



Monthly data collection on the current migration situation in the EU

April 2016 monthly report

1–31 March 2016

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Highlights: 1-31 March 2016

New arrivals

Arrivals in Greece almost halve compared to previous months, of whom 35 % are children. As of 20 March 2016, following the EU agreement with Turkey, people arriving on the Greek islands are held in closed centres while they wait for their return to Turkey; all arrivals prior to that date are transferred to the mainland.

The number of arrivals doubled in Italy and increased by 40 % in Hungary.

As the former Yugoslav Republic of Macedonia (FYROM), Croatia and Slovenia close their borders far fewer people arrive in Croatia, Slovenia, Austria and Germany.

Relocation from Greece increases during the reporting period, almost reaching the numbers of the preceding five-month period.

The proportion of young unaccompanied children under the age of 12 years increases among the arrivals in Greece. There is also a rise in the number of unaccompanied girls arriving in Sweden.

Asylum applications in Greece and Hungary double and remain at a high level in Austria, Germany and Sweden.

Criminal proceedings

In Hungary, almost a third of the arrivals are prosecuted for unauthorised border fence crossing.

Proceedings concerning human trafficking and facilitation of irregular entry or stay increase in Greece and almost double in Austria and Hungary. In Bulgaria, people helping refugees are often sentenced to detention or fines.

Providing help for humanitarian reasons without pay is not clearly exempted from punishment, according to a law in Slovenia.

Initial registration and processing

In Greece, almost a third of the people arriving are registered in March.

The Office of the United Nations High Commissioner for Refugees (UNHCR), also known as the UN Refugee Agency, continues to provide information on asylum on the Greek islands but suspends some of its support due to the systematic detention of arrivals.

Several associations in Italy criticise the 'hotspot' system for limiting people's access to international protection.

Slovenia only allows entry to people wishing to seek asylum in Slovenia; police reportedly passed over such requests or discouraged persons to do so.

Most asylum seekers entering Hungary through Serbia are automatically rejected due to the safe third-country rule and are often detained while awaiting removal.

UNHCR and non-governmental organisations (NGOs) reportedly have no or limited access to people refused entry or stay in Slovenia.

In Germany, asylum seekers continue to wait up to six months before they are able to register their asylum application.

People detained in Bulgaria have to sign documents that are provided to them only in Bulgarian.

Reception conditions

Between 10,000 and 12,000 people, including around 4,000 children, remain stranded in Idomeni (Greece) where severe deficits persist in water, sanitation, hygiene, healthcare, protection and shelter.

More than 5,000 people are temporarily accommodated in the port of Piraeus (Greece) because they are refusing to leave the port and be transferred to accommodation facilities.

Hotspot facilities in Italy are overcrowded, including the new hotspot in Taranto.

Training courses on adequate reception procedures are organised for professionals in Ancona (Marche, Italy).

Initial reception and registration facilities in Austria, Croatia and Slovenia accommodate only few people or have been closed. Most people have been transferred either to asylum reception or pre-removal facilities in Slovenia.

Conditions in German mass reception facilities remain very poor and do not take into account vulnerabilities.

Reception conditions are not satisfactory for people with disabilities in Hungary. A young Syrian man, whose wheelchair was broken, had to spend 23 days in detention lying on a bed until his lawyer was able to get a donated wheelchair for him.

Asylum seekers are sometimes accommodated in isolated places in Sweden. For example, 600 asylum seekers were placed in an accommodation centre at a ski resort in the very north of Sweden with only 30 persons living in the vicinity.

Violent protests occur regularly in Idomeni (Greece).

Assaults at asylum centres in Sweden cause two deaths.

Municipalities in Italy try to coordinate the reception of asylum seekers since it is not managed nationally. An instruction by the prefect in Sondrio (Italy) to limit asylum seekers' movement in the city centre and children's access to parks is withdrawn following criticism by the Association for Legal Studies on Immigration.

Reception facilities in Bulgaria continue to have a shortage of fruit and vegetables.

Child protection

Hundreds of unaccompanied children remain stranded on the Greek islands waiting in first reception, transit and police facilities for their transfer to mainland facilities. Their transfer is delayed since the mainland facilities are overcrowded.

Hotspot facilities in Pozzallo (Italy) continue to accommodate children for several weeks despite poor conditions.

Asylum seeking children in Sweden do not always have access to health, education and social services since they might not be accommodated in the municipality responsible for these services.

Between seven and eight unaccompanied children are reported missing from their accommodation in Sweden each week.

Legal, social and policy responses

Italian and German Interior Ministers propose measures to reform the EU asylum system, including, for example, the creation of an EU agency for asylum policies, a common registration system supported by Frontex and an institutionalised distribution of asylum seekers according to quotas.

Hungary has prepared the infrastructure for new fences at its borders with Romania and Serbia.

Sweden discusses a new law that would suspend basic assistance, including housing, for rejected asylum seekers without children who either did not leave the country voluntarily or received a deportation decision.

Italy prepares a new law authorising the use of force for identifying asylum seekers despite opposition by police trade unions.

Italian courts grant international protection to nationals from countries generally not seen as unsafe, reaffirming the validity of individual situations as grounds for protection.

Italian and Albanian police step up their cooperation in anticipation of increased irregular migration following the Council of the EU agreement with Turkey.

Italian police strictly controls the border with Austria in cooperation with the army. In Hungary, soldiers also support border control.

Government and opposition parties in Slovenia reject a proposal to hold a referendum on limiting the number of asylum seekers, which the largest opposition party put forward.

Plans to decrease the minimum living space granted to detained migrants in Hungary are dropped after harsh criticism by NGOs.

According to polls, a majority of Slovenians support the accommodation of refugees near their own place of residence.

