded<sup>477</sup> the list of safe countries of origin to also include Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Egypt, Kosovo, Macedonia, Morocco, Montenegro, Serbia, Tunisia, and Turkey.<sup>478</sup>

## 8.7. Social response to the situation

On 27 February 2016, a relatively large rally (1,000 participants) in favour of refugees took place in Ljubljana as a direct response to a smaller anti-refugee protest at the same venue.<sup>479</sup> Both protests took place after one of the external units of the Asylum Home (*Azilni dom*) opened in Ljubljana. A smaller counter protest in favour of refugees occurred in Vrhnika as well.<sup>480</sup> Except for these two protests, there was nothing significantly new to report. Volunteers and NGOs continue to be highly active in the field and are instrumental in managing the situation.<sup>481</sup>

## 8.8. Hate crime incidents

The Office of the State Prosecutor General did not receive any criminal reports and it did not initiate any proceedings concerning the criminal offence "Public incitement to hatred, violence or intolerance", punishable under Article 297 of the Criminal Code,<sup>482</sup> related to migrants.<sup>483</sup>

The Slovenian hotline for reporting hate speech incidents on the internet "Web eye" (*Spletno oko*) received around 300 reports.<sup>484</sup> Six reports were referred to the police, as alleged offences punishable according to Article 297 ("Public incitement to hatred, violence or intolerance") of the Criminal Code. They were targeted against foreigners (one case), migrants and persons in need of

<sup>475</sup> URSZR, Daily reports on protection, rescue and help activities, 1 February 2016- 29 February 2016, not published, sent upon request.

<sup>476</sup> Article on the web news portal 24ur, 'Decision about a centre in Kidričevo has not been made, migrants cannot be forbidden to move freely in Lendava', 29 February 2016: [www.24ur.com/novice/slovenija/odlocitev-o-centru-v-kidricevem-se-ni-sprejeta-v-lendavi-migrantom-prostega-gibanja-ne-morejo-prepovedati.html](http://www.24ur.com/novice/slovenija/odlocitev-o-centru-v-kidricevem-se-ni-sprejeta-v-lendavi-migrantom-prostega-gibanja-ne-morejo-prepovedati.html).

<sup>477</sup> Ministry of the Interior, press release, 17 February 2016, available at: [www.mnz.gov.si/si/novinarsko\\_sredisce/novica/browse/3/article/12208/9645/f59e5bab389732b82c4e65f430b9201a/](http://www.mnz.gov.si/si/novinarsko_sredisce/novica/browse/3/article/12208/9645/f59e5bab389732b82c4e65f430b9201a/).

<sup>478</sup> Government, *Government adopts the ordinance defining a list of safe countries of origin based on the International Protection Act*, press release, 17 February 2016, available at: [www.vlada.si/en/media\\_room/government\\_press\\_releases/press\\_release/article/the\\_government\\_adopts\\_the\\_ordinance\\_defining\\_a\\_list\\_of\\_safe\\_countries\\_of\\_origin\\_57610/](http://www.vlada.si/en/media_room/government_press_releases/press_release/article/the_government_adopts_the_ordinance_defining_a_list_of_safe_countries_of_origin_57610/).

<sup>479</sup> Article on the web news portal RTVSLO, 'Photo: Rallies at Kotnikova Ulica in Ljubljana Occurred in a Tense Atmosphere, but no Outbursts', 27 February 2016: [www.rtvslo.si/slovenija/foto-shoda-na-kotnikovi-ulici-v-ljubljani-potekala-v-napetem-vzdusju-a-brez-izgredov/386873](http://www.rtvslo.si/slovenija/foto-shoda-na-kotnikovi-ulici-v-ljubljani-potekala-v-napetem-vzdusju-a-brez-izgredov/386873).

<sup>480</sup> Article on the web news portal RTVSLO, 'Vrhnika: 200 People Were Protesting Against Accommodating Migrants', 26 February 2016: [www.rtvslo.si/slovenija/vrhnika-200-ljudi-protestiralo-proti-namestitvi-prebeznikov/386831](http://www.rtvslo.si/slovenija/vrhnika-200-ljudi-protestiralo-proti-namestitvi-prebeznikov/386831).

<sup>481</sup> See, for instance, URSZR, Daily reports on protection, rescue and help activities, 1 February 2016- 29 February 2016, not published, sent upon request.

<sup>482</sup> Slovenia, Criminal Code, 20 May 2008, with subsequent amendments, available at: [www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050](http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050).

<sup>483</sup> The Office of the State Prosecutor General.

<sup>484</sup> Hotline for reporting hate speech on the internet "Web eye", Project coordinator.

international protection (two cases) and members of Islamic religious group (three cases).

Several demonstrations against migrants were held throughout the country, including rallies in Šenčur<sup>485</sup> against an accommodation centre in the town; in Logatec opposing the establishment of a new asylum centre near the town;<sup>486</sup> and in Vrhnika against the size of an accommodation centre.<sup>487</sup> About 200 protesters who oppose the accommodation of migrants in their town attended the rally in Lenart.<sup>488</sup> The police noticed that these rallies were of a racist or xenophobic nature. Four other demonstrations in Ljubljana organised on 4, 11, 18 and 25 February by *Odbor 2014* were of a similar nature.<sup>489</sup> The police issued a fine against one person for the misdemeanour "inciting intolerance"<sup>490</sup> under Art. 20 of the Protection of Public Order Act.<sup>491</sup>

On 27 February, a rally in support of and a rally against migrant accommodation was held in Ljubljana. Those opposing met in front of the National Assembly at Trg republike. Meanwhile more than 1,000 participants gathered in support of migrant accommodation in Ljubljana at Kotnikova street, where a new branch of the Asylum Home has been established. Both groups of protesters eventually met at Kotnikova street and were separated by the police, which created a buffer zone in the tense atmosphere.<sup>492</sup> The incident was discussed by the Parliamentary Commission for Supervision of the Intelligence and Security Services (*Parlamentarna komisija za nadzor obveščevalnih in varnostnih služb*).<sup>493</sup>

Parents and, most notably, 26 secondary school teachers of France Prešeren High School (*Gimnazija Franceta Prešerna*) in Kranj successfully rejected the accommodation of unaccompanied children in the Kranj Student Dormitory (*Dijaški in študentski dom Kranj*).<sup>494</sup> Several professional organisations highly condemned this rejection, e.g. the Association of teaching staff Slovenia (*Zveza društev pedagoških delavcev Slovenije, ZDPDS*),<sup>495</sup> the Department of Educational Sciences of the Faculty of Arts of the University of Ljubljana (*Oddelek za pedagogiko in andragogiko, FF UL*) and the Slovenian Association of Teachers (*Slovensko društvo pedagogov*), as well as several civil society organisations such as Slovenian Philanthropy (*Slovenska filantropija*)<sup>496</sup> and Slovenian PEN centre

<sup>485</sup> STA (2016). "Around 3,000 protesters in Šenčur loudly protested against Centre for migrants", 20 February 2016, available at: [www.siol.net/novice/slovenija/2016/02/protestni\\_proti\\_migrantskemu\\_centru\\_v\\_sencurju.aspx](http://www.siol.net/novice/slovenija/2016/02/protestni_proti_migrantskemu_centru_v_sencurju.aspx).

<sup>486</sup> MMC (2016). "Logatec: protest against Asylum Centre", 23 February 2016, available at <http://4d.rtvslo.si/arhiv/prispevki-in-izjave-odmevi/174390207>.

<sup>487</sup> STA (2016). "Protest in Vrhnika", 26 February 2016, available at: [www.planet.si/novice/slovenija/civilna-druzba-kranjski-ucitelji-ki-so-se-postavili-proti-begunskim-otrokom-so-sramoten-zgled-za-dijake.html](http://www.planet.si/novice/slovenija/civilna-druzba-kranjski-ucitelji-ki-so-se-postavili-proti-begunskim-otrokom-so-sramoten-zgled-za-dijake.html).

<sup>488</sup> *Ibid.*

<sup>489</sup> General Police Directorate, Uniformed Police Directorate, Border Police Division.

<sup>490</sup> The General Police, Uniformed Police Directorate, Border Police Division.

<sup>491</sup> Slovenia, The Protection of Public Order Act, 22 June 2006 with subsequent amendments, available at: [www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3891](http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3891).

<sup>492</sup> Atelšek, R. (2016). "Tense situation in Ljubljana: protesters separated by the police", 27 February 2016, available at: [http://www.siol.net/novice/slovenija/2016/02/shod\\_proti\\_beguncem\\_ljubljana.aspx](http://www.siol.net/novice/slovenija/2016/02/shod_proti_beguncem_ljubljana.aspx).

<sup>493</sup> STA (2016). "The Parliamentary Commission discussed Saturday's protests on Kotnikova street", 3 March 2016, available at: [www.siol.net/novice/slovenija/2016/03/komisija\\_dz\\_o\\_protestih\\_na\\_kotnikovi.aspx](http://www.siol.net/novice/slovenija/2016/03/komisija_dz_o_protestih_na_kotnikovi.aspx).

<sup>494</sup> Košir, I. (2016). "Six children too many", 23 February 2016, available at: [www.mladina.si/172723/sest-otrok-prevec/](http://www.mladina.si/172723/sest-otrok-prevec/).

<sup>495</sup> ZDPDS (2016). "Response to the opposing of accommodating refugee children in the Kranj Student Dormitory", available at: <http://www.zdpds.si/2016-02-24/odziv-na-nasprotovanje-nastanitvi-otrok-beguncev-v-kranjski-dijaski-dom/>.

<sup>496</sup> Slovenian Philanthropy (2016). "Slovenian Philanthropy on the reception of unaccompanied children", 24 February 2016, available at: [www.filantropija.org/slovenska-filantropija-o-sprejemu-otrok-brez-spremstva/](http://www.filantropija.org/slovenska-filantropija-o-sprejemu-otrok-brez-spremstva/).