Positive social responses are reported in Austria, Greece, Slovenia and Sweden; these include volunteer work, demonstrations in support of adequate refugee reception, rallies for open borders and other support activities.

Hate speech

The Brussels terrorist attacks of 22 March spark a series of anti-migrant public statements and acts in Bulgaria, Hungary and Sweden.

Many hate crime incidents continue to occur in Austria and Germany.

Uniformed local groups of the Finnish right-wing extremist organisation 'Soldiers of Odin' have been patrolling the streets of various Swedish cities with the aim of protecting cities from the alleged criminal behaviour of immigrants.

In Bulgaria, the Prosecutor orders an investigation of a private person who detained migrants on his own initiative, which he filmed and broadcasted.

Some residents in Veroia, northern Greece, protest outside the new accommodation shelter for asylum seekers by throwing heads of dead pigs.

Thematic focus: Healthcare

FRA data on the current migration flows – covering March 2016 – show the great risks to people’s health and lives during their journeys into and then across the EU, as well as the high level of vulnerability among arrivals. Therefore, particular attention is given to the provision of healthcare to newly arrived migrants and persons in need of international protection. As FRA findings show, these people can access healthcare services to varying extents across the EU Member States covered by FRA’s monthly data collection.

This thematic focus examines the healthcare practices in five key areas:

- initial health screening;
- health status and use of the healthcare system;
- healthcare in first reception and detention facilities;
- vaccination of children;
- measures to prevent and address violence against women.

The right to health is a basic social right. The Charter of Fundamental Rights of the European Union (Charter) enshrines the right to healthcare in Article 35, stating that

“[e]veryone has the right of access to preventive healthcare and the right to benefit from medical treatment under the conditions established by national laws and practices”.

The Charter’s application is limited to those matters that fall within the scope of EU law. It does not make any distinction on the grounds of nationality, but it does make the exercise of the right to healthcare subject to national laws and practices.

The UN International Covenant on Economic, Social and Cultural Rights (ICESCR), which all 28 EU Member States have ratified, recognises in its Article 12

“the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”.

Core obligations deriving from this right apply to everyone, regardless of status.

Main findings

- The majority of the EU Member States covered in this data collection conduct health screenings of newly arrived migrants and/or persons in need of international protection. In most cases, health screenings target persons in need of international protection; in a few Member States, they target all newly arrived migrants.
- In some Member States, the health screening only aims to identify cases of communicable diseases; in a few others, it also serves to identify individual health needs and people belonging to vulnerable groups.
- The main health issues affecting newly arrived migrants and persons in need of international protection are dermatological infections, respiratory diseases, colds and psychological issues.

- None of the Member States covered collects systematic data on the health status of newly arrived migrants and persons in need of international protection, nor on their use of the healthcare system.
- The main challenges identified about healthcare provision at reception centres are:
 - limited entitlements to healthcare;
 - practical/administrative barriers;
 - cost of treatment and/or medicines;
 - limited availability of healthcare professionals;
 - poor sanitation conditions and overcrowded spaces;
 - a lack of interpreters.
- Most Member States do not have specific mechanisms in place to prevent violence against women at reception or detention centres.

Initial health screening

According to Article 13 of the Reception Conditions Directive,¹ EU Member States may require health screenings for applicants for international protection on public health grounds. There is, however, no obligation to undertake such screenings. As shown in the following Table, **all Member States covered conduct health screenings (Austria, Bulgaria, Germany, Greece, Slovenia, Italy, Sweden, Croatia and Hungary). In most cases, health screenings target persons wishing to apply for international protection in the Member State; in a few Member States they target all newly arrived migrants.** There is a legal obligation to offer health screenings in Austria,² Germany,³ Slovenia⁴ and Sweden;⁵ it is a routine practice in other Member States despite not being legally prescribed. In some countries, such as Germany, the health screening is mandatory.

In Italy and Greece, newly arrived migrants and persons in need of international protection undergo medical screening. In Italy, the government's roadmap, approved in September 2015, sets out rules for procedures to be implemented to manage arrivals of persons in need of international protection and migrants; it explicitly imposes a health screening upon arrival at ports. In Greece, health screening is conducted for new arrivals after the registration procedure is completed in the hotspots. It is not mandatory and is conducted where necessary.

¹ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.

² Austria, Asylum Act, Articles 28 (4) 7 and 29 (6) 8.

³ Germany, Asylum Procedures Act (AsylVfG), Article 62 (1).

⁴ Slovenia, International Protection Act, Art. 38.

⁵ Sweden, Act concerning healthcare and medical services for asylum seekers and others, Para. 7.

In the other Member States, there is no systematic health screening of new arrivals. For example, in Austria,⁶ during the registration process at the borders, and in Hungary,⁷ in the transit zones, the border guards (Austria) and the police (Hungary) refer everyone who explicitly requires medical assistance or shows symptoms of illness to a health professional.

Table: Health screenings of persons in need of international protection and newly arrived migrants

EU Member State	Initial health screening
AT	Yes, health screening of applicants for international protection (provided by law)
BG	Yes, health screening of persons in need of international protection
HR	Yes, health screening of newly arrived migrants
DE	Yes, health screening of foreigners who are in a reception or accommodation centre (provided by law)
EL	Yes, health screening of newly arrived migrants
HU	Yes, health screening of persons in need of international protection
IT	Yes, health screening of all newly arrived migrants
SI	Yes, health screening of persons in need of international protection (provided by law)
SE	Yes, health screening of applicants for international protection (provided by law)

The purpose of the health screening differs between the EU Member States covered in this data collection. **Whereas some Member States only carry out a health screening to identify cases of communicable diseases (Germany and Hungary), others use the health screening for several purposes at once (Greece, Italy, Sweden).** For example, according to the Greek Ministry of Health, the health screenings aim to provide, where necessary, appropriate therapeutic intervention and to ensure the referral of those in need of medical care to competent health structures. Furthermore, such screenings seek to protect public health against communicable diseases and to ensure the health of third-country nationals arriving without legal documents.