(*Slovenski center PEN*).<sup>497</sup> Despite the explanations given by government representatives, parents were still very strongly against the plan of accommodating unaccompanied children at the dorm and threatened to take away their own children, subsequently forcing the dormitory's headmaster not to accept the unaccompanied children. A statement was later released saying the decision was made "because we did not want to expose anyone to potential conflicts or pressure – neither students now living there nor the unaccompanied children".<sup>498</sup>

Unknown person(s) again dropped pigs' heads and littered pigs' blood on the construction site of the new Islamic Cultural Centre in Ljubljana.<sup>499</sup> The police started an investigation concerning a violation of Article 297 ("Public incitement to hatred, violence or intolerance") of the Criminal Code.<sup>500</sup>

Members of the counselling office for migrants (*Svetovalnica za migrante*), set up by the Association of Free Trade Unions of Slovenia (*Zveza svobodnih sindikatov Slovenije, ZSSS*), received threats due to their support of migrants.<sup>501</sup>

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<sup>497</sup> Slovenian PEN Centre (2016). "Public statement about the event in Kranj", 26 February 2016, available at: [www.had.si/blog/2016/02/26/javna-izjava-slovenskega-centra-pen-dogodek-v-kranju-evald-flisar/](http://www.had.si/blog/2016/02/26/javna-izjava-slovenskega-centra-pen-dogodek-v-kranju-evald-flisar/).

<sup>498</sup> Ministry of the Interior, press release, 23 February 2016, available at: [www.mnz.gov.si/si/novinarsko\\_sredisce/novica/article/121379642/8c2e7394fde73430d227383143673408/](http://www.mnz.gov.si/si/novinarsko_sredisce/novica/article/121379642/8c2e7394fde73430d227383143673408/).

<sup>499</sup> MMC RTVSLO (2016). "Pig's head thrown again at the construction site of a mosque", 1 February 2016, available at: [www.rtvlo.si/cma-kronika/na-gradbisce-dzamije-spet-odvrgli-svinjsko-glavo/384787](http://www.rtvlo.si/cma-kronika/na-gradbisce-dzamije-spet-odvrgli-svinjsko-glavo/384787).

<sup>500</sup> Hotline for reporting hate speech on the internet "Web eye" (*Spletno oko*), Project coordinator.

<sup>501</sup> STA (2016). "Threats to workers in Counselling office for migrants", 1 March 2016, available at: <http://svet24.si/clanek/novice/slovenija/56d5d097cb1dc/grozili-delavcem-v-svetovalnici-za-migrante>.

## 9. Sweden

### 9.1. Stakeholders contacted

The following stakeholders were contacted:<sup>502</sup>

- 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*);
- Sweden's National Association of Unaccompanied Children (*Sveriges riksförbund för ensamkommande*);
- Swedish Association of Local and Regional Authorities (*Sveriges kommuner och landsting, SKL*);
- UNHCR.

### 9.2. Overview of the situation

During the period of 1 February – 29 February 2016, some 2,800 asylum seekers arrived in Sweden, which is a further decrease from December (some 13,800) and January (some 4,200). The decrease is a result of the obligatory ID checks on all carriers entering Sweden, which was introduced on 4 January 2016, when a temporary law introducing carrier sanctions entered into force. The temporary law has been extended until 8 April 2016.

The main point of entry is Trelleborg, in the south of Sweden. The police estimates that 90 – 95 % of the new asylum seekers in February used this route. According to the police, around 11,700 internal controls were carried out (in the whole country) between 1 September 2015 and 31 January 2016.<sup>503</sup>

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<sup>502</sup> The Swedish National Council for Crime Prevention were not available. The UNHCR has informed that they do not prioritise answering questions of any kind.

<sup>503</sup> Swedish Police. ID-checks on ferries between Germany and Sweden are carried out by transport companies on a voluntarily basis.

Out of the asylum applications registered in February 2016, some 1,600 were men and around 1,100 were women. Among them, almost 1,000 were children. The main three countries of origin are Syria, Afghanistan and Somalia.<sup>504</sup>

In February, 185 unaccompanied children were registered – a significant decrease compared with the previous months of January when 640 unaccompanied children were registered and of December 2015 with 6,880 unaccompanied children registered. The unaccompanied children are predominately boys (87 %), about 40 % of them are 13 to 15 years old and 50 % 16 to 17 years. The remaining ones are under the age of 12.<sup>505</sup>

## 9.3. Criminal proceedings against migrants and people helping them

### 9.3.1 Criminal proceedings initiated against migrants and asylum seekers

Nothing new to report.<sup>506</sup>

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

No information is currently available on charges against transportation companies failing to undertake ID-controls. The police is currently investigating a couple of cases.<sup>507</sup>

Taxi drivers or private drivers bringing persons across the Danish-Swedish border are arrested and suspected of people smuggling.<sup>508</sup> People smuggling is an offence with a penalty ranging from six months to two years.<sup>509</sup> So far, between two and three taxi drivers are under investigation, but no case has reached a final judgement.<sup>510</sup> After these arrests were carried out in January, the Danish Taxiråd, also representing the Swedish Taxi Association, has urged its members to check passports if they have the slightest doubt about the passengers' right to enter Sweden.<sup>511</sup>

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<sup>504</sup> Swedish Migration Agency.

<sup>505</sup> *Ibid.*

<sup>506</sup> Swedish Police.

<sup>507</sup> Swedish Police, Ordinance concerning certain ID checks in situations of serious threats to public order or the internal security in the country, available at: [www.regeringen.se/contentassets/9ad6bc56ac5a4083bfefe74e12e73f47/forordning-om-vissa-identitetskontroller-vid-allvarlig-fara-for-den-allmanna-ordningen-eller-den-inre-sakerheten-i-landet-sfs-2015\\_1074.pdf](http://www.regeringen.se/contentassets/9ad6bc56ac5a4083bfefe74e12e73f47/forordning-om-vissa-identitetskontroller-vid-allvarlig-fara-for-den-allmanna-ordningen-eller-den-inre-sakerheten-i-landet-sfs-2015_1074.pdf)

<sup>508</sup> Swedish Police.

<sup>509</sup> Sweden, "Alien Act", available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Utlanningslag-2005716\\_sfs-2005-716/#K20](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Utlanningslag-2005716_sfs-2005-716/#K20).

<sup>510</sup> Swedish Police.

<sup>511</sup> Denmark "Increased Swedish focus on taxis.", web page, available at [www.taxi.dk/Default.aspx?ID=378&PID=1221&Action=1&NewsId=934](http://www.taxi.dk/Default.aspx?ID=378&PID=1221&Action=1&NewsId=934).

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

### 9.4.1 Registration and identification

Registration and identification processes are running smoothly. Asylum seekers are staying in the arrival municipalities for roughly one week to clarify the asylum seekers' identities and register their applications.<sup>512</sup> All asylum seekers over 14 years must submit their fingerprints to the Migration Agency. Unaccompanied children, whose applications are Dublin cases, have the same rights as other asylum-seeking children until they are sent to the Member State in question.

The government has ordered the Migration Board to increase age assessments of unaccompanied children both at registration and in asylum proceedings.<sup>513</sup> Child age assessments are done through interviews carried out by Migration Agency officials during the registration of the asylum application. Assessments are only made if it is "apparent" that a person claiming to be a child could be an adult.<sup>514</sup> The burden of proof lies with the asylum seeker, who has to prove that the Agency's age assessment is wrong. The Agency is obliged to inform the asylum seeker about the possibility of using medical age assessment to prove his/her age.<sup>515</sup> The National Board of Health and Welfare is currently reviewing its recommendations on age assessments.<sup>516</sup>

The possibilities to identify vulnerable groups early on in the asylum process are limited.<sup>517</sup> The police notes down any unusual circumstance for the Migration Agency to act upon, once the asylum applications are registered.<sup>518</sup> If the note refers to unaccompanied children, the social services in the assigned municipalities (*anvisningskommuner*) are obliged to act. There is no information available on whether they do so or not. Few LGBTI persons are identified during the registration process.<sup>519</sup> Human trafficking is a concern, especially in relation to unaccompanied children. However, it is still difficult to find any reliable data on the situation.<sup>520</sup> No cases have been reported that can be related to the asylum migration of the last couple of months. During the period of high number of arrivals, September – December 2015, the Migration Agency's units could not cope with the registration process. As a result, an estimated 1,000 unaccompanied children disappeared from their temporary accommodations.<sup>521</sup>

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<sup>512</sup> Swedish Migration Agency, Swedish Civil Contingencies Agency.

<sup>513</sup> Sweden, Ministry of Justice "Appropriation Directions concerning the Migration Agency", available at: [www.esv.se/Verktyg--stod/Statsliggaren/Regleringsbrev/?RBID=16910](http://www.esv.se/Verktyg--stod/Statsliggaren/Regleringsbrev/?RBID=16910).

<sup>514</sup> Swedish Migration Agency, "Assessment of your age as a part of your identity", web page, available at: [www.migrationsverket.se/Privatpersoner/Skydd-och-asyl-i-Sverige/For-dig-som-ar-barn-och-har-sokt-asyl/Utan-foraldrar/Asylansokan/Aldersbedomning.html](http://www.migrationsverket.se/Privatpersoner/Skydd-och-asyl-i-Sverige/For-dig-som-ar-barn-och-har-sokt-asyl/Utan-foraldrar/Asylansokan/Aldersbedomning.html).

<sup>515</sup> Swedish Migration Agency, "Assessment of your age as a part of your identity", web page, available at: [www.migrationsverket.se/Privatpersoner/Skydd-och-asyl-i-Sverige/For-dig-som-ar-barn-och-har-sokt-asyl/Utan-foraldrar/Asylansokan/Aldersbedomning.html](http://www.migrationsverket.se/Privatpersoner/Skydd-och-asyl-i-Sverige/For-dig-som-ar-barn-och-har-sokt-asyl/Utan-foraldrar/Asylansokan/Aldersbedomning.html).

<sup>516</sup> Swedish National Board of Health and Welfare.

<sup>517</sup> Swedish Police, Amnesty International and Save the Children.

<sup>518</sup> Swedish Police.

<sup>519</sup> Swedish Migration Agency.