⁶ Austria, Federal Ministry of the Interior, Department II/2, Operational Affairs.

⁷ Bulgaria, National Police Headquarters.

In Bulgaria, the main purpose of the initial health screening of new arrivals is to detect infectious diseases, whereas the health screening of asylum seekers aims to identify needs for further medical assistance. The medical staff ask and look for visible signs of injury or any serious diseases, including infectious and chronic ones.

In some Member States, the health screening is also used to identify vulnerable persons (Bulgaria, Greece and Italy). In Bulgaria, unless such identification requires special examinations, medical personnel ask people if they have any health-related vulnerabilities – chronic diseases, other serious diseases, pregnancy.⁸ Regarding arrivals to ports in Italy, all vulnerable people should be identified at the docks during the first health screening. Special attention is paid to children and pregnant women. A healthcare assistance facility set up in Pordenone (Friuli-Venezia Giulia) provides initial health screening for people arriving from Slovenia before they are identified and registered.⁹

In Germany, Hungary, Slovenia and Sweden, the health screening is not part of the procedure for identifying vulnerable persons. In Germany, staff members who work at reception centres are usually tasked to identify vulnerable persons.¹⁰ In Sweden, people with disabilities, pregnant women and victims of post-traumatic stress who are in need of emergency care are often identified by other means. The health screenings work as a way of identifying victims of post-traumatic stress of a less obvious nature.

In Austria, in case the health status of a person requires particular care, the medical doctor provides health treatment and reports special treatment requirements to the Federal Ministry of the Interior, which then tries to meet the person's demands (such as accommodation for persons in wheelchairs or persons with serious war injuries).¹¹

Promising practice – Health screening of applicants for international protection in Sweden

In Sweden, health screening must be offered to all applicants for international protection by the county councils/regions in which they reside.¹² The health screening is offered to identify any health problems relating to the individual, but also as a measure for infectious disease control.¹³ The health screening is voluntary and an interpreter can be engaged if necessary. The health screening aims to

⁸ Refugee Support Group.

⁹ Information available at: www.interno.gov.it/it/notizie/pordenone-nuovo-presidio-sanitario-i-richiedenti-asilo.

¹⁰ Berlin Regional Office for Health and Social Affairs.

¹¹ Federal Ministry of the Interior, Department III/9; Caritas.

¹² Sweden, Act concerning healthcare and medical services for asylum seekers and others, available at: www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Lag-2008344-om-halso--och-s_sfs-2008-344/, paras. 7 and 8.

¹³ Sweden, Public Health Agency, National Board of Health and Welfare.

deliver a medical assessment of what kind of healthcare services should be offered to the person in question.

The screening must include questions about the person's immunisation status, his or her exposure to infections, as well as other information that may be needed to discover any infectious diseases. The questions must be based on the epidemiological situation of the places where the person in question has stayed before arriving in Sweden. The health screening must also include a health dialogue (*hälsosamtal*) concerning the person's past and present physical and mental health. A part of this dialogue must concern the person's psychosocial situation or traumatic experiences. A physical examination and tests must be carried out as part of the health screening. They should be based on the findings from the questions asked earlier and the health dialogue.¹⁴

None of the Member States covered has adopted standardised health screening forms. In Germany, the Robert Koch Institute has, however, provided a health screening form which the responsible authorities can use.¹⁵

Only a few Member States then give migrants and persons in need of international protection their medical records. In Slovenia, migrants who are in reception facilities and in detention centres receive their medical records when leaving the centre.¹⁶ In Croatia, migrants also receive their medical records but these are only available in Croatian.¹⁷ This can create potential problems as migrants and persons in need of international protection move to other locations, including other countries. It should be noted, however, that in some Member States EU citizens, alongside newly arrived migrants, do not have easy access to their medical records.

Health status and use of the healthcare system

None of the EU Member States covered collects systematic data on the health status of newly arrived migrants and persons in need of international protection, nor on their use of the healthcare system. A database exists in Germany to collect information on whether the mandatory health screening has taken place and whether a vaccination has been carried out. It does not, however, contain individual health records. The purpose of such a database is to prevent double health screenings and double vaccinations. Furthermore, if a foreigner staying in a reception facility or in an accommodation

¹⁴ Sweden, National Board of Health and Welfare, National Board of Health and Welfare's regulations and general advice concerning the health screenings of asylum seekers and others (SOSFS 2011:11), available at: www.socialstyrelsen.se/sosfs/2011-11.

¹⁵ Available here: www.rki.de/DE/Content/Gesundheitsmonitoring/Gesundheitsberichterstattung/GesundAZ/Content/A/Asylsuehrende/Inhalt/Muster-Dokumentationsbogen_zur_aerztlichen_Erstuntersuchug.html.

¹⁶ Centre for Foreigners.

¹⁷ Croatia, Jesuit Refugee Service.

centre has an infectious disease, there is a legal obligation to inform the authorities responsible for the accommodation of asylum seekers and the Federal Office for Migration and Refugees.¹⁸ Finally, municipalities have to collect data concerning the costs of medical treatments of asylum seekers to be reimbursed by the federal states.¹⁹

Similarly, in Hungary, medical providers have to send the results of health screenings to the National Public Health and Medical Officer Service. The information provided includes the type and number of performed screenings, the number of positive test results, data about pregnancies and vaccinations, the number of migrants treated in hospitals, and the number of surgeries performed. The data are collected at hospital/medical service provider level. The information shared do not contain personal data, and is mainly conducted for epidemiological surveillance. Similarly, in Greece, systematic health statistics on migrants and asylum seekers for all epidemiological diseases, such as Hepatitis B, are collected by the Hellenic Centre for Disease Control and Prevention.²⁰

In Sweden, there are no statistics available at national level on the health status and use of the health system by refugees and asylum seekers.²¹ Each county council/region registers the number of health screenings performed and each healthcare unit registers the number of appointments with persons who do not have a personal identification number (*personnummer*), including asylum seekers. However, the substitute number that an asylum seeker receives during a health screening or a doctor's appointment may differ between two appointments, making it difficult to use the data collected.

National health authorities and medical organisations working on the ground in the selected Member States identified the following main health issues affecting newly arrived migrants and asylum seekers:

- dermatological infections and diseases such as lice and scabies (Bulgaria, Germany, Greece, Italy and Sweden), and fungal skin infections (Bulgaria), usually caused by poor hygiene during the journey and/or in reception and detention facilities;
- respiratory diseases (Bulgaria, Slovenia and Sweden), particularly among children;
- flu and colds (Austria, Bulgaria, Greece, Hungary and Slovenia);
- psychological and psychiatric disorders and post-traumatic stress (Germany and Sweden);
- dental problems (Slovenia and Sweden);
- gastrointestinal diseases (Greece and Italy).

¹⁸ Germany, Asylum Procedures Act (AsylVfG), Article 62 (2).

¹⁹ German Association of Towns and Municipalities

²⁰ Greece, Ministry of Health.

²¹ Sweden's Association of Local Authorities and Regions; Public Health Agency of Sweden; National Board of Health and Welfare; and the Red Cross Sweden.

Cases of tuberculosis were reported in Austria (during the first month of arrivals) and in Germany where they mainly concern children. Physical trauma (such as fractures) was frequently reported in Italy.

A few countries reported specific health problems affecting migrant children. While migrant children in Greece are mainly suffering from gastrointestinal diseases and the common cold,²² they are predominantly affected by respiratory infections in Bulgaria. In Germany, malnutrition and tuberculosis are reported as the main health issues among children. About 10 %-20 % of unaccompanied children are traumatised. Furthermore, children often suffer from nervousness and a feeling of restlessness.²³ In Hungary, migrant children are at high risk of infections due to the poor hygienic conditions during their journeys and the lack of mandatory vaccinations. The authorities also find it difficult to confirm whether a child has been vaccinated or not and against which diseases. In Sweden, Syrian children are reported to have mostly good immunisation, while children from Afghanistan (usually unaccompanied) do not know if they are vaccinated and against which diseases.

Maternity care is an issue in some of the EU Member States covered. In Sweden, maternity healthcare units are put under severe strain as they have to conduct all antenatal tests that pregnant women could not carry out earlier in their pregnancies in a short period of time. There is an increase in early labour and complicated childbirths in Sweden as well as in Greece.²⁴ In Hungary, the authorities occasionally identify unwanted rape-related pregnancies among migrant women.²⁵

Healthcare in first reception and detention facilities

According to Article 19 paragraph 1 of the Reception Conditions Directive, EU Member States shall ensure that applicants for international protection (asylum seekers under the EU asylum *acquis*) receive the necessary healthcare which shall include, at least, emergency care and essential treatment of illnesses and of serious mental disorders. Additionally, Member States shall provide necessary medical or other assistance to applicants who have special reception needs, including appropriate mental healthcare where needed (Article 19 paragraph 2).

With regard to detention, Article 14 (b) of the Return Directive prescribes Member States to ensure that emergency healthcare and essential treatment of illness are provided to third-country nationals during the period prior to a voluntary return and during the periods for which removal has been postponed. According to

²² MDM Greece.

²³ German Association of Towns and Municipalities.

²⁴ Sweden, National Board of Health and Welfare; Greece, Médecins du Monde.

²⁵ National Public Health and Medical Officer Service.

Article 16 (3) of the same directive, Member States have to pay particular attention to the situation of vulnerable persons in pre-removal detention.

Ensuring timely access to screening and treatment also has cost saving effects on the healthcare system, as FRA's 2015 report on the cost of exclusion from healthcare shows.²⁶

A number of challenges were reported about the provision of healthcare in reception as well as in detention facilities. The following challenges were identified in reception facilities:

1. **Limited entitlements to healthcare:** In some Member States, such as Slovenia, asylum seekers are only granted access to emergency healthcare.²⁷ Similarly, in Croatia, all treatment beyond emergency, including antenatal examinations for pregnant women, have to be paid for by the asylum seekers themselves.²⁸
2. **Practical/administrative barriers** when accessing healthcare. In Italy, asylum seekers are entitled to the same healthcare as nationals. However, to access to the National Health Service, asylum seekers need to have a residence address. Unfortunately, not all reception centres can provide it.
3. **Cost of treatment and/or medicines** has been raised as a problem in some Member States. In Bulgaria, when asylum seekers have to undergo specific treatments such as surgery, funds have to be sought from NGOs and other sponsors to pay for the cost of treatment. In Italy, asylum seekers and refugees accommodated in reception centres have access to the National Health Service and are exempted from payment of healthcare fees on the basis of their financial situation on the same grounds as nationals. However, the implementation of the exemption from payment of healthcare fees encountered some difficulties due to several legal issues. The Ministry of Health has not yet issued any new guidelines or circular letters, and a range of different practices are observed across regions.²⁹ In Sweden, asylum seekers with scabies cannot afford to pay for their treatment since the required medicine is not a prescription drug.³⁰
4. **Limited availability of healthcare professionals** at reception centres was raised as an issue in Germany, Greece and Slovenia. In Germany, for instance, it is difficult to find health professionals and voluntary staff working at weekends. In some reception facilities, only voluntary health staff are available.³¹

²⁶ FRA (2015), *Cost of exclusion from healthcare – The case of migrants in an irregular situation*, Luxembourg, Publications Office.