<sup>520</sup> Swedish Migration Agency, Swedish Association of Local Authorities and Regions, Amnesty International, Save the Children, Swedish Police, National Coordinator Against Prostitution and Human Trafficking.

<sup>521</sup> Swedish Local Authorities and Regions.

### 9.4.2 Asylum procedure

The registration of asylum applications is back to ordinary speed. Asylum seekers stay in the Migration Agency's reception centres in the municipalities of first arrival for about one week to register their applications.<sup>522</sup>

There are currently nearly 161,800 persons waiting for their first decision. The approximate time for asylum applications to be processed is 249 days on average.<sup>523</sup> A large number of asylum seekers are waiting for an appointment to present their cases to the Migration Agency: The majority of those who applied for asylum in the autumn and winter of 2015 are still waiting for an appointment to start their asylum review. The Migration Agency cannot estimate how long an individual case may take. However, it is expected that new arrivals will have to wait almost two years before receiving a decision.<sup>524</sup>

The number of decisions in asylum cases rose from about 4,900 in January to 7,300 in February 2016. In February, asylum decisions concerned the following four main categories: people who have been granted residence permit (36 %); rejected asylum applications (14 %); Dublin cases (22 %); dismissed applications on the grounds that the Agency is unable to examine the substance of the applications, mainly because the applicants have departed or withdrawn their applications, (28 %).<sup>525</sup> There is no report of applications being rejected based on the safe third country principle.

Unaccompanied children have an extended right to family reunification, including other relatives beyond the immediate family in the concept of 'family'. As a condition, relatives must be able to care for the child. The Migration Agency looks for relatives of the unaccompanied children.<sup>526</sup>

### 9.4.3 Return procedure

The police executed around 3,000 returns during 2015.<sup>527</sup> A major challenge is that few countries are currently accepting to receive their citizens except on a voluntary basis.<sup>528</sup> More than 21,000 individuals are on the police's deportation list. Almost 64 % of the persons listed have absconded.<sup>529</sup>

There are no separate detention facilities for families and/or unaccompanied children only. All facilities have sections that can be separated from the main areas. These sections can be used for children, women, families and other particularly vulnerable people.<sup>530</sup> An unaccompanied child is only detained if there are exceptional grounds for doing so.<sup>531</sup> There are no reports of any transgressions of these regulations.<sup>532</sup>

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<sup>522</sup> Swedish Migration Agency.

<sup>523</sup> *Ibid.*

<sup>524</sup> *Ibid.*

<sup>525</sup> *Ibid.*

<sup>526</sup> *Ibid.*

<sup>527</sup> Swedish Police.

<sup>528</sup> *Ibid.*

<sup>529</sup> *Ibid.*

<sup>530</sup> Email correspondence with Mikael Rasmussen, Process manager at the Swedish Migration Agency, 12 February 2016.

<sup>531</sup> Sweden, Aliens Act, 29 September 2005, Ch. 10, Section 3, para. 1. Available at: [www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Utlanningslag-2005716\\_sfs-2005-716/](http://www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Utlanningslag-2005716_sfs-2005-716/).

<sup>532</sup> Save the Children, Amnesty International, Red Cross.



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

### 9.5.1 Reception conditions and capacity

On 1 March 2016, nearly 177,700 persons were registered in the Migration Agency's reception system. Approximately 91 % are waiting for a decision, 7 % have obtained residence permits and 2,900 have been denied residence permits. 54 % live in the asylum accommodation centres for adults and families, 28 % stay with relatives or friends and 18 % stay in specially designated accommodations for unaccompanied children.

Over 5,500 asylum seekers stay in so-called 'evacuation housing' (*evakueringsboenden*) waiting to move to their assigned municipality. The evacuation housing may be a rescue shelter or a sports hall that has been converted into dormitories. The asylum accommodation centres are run either by the Migration Agency or by private companies procured by the Agency.

### 9.5.2 Vulnerable persons

During the period of large arrivals in 2015, many municipalities reported that their reception systems were stretched beyond their limit.<sup>533</sup> Single adults and families are placed wherever accommodation centres are established. The assigned municipalities are responsible for the arrangement of accommodation, education, social welfare and guardianship for all unaccompanied children.<sup>534</sup> The county councils/regions (*landsting/regioner*) are responsible for the provision of adequate healthcare, including psychiatric care and dental care.

Crime statistics indicate that the violence rates in accommodation centres are higher than in the rest of society. Asylum seekers are both perpetrators and victims of crime.<sup>535</sup> However, there are also reports of cases where staff members have assaulted and/or threatened asylum seekers.<sup>536</sup> The violence rate indicates that some centres are unsuitable for vulnerable groups. The situation in the accommodation centres poses significant challenges. It has been easier to find accommodation for new arrivals in sparsely populated areas. However, in these areas, the police has to travel long distances to reach a specific accommodation when they receive a call. Once there, language problems and a lack of interpreters make each case more time consuming.<sup>537</sup>

### 9.5.3 Child protection

The asylum reception system depends on the capacity of the assigned municipalities, since local authorities are responsible for the care and welfare of

<sup>533</sup> Swedish Migration Agency, Swedish Association of Local Authorities and Regions.

<sup>534</sup> Swedish Association of Local Authorities and Regions.

<sup>535</sup> Swedish Police.

<sup>536</sup> Save the Children.

<sup>537</sup> Swedish Migration Agency.

unaccompanied children. The municipalities must provide authorised social workers that can assess the individual child's needs and how these shall be met. Social workers are also responsible to act on reports of concern (*orosanmälan*), whenever there is a suspicion that a child is in distress or that there is violence in a family.<sup>538</sup> Social workers are also needed to run the accommodation centres. During the autumn and winter of 2015, these processes did not function properly. Social services and schools were neither organised nor equipped to receive such an unprecedented number of unaccompanied children. As a result, they have not been able to meet the standards required by law.<sup>539</sup>

The Inspectorate for Health and Social Care (IVO) is in charge of supervising the reception of unaccompanied children at local level.<sup>540</sup> Human rights organisations have reported cases where children have been placed together with adults,<sup>541</sup> whereas authorities refer to cases where adults have been placed with children.<sup>542</sup>

Families are placed in the same accommodation centre. Unaccompanied children are placed in specifically designated accommodation centres.<sup>543</sup> According to Save the Children, younger children are placed in the same accommodation centres as older teenagers, namely 12-13-year olds are accommodated together with 16-17-year olds, which the organisation sees as a concern.<sup>544</sup>

On 1 March 2016, around 35,100 unaccompanied children were staying in specially designated accommodation centres.<sup>545</sup> The needs of the unaccompanied children have not been assessed within statutory time limits. Individual cases have not been adequately documented. Many municipalities have placed unaccompanied children in family homes without conducting the required investigatory procedure.<sup>546</sup> The social services' possibility to monitor the care of the unaccompanied children and youth is limited and there is not enough capacity to respond.<sup>547</sup> The lack of interpreters has exacerbated the situation.<sup>548</sup> To increase its capacity, the social services have hired "family consultants" (*familjekonsulter*) from private companies, who have been put in charge of establishing new accommodation centres. They hire staff, do background checks, train and supervise them. However, monitoring of the work of consulting companies has been non-existent.<sup>549</sup> In February, the daily newspaper *Dagens Nyheter* revealed

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<sup>538</sup> Swedish Association of Local Authorities and Regions, National Board of Health and Welfare.

<sup>539</sup> Swedish Associations of Local Authorities and Regions, National Board of Health and Welfare, Inspectorate of Health and Social Care, Swedish Civil Contingencies Agency, Save the Children, Amnesty International.

<sup>540</sup> Swedish Migration Agency, Swedish Association of Local Authorities and Regions, Inspectorate of Health and Social Care.

<sup>541</sup> Save the Children.

<sup>542</sup> Swedish Migration Agency, Swedish Association of Local Authorities and Regions, National Board of Health and Welfare.

<sup>543</sup> Swedish Migration Agency.

<sup>544</sup> Save the Children.

<sup>545</sup> Swedish Migration Agency.

<sup>546</sup> Sweden, National Board of Health and Welfare, "Social services' work with unaccompanied minors – the situation January 2016", and "Social services' work with unaccompanied minors – the situation February 2016".

<sup>547</sup> Sweden, National Board of Health and Welfare, "Social services' work with unaccompanied minors – the situation January 2016".

<sup>548</sup> Sweden, National Board of Health and Welfare, "Social services' work with unaccompanied minors – the situation January 2016", and "Social services' work with unaccompanied minors – the situation February 2016".

<sup>549</sup> Inspectorate of Health and Social Care, National Board of Health and Welfare.

how the need for accommodation centres has become a lucrative market for unsuitable and/or criminal actors.<sup>550</sup>

As of 1 February, 1,200 accommodation centres were designated for unaccompanied children.<sup>551</sup> The Inspectorate for Health and Social Care (IVO) is tasked with the inspection of all special homes for children and youth (HBV-hem) and raised a number of problems during their inspections. There is a backlog in assessing children's needs for health and social care. This has led to situations where children in need of targeted psychiatric treatment are placed together with others, without necessary and/or suitably trained personnel.<sup>552</sup> There is a lack of staff at certain hours. The staff are not properly trained to handle conflicts and respond to distress and grief.<sup>553</sup> Save the Children and the National Association of Unaccompanied Minors (*Sveriges riksförbund för ensamkommande*) emphasise the problems caused by the lack of competent staff at the accommodation centres.<sup>554</sup>

According to the police, about seven to 10 children are reported missing from their accommodation each week. The police registers a search warrant but so far, no children have been found. The description of the missing children given by the staff at the accommodations are in general very vague, making it impossible to find someone based on these descriptions.<sup>555</sup> The government has tasked the county administrative boards of Sweden to conduct a national survey of unaccompanied children who disappear and propose measures to prevent further disappearances.<sup>556</sup> The results shall be reported by 15 December 2016.<sup>557</sup>

The situation is also problematic when it comes to access to education. Several County Administration Boards (*länsstyrelser*), report that children are not offered access to education within a month, which is the recommended time limit.<sup>558</sup> The right to education also applies to upper secondary school (16 – 19 years), but the waiting lists for this level of education are even longer.<sup>559</sup>