²⁷ Slovenian Philanthropy; Centre for Foreigners.

²⁸ Croatia, Jesuit Refugee Service.

²⁹ Italy, interview with ASGI.

³⁰ Prescription drugs are subsidised and cost SEK 50 (€5.40), while a drug against scabies costs SEK 239 (€25.80). Each asylum seeker receives a maximum of SEK 71 (€7.66) per day. A person can apply for additional funding, but in order to do so he/she must have this information.

³¹ Germany, Medoffice.

5. **Poor sanitation conditions and overcrowded spaces** have been reported in Germany, Greece and Sweden. In Sweden, overcrowded reception facilities have led to assaults and in some cases to violent deaths.³² According to the Swedish Police, the violence rate indicates that some centres are not suitable for vulnerable persons, especially because the police may have to travel long distances to reach a specific accommodation if they are asked to intervene.³³ In Germany, there are poor sanitary conditions in many mass reception centres. In addition, there is often a lack of space to ensure appropriate medical treatment.
6. **Lack of interpreters** has been mentioned as an issue in Austria, Slovenia and Sweden. In Austria, For instance, the provision of translation during asylum seekers' visits to hospitals, general practitioners or specialised doctors poses a problem. NGOs are financially unable to provide this service for all asylum seekers, but try to find solutions in severe cases. In Sweden, a lack of trained interpreters has been reported.

An additional challenge identified in Bulgaria is the unwillingness of newly arrived migrants to undergo medical treatment or allow treatment of their children due to their wish to leave the country immediately.³⁴

Only a few Member States reported specific problems concerning access to healthcare in detention facilities. In Italy, two recent reports³⁵ identified a number of challenges: it is often difficult for detainees to have access to specialist healthcare assistance outside the centre (i.e. in local hospitals or clinics) because, on the one hand, there are no protocols in place with local health authorities and, on the other, detainees' transport to hospital facilities is discouraged by the management of the centre because it is expensive and has sometimes provided detainees with the opportunity to flee from the centre. Another problem is that detainees are not provided with adequate information on their right to access primary healthcare, although Italian law grants this right to irregular migrants. In Hungary, civil society organisations have raised concerns regarding healthcare provided in alien police detention facilities (e.g. Nyírbátor) where, despite a general health service being available 24-hours a day, only a basic medical service is provided. Serious medical conditions of detainees are treated with significant delays or not at all.³⁶

³² Swedish Police.

³³ Swedish Police.

³⁴ State Agency for Refugees.

³⁵ The first report is available at: www.senato.it/application/xmanager/projects/leg17/file/repository/commissioni/dirittiumaniXVII/rapporto_cie.pdf; the other report is available at: www.lasciatecientrare.it/j25/attachments/article/193/lasciateCIEntrare%20rapporto%202016-2.pdf.

³⁶ UNHCR Hungary.

It has been reported that health professionals are present on a regular basis at the detention centre in Slovenia.³⁷ In Austria and Sweden, no particular challenges were reported regarding healthcare in detention facilities.³⁸ No information on access to healthcare at detention centres in Bulgaria, Croatia and Germany was made available.

Vaccination of children

In Sweden, a national regulation prescribes the vaccination of all children – including asylum-seeking children – for measles (German measles), mumps and rubella, known as MMR, polio, diphtheria and tetanus.³⁹ Only Hepatitis B is not included in the mandatory national immunisation programme.

In Austria and Germany, vaccinations are not systematic as they are not mandatory. In Germany, however, asylum seekers have the right to receive vaccinations⁴⁰ and there are enough vaccines available. Vaccines are provided for MMR, polio, Hepatitis B, diphtheria and tetanus.⁴¹

In Hungary, children receive vaccinations specific for their age, and vaccines are available and provided for MMR, polio, Hepatitis B, diphtheria and tetanus.⁴² In Bulgaria, as a general practice at the reception, registration and pre-removal centres, children may be vaccinated only if their medical file with data concerning previous vaccinations is provided.⁴³

During periods of mass influx of migrants, Greece and Slovenia did not identify children in need of vaccination,⁴⁴ and vaccines were unavailable. In Slovenia, however, the situation seems to have improved since newborn babies in need of vaccination, who were referred to local community healthcare centres, are now automatically vaccinated.⁴⁵ Also, children accommodated in asylum homes are vaccinated before starting school and have, in this regard, the same rights as Slovenian citizens.⁴⁶

³⁷ Centre for Foreigners (*Center za tujce*).

³⁸ Federal Ministry of the Interior, Department II/2, Operational Affairs.

³⁹ Sweden, Public Health Agency in Sweden, Regulations concerning immunisation of children, available at: www.folkhalsomyndigheten.se/documents/publicerat-material/foreskrifter/hslf-fs-2015-6-foreskrifter-om-vaccination-av-barn.pdf.

⁴⁰ Germany, Medioffice.

⁴¹ *Ibid.*

⁴² Hungary, Office of Immigration and Nationality.

⁴³ State Agency for Refugees; Refugee Support Group; Bulgarian Red Cross.

⁴⁴ For Greece: MDM Greece; Ministry of Health.

⁴⁵ Slovenia, Centre for Foreigners.

⁴⁶ Slovenia, Asylum Home.