Each municipality is responsible for appointing legal guardians for the unaccompanied children assigned to them.<sup>560</sup> The aim is to appoint guardians for all children within seven days. This has not been possible during the autumn/winter seasons of 2015.<sup>561</sup> The situation is improving, but there are still unaccompanied

<sup>550</sup> Rosén, H. "Minister promises stricter regulations", Dagens Nyheter, 3 March 2016, available at: [www.dn.se/nyheter/sverige/minister-lovar-skarpta-regler-for-familjehem/](http://www.dn.se/nyheter/sverige/minister-lovar-skarpta-regler-for-familjehem/); Bouvin, E. & Carlsson, M. "Convicted persons behind accommodation centre companies", Dagens Nyheter, 2 March 2016, available at: [www.dn.se/nyheter/sverige/domda-personer-bakom-familjehemsbolag/](http://www.dn.se/nyheter/sverige/domda-personer-bakom-familjehemsbolag/); Bouvin, E. & Wierup, L. "Person with serious criminal record runs home for refugee children", Dagens Nyheter, 16 February 2016, available at: [www.dn.se/nyheter/sverige/grovt-kriminell-drev-hem-for-flyktingbarn/](http://www.dn.se/nyheter/sverige/grovt-kriminell-drev-hem-for-flyktingbarn/).

<sup>551</sup> Swedish Inspectorate of Health and Social Services.

<sup>552</sup> *Ibid.*

<sup>553</sup> *Ibid.*

<sup>554</sup> Save the Children and the National Association of Unaccompanied Minors.

<sup>555</sup> Swedish Police.

<sup>556</sup> Sweden, Ministry of Health and Social Affairs, "Commission concerning unaccompanied children who disappear", S2016/00634/FST, available at: [www.regeringen.se/globalassets/regeringen/dokument/socialdepartementet/social-omsorg/uppdrag-om-ensamkommande-barn-som-forsvinner.pdf](http://www.regeringen.se/globalassets/regeringen/dokument/socialdepartementet/social-omsorg/uppdrag-om-ensamkommande-barn-som-forsvinner.pdf).

<sup>557</sup> Sweden, Ministry of Health and Social Affairs, "Commission concerning unaccompanied children who disappear", S2016/00634/FST, available at: [www.regeringen.se/globalassets/regeringen/dokument/socialdepartementet/social-omsorg/uppdrag-om-ensamkommande-barn-som-forsvinner.pdf](http://www.regeringen.se/globalassets/regeringen/dokument/socialdepartementet/social-omsorg/uppdrag-om-ensamkommande-barn-som-forsvinner.pdf).

<sup>558</sup> Swedish Civil Contingencies Agency, Swedish National Board of Education.

<sup>559</sup> Swedish National Board of Education, Swedish Civil Contingencies Agency.

<sup>560</sup> Swedish Migration Agency, Swedish Association of Local Authorities and Regions.

<sup>561</sup> *Ibid.*

children, whose asylum applications were registered in December 2015, that have not yet been appointed guardians.<sup>562</sup> The aspiration is to be able to reduce the waiting time to two weeks in March. The delay has led to corresponding delays in school enrolment, disbursement of social benefits and delays in any healthcare appointments that are not urgent.<sup>563</sup> The most common complaints concerns the quality and the quantity of meetings between the children and their custodians.<sup>564</sup> The interpretation services are overloaded and cannot provide interpreters for meetings between the custodians and the children where they get to know each other.<sup>565</sup>

#### 9.5.4 Healthcare

The county councils/regions are responsible for the provision of adequate healthcare facilities and personnel. Many asylum accommodation centres are situated in regions, where services like healthcare stations may be situated quite far away. The lack of interpreters increases the difficulties. The problems in the healthcare sector are mainly caused by a lack of psychiatric care, dental care, and vaccines.<sup>566</sup>

Save the Children notices a worrying tendency where many children are experiencing mental health problems and the responsible authorities appear to be unable to handle the situation.<sup>567</sup> Neither the Children and Youth Psychiatry Centres (*Barn- och ungdomspsykiatri*) nor the regular healthcare centres (*vårdcentraler*) are treating the psychiatric problems of unaccompanied children properly.<sup>568</sup> According to Save the Children, the first-line healthcare centres have an inclination to disregard the psychiatric problems of children.<sup>569</sup> Save the Children are training different groups of personnel on the municipal level on how to respond and care for children and young persons with post-traumatic syndrome.<sup>570</sup> According to the organisation, traumatised children have nowhere to turn. The Red Cross runs a trauma centre in Gothenburg, but they do not treat children.<sup>571</sup>

#### 9.5.5 Immigration detention

People that are denied asylum are allowed to stay in the Migration Agency's accommodation centre until they can leave or until they are deported. If a person leaves the centre without keeping in touch with the Migration Agency, he/she is written off the reception system, which ends the right to accommodation. All persons that are assessed to be likely to abscond before their deportation is carried

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<sup>562</sup> Sweden, Chief Custodian of the city of Gothenburg.