Measures to prevent and address violence against women

Most of the EU Member States do not have specific mechanisms in place to prevent violence against women at reception or detention centres. The most common measure to address the special needs of women at reception facilities is to provide separate accommodation for single women (Austria,⁴⁷ Germany,⁴⁸ Hungary⁴⁹), sometimes equipped with an intercom in case of emergency (Slovenia⁵⁰). Alternatively joint accommodation with unaccompanied children is provided (Slovenia⁵¹). In Greece, there is one detention facility exclusively for women,⁵² while in Italy, only one detention facility has a female section.⁵³

In Hungary, women may also be separated from their husbands upon request. The majority of the reception and detention facilities in the country operate a 24-hour camera surveillance system, and security guards are always on duty. Social workers in the open reception facilities and at the detention centres are also trained to identify signs of abuse against women.⁵⁴ In Austria, workshops on 'Austrian values' are offered to asylum seekers in reception facilities as a way of preventing violence against women.⁵⁵

Identification of potential cases of violence against women takes place during the first interviews with female asylum seekers in Austria,⁵⁶ and during the health screening and accompanying dialogue in Sweden.⁵⁷ Proactive identification efforts are particularly important considering the generally low reporting rates by women on incidents of violence, shown in FRA's survey on violence against women.⁵⁸

Some Member States reported the existence of complaint mechanisms at reception centres. A mechanism to report sexual violence against women, called the 'standard operational procedure', is in place in Bulgaria, but no complaints have been received so far.⁵⁹ In Slovenia, complaint mechanisms are in place in a reception facility (Asylum Home) and at a detention centre (Centre for Foreigners).⁶⁰ In Germany, there is no obligation to provide complaint mechanisms in reception facilities for victims of violence against women, and as a result such mechanisms exist only in a few places.⁶¹

⁴⁷ Austria, Federal Ministry of the Interior, Department III/9.

⁴⁸ Germany, Maltese Migrant Medicine.

⁴⁹ Hungary, Office of Immigration and Nationality.

⁵⁰ Slovenia, Centre for Foreigners.

⁵¹ Slovenian Philanthropy; Centre for Foreigners.

⁵² Greece, Ministry of Health.

⁵³ 'LasciateCIEntrare' Report, February 2016, available at: www.lasciatecientrare.it/j25/attachments/article/193/lasciateCIEntrare%20rapporto%202016-2.pdf.

⁵⁴ Hungary, Office of Immigration and Nationality.

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

⁵⁶ *Ibid.*

⁵⁷ Swedish Migration Agency.

⁵⁸ FRA (2014), *Violence against women: an EU-wide survey*, Luxembourg, Publications Office.

⁵⁹ Bulgarian Red Cross.

⁶⁰ Slovenian Philanthropy; Centre for Foreigners.

⁶¹ Germany, Maltese Migrant Medicine

1. Austria

1.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:⁶²

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

1.2. Overview of the situation

From 1 to 24 March, around 4,900 people were registered in Austria.⁶³ The majority of them were smuggled into Austria and apprehended by the police in the eastern part of Austria and in Upper Austria.⁶⁴ Nobody entered Austria via the border crossing point at Spielfeld, according to the Federal Ministry of the Interior.⁶⁵ Another interviewee reported that people were arriving in Spielfeld until 7 March 2016, but not on a daily basis. Most of them were quickly transferred by bus.⁶⁶ UNHCR estimates that almost 5,800 people arrived in Austria in March.⁶⁷ Caritas' contract in Spielfeld expires on 31 March 2016.⁶⁸

⁶² The subsequent text does not make reference to all individual interviews.

⁶³ Federal Ministry of the Interior, Department II/2, Operational Affairs.

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ Caritas.

⁶⁷ UNHCR, Europe Refugees and Migrants Emergency Response - Daily Estimated Arrivals per Country - Flows through Western Balkans Route, available at: <http://data.unhcr.org/mediterranean/documents.php?page=1&view=grid>.

⁶⁸ Caritas.

In March, around 100 asylum applications were filed per day.⁶⁹ Some 2,500 applications for asylum have been filed from 29 February to 20 March 2016, according to the Federal Ministry of the Interior.⁷⁰ People mainly come from Syria, Afghanistan, and Iraq.⁷¹

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.⁷²

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

Nothing new to report regarding criminal proceedings concerning people/organisations/associations facilitating irregular entry or stay for non-profit. The number of proceedings against smugglers have risen. 24 proceedings have been initiated between 1 and 24 March (five proceedings were initiated in January, 13 in February).⁷³

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

1.4.1 Registration and identification

The circumstances have changed completely since the closure of the Balkan route. At present, there is no organised transfer of people at the Austrian borders due to the lack of arrivals.⁷⁴ The humanitarian corridor is closed. The current situation resembles the situation in August 2015.⁷⁵

⁶⁹ Caritas.

⁷⁰ Federal Ministry of the Interior, Department III/9.

⁷¹ *Ibid.*

⁷² Federal Ministry of the Interior, Department II/2, Operational Affairs.

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

Nevertheless, the authorities are on standby and are ready to respond in case circumstances will change again.⁷⁶ Caritas Styria is available on short notice to start working in Spielfeld again.⁷⁷

1.4.2 Asylum procedure

The majority of people apprehended in Austrian territory by the police in March applied for asylum.⁷⁸

1.4.3 Return procedure

Nothing new to report.⁷⁹

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

1.5.1 Reception conditions and capacity

The police took care of all new arrivals in Austria. The current situation resembles the situation in August 2015.⁸⁰

Providing shelter to asylum seekers in initial reception centres is no longer a challenge.⁸¹ The issue of homeless asylum seekers has been resolved.⁸² However, more facilities have to be established in the future, since the Federal Ministry of the Interior is expecting an increase of asylum applications in (early) summer (assumption based on statistical data).⁸³ There are places available in basic care of the Federal State, as well as in the Provincial Care in Styria.⁸⁴

The transit facility Schwarzlhalle near Graz (Styria) was closed in the beginning of March, three weeks before the planned closure, since the places were not needed.⁸⁵ The transit facilities operated by the Red Cross are also in the process of being closed down.⁸⁶

⁷⁶ Federal Ministry of the Interior, Department II/2, Operational Affairs.

⁷⁷ Caritas.

⁷⁸ Federal Ministry of the Interior, Department II/2, Operational Affairs.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ Federal Ministry of the Interior, Department III/9.

⁸² Caritas.

⁸³ Federal Ministry of the Interior, Department III/9.

⁸⁴ Caritas.

⁸⁵ *Ibid.*

⁸⁶ Red Cross Austria.

1.5.2 Vulnerable persons

On 1 April, care facilities for people in wheelchairs and people who require special medical treatment will open. These facilities will be located close to hospitals to ensure proper healthcare.⁸⁷

1.5.3 Child protection

The situation has improved for unaccompanied children in the initial reception centre Traiskirchen, as well as in the care centres of the provinces. The main reason for this is the fact that an increasing number of care centers are being used for unaccompanied children or families only.⁸⁸ Special care centres for women are also being planned.⁸⁹

In the Styrian districts, the child- and youth authorities automatically apply for guardianship of unaccompanied refugees. Previously, the child- and youth authorities assumed to have guardianship *ex lege*. In Graz, the child- and youth authorities apply for guardianship when it is needed for the first time (e.g. for the signature of a document).⁹⁰

1.5.4 Healthcare

Please see the thematic focus on healthcare.

1.5.5 Immigration detention

The number of people in detention centres awaiting removal was low in March. Five to 20 adults are awaiting removal according to Dublin procedures at the detention centre Vordernberg.⁹¹

1.6. Responses in law, policy and/or practice

Although the humanitarian corridor through the western Balkan is closed, asylum applications are still high in Austria when compared to previous years.⁹²

The government is considering introducing asylum fast track procedures at the borders, starting in May.

⁸⁷ Federal Ministry of the Interior, Department III/9.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*

⁹⁰ Caritas.

⁹¹ Caritas.

⁹² Austria, Federal Ministry of the Interior, Department III/9.

1.7. Social response to the situation

The fact that Austria does not have to face a large-scale influx of refugees anymore is perceived positively by many Austrians. The situation therefore appears to have calmed down.⁹³

In March, the Federal Ministry of the Interior did not receive as many negative emails and complaints as during the previous months.⁹⁴

There are still people who provide support, e.g. a fundraising project was initiated to finance a playground at the largest initial reception centre in Traiskirchen.⁹⁵

1.8. Hate crime incidents

The following demonstrations were held in February 2016, but were reported later.⁹⁶

- 27 February, Feldbach (Styria): demonstration against “asylum chaos” (“*Asylchaos*”) and for the resignation of the Federal Government. Organised by *Identitäre Bewegung Österreich* (IBÖ); 150 participants.
- 29 February, Dornbirn (Vorarlberg): a demonstration by *Lichter für Österreich* (Lights for Austria) for the resignation of the Federal Government was forbidden by the authorities because the demonstration was registered by right-wing extremists.
- The following demonstrations and incidents were reported in March:⁹⁷
- 4 March, Mistelbach (Lower Austria): a demonstration against the abuse of asylum, organised by the Freedom Party (FPÖ); 20 participants. A counterdemonstration was held by the Socialist Left Party (*Sozialistische Linkspartei*) with 50 participants. Minor fights occurred between the participants of these demonstrations.
- 5 March, Großenzersdorf (Lower Austria): a demonstration against the accommodation of asylum seekers organised by the FPÖ; unknown number of participants.
- 5 March, Vienna: a demonstration for the reassignment of the Federal Chancellor organised by the Party of the People (*Partei des Volkes*); 100 participants. There was a counterdemonstration with 40 participants.
- 12 March, Hallwang (Salzburg): protests against two refugee accommodations; unknown number of participants.
- 12 March, Carinthia and Styria: banners stating “Remigration” were attached to various bridges over highways in Carinthia and Styria by the IBÖ.

⁹³ Federal Ministry of the Interior, Department II/2, Operational Affairs.

⁹⁴ Federal Ministry of the Interior, Department III/9.

⁹⁵ *Ibid.*

⁹⁶ Federal Agency for State Protection and Counter Terrorism.

⁹⁷ *Ibid.*

- 24 March, Vienna: a flashmob was organised by the Socialist Youth to protest against the taking of donations for refugees by the Federal Ministry of the Interior; 200 participants.
- 24 March, Vienna: a flashmob against the asylum and security policy of the FPÖ organised by the IBÖ in front of the FPÖ headquarters; approximately 20 participants.
- 24 March, Vienna: a flashmob against the asylum and security policy of the Greens organised by the IBÖ in front of the Greens party headquarters; approximately 20 participants.
- (no date), Tyrol: flyers with content agitating against asylum were distributed; a stinking fluid was spilled at the entrance of an accommodation center for asylum seekers.
- 26 March, Maria Saal (Carinthia): large graffiti against asylum were painted over a road.
- 26 March, Stams (Tyrol): graffiti against asylum were painted near a railway loading station.
- 29 March, Gleisdorf (Styria): the IBÖ rolled out a banner saying "Stop asylum madness" at an information event on the accommodation of asylum seekers in the town hall.
- 29 March, Innsbruck (Tyrol): under the motto "Over the fortress", 25 people (including Italian citizens) with Anonymous-masks called for participants for the demonstration on 3 April at the Brenner.
- 30 March, Austrian Consulate General in Milano (Italy): approximately 10 people attached barb wire in front of the consulate general, wrote "Over the fortress" on the floor and lit Bengal fireworks.
- 30 March, Austrian Honorary Consulate in Venice (Italy): approximately 10 people attached barb wire in front of the consulate general, wrote "Over the fortress" on the floor and lit Bengal fireworks.
- 30 March, Schärding (Upper Austria): demonstration against asylum policy; organised by persons associated with the IBÖ; number of participants unknown.
- 31 March, Graz (Styria): graffiti (a swastika and 'Adolf Hitler') was painted at an accommodation centre for asylum seekers (Rudersdorfer-Au-Straße).
- The Anti-Discrimination Bureau Styria reported one Nazi graffiti at an accommodation for asylum seekers, seven racist insults, 18 hate postings and eight graffiti against Muslims.⁹⁸

⁹⁸ 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;
- Bulgarian Red Cross (BRC) (*Български червен кръст, БЧК*);
- Refugee Support Group (RSG);
- Bulgarian Lawyers for Human Rights (BLHR) (*Български адвокати за правата на човека, БАПЧ*).