<sup>563</sup> *Ibid.*

<sup>564</sup> *Ibid.*

<sup>565</sup> Sweden, Chief Custodian of the city of Gothenburg.

<sup>566</sup> Swedish Association of Local Authorities and Regions.

<sup>567</sup> Save the Children.

<sup>568</sup> *Ibid.*

<sup>569</sup> *Ibid.*

<sup>570</sup> *Ibid.*

<sup>571</sup> Red Cross.

out are detained in one of the five special detention facilities run by the Migration Agency. The average time in detention for adults is under 7 days.<sup>572</sup>

## 9.6. Responses in law, policy and/or practice

On 11 February 2016, the Ministry of Justice presented a draft proposal for a temporary law to be considered by the Council on Legislation (*Lagrådet*) before it is presented to the parliament for decision. The proposal introduces limitations on the opportunities to obtain residence permits in Sweden.<sup>573</sup> According to the proposal, all persons granted international protection would only be given a *temporary* residence permit, family reunification rules would be tightened and stricter income requirements would be introduced for family reunification. Furthermore, the government proposes to limit the issuance of residence permits on the basis of particularly distressing circumstances. If the temporary law is passed, it will enter into force on 31 May 2016.<sup>574</sup> The proposal is heavily criticised by a number of human rights organisations.<sup>575</sup>

## 9.7. Social response to the situation

The media debate focused on issues brought up by the incidents on New Year's Eve in Cologne, Germany.<sup>576</sup> The debate increased in intensity at the end of January 2016, when a young woman working at an accommodation centre for unaccompanied children was stabbed to death while working.<sup>577</sup>

## 9.8. Hate crime incidents

There are no reports of attacks on reception and accommodation centres during February. Social media is used by racist/anti-immigration web forums and news feeds to spread negative reporting relating to the migration situation. On 15 February 2016, young Nazis dressed in t-shirts labelled "Safety host" (*trygghetsvärd*), entered an indoor swimming pool pretending to be there to protect Swedish women from the assaults of asylum seekers. Plans to increase the number of temporary accommodation centres tend to be met with protests from the prospective neighbours. Protests are expressed in anti-immigration sentiments, but can also be framed in terms of an expected drop in property prices

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<sup>572</sup> Swedish Migration Agency, Swedish Police.

<sup>573</sup> Sweden, Ministry of Justice, "Limitations of the opportunity to obtain a residence permit in Sweden" draft proposal for consideration by the Council of Legislation, available at: [www.regeringen.se/contentassets/6c532e0c5ef2406b9097ba9d93e43ce1/utkast-till-lagratsremiss-om-begransningar-av-mojligheten-att-fa-uppehallstillstand-i-sverige.pdf](http://www.regeringen.se/contentassets/6c532e0c5ef2406b9097ba9d93e43ce1/utkast-till-lagratsremiss-om-begransningar-av-mojligheten-att-fa-uppehallstillstand-i-sverige.pdf).

<sup>574</sup> Sweden, Ministry of Justice, "Limitations of the opportunity to obtain a residence permit in Sweden" draft proposal for consideration by the Council of Legislation, available at: [www.regeringen.se/contentassets/6c532e0c5ef2406b9097ba9d93e43ce1/utkast-till-lagratsremiss-om-begransningar-av-mojligheten-att-fa-uppehallstillstand-i-sverige.pdf](http://www.regeringen.se/contentassets/6c532e0c5ef2406b9097ba9d93e43ce1/utkast-till-lagratsremiss-om-begransningar-av-mojligheten-att-fa-uppehallstillstand-i-sverige.pdf).

<sup>575</sup> Amnesty International, Red Cross, Save the Children, National Association for Unaccompanied Minors.

<sup>576</sup> See e.g. Avci, G., Hannah, R., Nilsson, M. & Westerlund, U. "A gender perspective is needed in Swedish migration policy-making", *Dagens Nyheter*, 5 February 2016, available at: [www.dn.se/debatt/genusperspektiv-behovs-i-svensk-migrationspolitik/](http://www.dn.se/debatt/genusperspektiv-behovs-i-svensk-migrationspolitik/); Hudson, V. "The Abnormal number of young men a problem for Sweden, Göteborgs-Posten, 19 January 2016, available at: [www.gp.se/nyheter/debatt/1.2961141--abnorma-antalet-unga-man-ett-problem-for-sverige-](http://www.gp.se/nyheter/debatt/1.2961141--abnorma-antalet-unga-man-ett-problem-for-sverige-)

<sup>577</sup> Sweden, Government Offices, "Ms. Åsa Regnér: This is what we do in order to work against men's violence against women", web page, available at: [www.regeringen.se/debattartiklar/2016/03/asa-regner-detta-qor-vi-for-att-motverka-mans-vald-mot-kvinnor/](http://www.regeringen.se/debattartiklar/2016/03/asa-regner-detta-qor-vi-for-att-motverka-mans-vald-mot-kvinnor/).

or a limitation of the view. Social media is used to organise networks of individuals and organisations supporting the reception of new arrivals. The activities at asylum accommodation centres and the specially designated accommodation centres for unaccompanied children are totally depending on voluntary initiatives.