2.2. Overview of the situation

In February 2016, a total of 1,050 people were apprehended at the border and within the territory of the country. 200 new arrivals were apprehended at the border, 380 persons within the territory of the country and around 700 persons at the border while trying to leave the country (423 people were registered in the automated fingerprint identification system and 269 were without registration). The majority of the new arrivals apprehended at the border were from Iraq, Syria, Afghanistan and Pakistan. The majority of those apprehended while trying to leave the country were from Iraq, Afghanistan, Syria, Iran and Pakistan. New arrivals were apprehended both at the green border (around 60 people) and at border check points (almost 100 people). The majority of the new arrivals crossed the border from Turkey (more than 150 persons). People trying to leave the country were also apprehended, both at the green border (616 persons) and at border check points (11 persons). Almost all of these people were apprehended at the border with Serbia.⁹⁹

⁹⁹ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 25 February 2016 to 08.00 CET on 31 March 2016.

Around 1,000 people applied for asylum, including 815 men (around 250 below 18 years) and 227 women (around 90 below 18 years). Most applicants were from Afghanistan, Iraq, Pakistan and Syria.¹⁰⁰

Refugee status was granted to 48 applicants, 23 persons obtained humanitarian status and 41 asylum applications were rejected.¹⁰¹

On 23 March 2016, the media reported about the bodies of two dead men found by the border police near the border with Turkey. The police reported that there was no evidence of violence, but a criminal investigation was nevertheless launched.¹⁰² There is no available information about the outcome of the investigation.

2.3. Criminal proceedings against migrants and people helping them

2.3.1 Criminal proceedings initiated against migrants and asylum seekers

Nothing new to report.

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

Proceedings against people facilitating irregular entry or stay have increased. This includes, for example, charges pressed against two men in Haskovo for aiding 15 foreigners claiming to be Syrians, who were found in a village barn.¹⁰³ Another man was sentenced conditionally to 10 months of imprisonment for driving 19 Afghans in his car in exchange for material benefit.¹⁰⁴ A man from Burgas received a suspended sentence of two years of imprisonment with a three-year probation period, and a fine of BGN 5,000. He was sentenced for aiding, in exchange for material benefit, 14 men from Afghanistan and Pakistan (including one child) to pass through the country, using a vehicle.¹⁰⁵

¹⁰⁰ State Agency for Refugees. The figures are not final because the data are still being processed.

¹⁰¹ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 25 February 2016 to 08.00 CET on 31 March 2016.

¹⁰² Yordanova, V. (2016). 'Two bodies found close to Malko Tarnovo', *Dnes.bg*, 23 March 2016, www.dnes.bg/stranata/2016/03/23/nameriha-dva-trupa-krai-malko-tyrnovo.297035 .

¹⁰³ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'The Regional Prosecutor's Office in Haskovo pressed charges against two men for aiding foreigners to reside in the country', Press release, 22 March 2016, www.prb.bg/bg/news/aktualno/rajonna-prokuratura-haskovo-privleche-kato-obvin-3/.

¹⁰⁴ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'A smuggler from Svilengrad, having driven 19 Afghans, was sentenced and his car was taken away to the benefit of the state', Press release, 21 March 2016, www.prb.bg/bg/news/aktualno/otneha-avtomobila-i-osdiha-kanaldzhiya-ot-svilengr/.

¹⁰⁵ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'The Regional Prosecutor's Office in Burgas achieved a guilty sentence for aiding 14 foreigners to pass through the country', Press release, 2 March 2016, www.prb.bg/bg/news/aktualno/rajonna-prokuratura-burgas-postigna-osditelna-pr-3/.

On 21 March 2016, TV channels broadcasted a video taken by border surveillance cameras showing border guards assisting people to cross the border and enter the country.¹⁰⁶ The border police initiated an inquiry to establish whether a violation was committed.¹⁰⁷ There is no information about the outcome of that inquiry.

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

2.4.1 Registration and identification

Migrants detained in the closed centres managed by the Ministry of the Interior (MoI) (*Министерство на вътрешните работи*, МВР) complain that the documents they are given to sign are only in Bulgarian.¹⁰⁸

2.4.2 Asylum procedure

Nothing new to report.

2.4.3 Return procedure

Nothing new to report.

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

2.5.1 Reception conditions and capacity

As of 31 March 2016, 705 asylum seekers were accommodated in the reception centres of the State Agency of Refugees (SAR) (*Държавна агенция за бежанците*, ДАБ). The majority were from Afghanistan (around 300 persons), Syria (around 200 persons), Iraq (around 130 persons) and Pakistan (around 40 persons). The total capacity of all reception centres is 5,130. During the reporting period the occupancy rate ranged between 14 % and 19 %. In addition, 475 asylum seekers were accommodated at external addresses at their own expense.¹⁰⁹

¹⁰⁶ OffNews (2016), 'Bulgarian border guards in a refugee-smuggling scheme', OffNews, 21 March 2016, http://offnews.bg/news/Razsledvane_68/Nashi-granichari-v-shema-za-trafik-na-bezhantci-video_626166.html#ad-image-0.

¹⁰⁷ Webcafe (2016), 'Border Guards checked for taking part in refugee smuggling', Webcafe, 22 March 2016, www.webcafe.bg/id_1132941933.

¹⁰⁸ Bulgarian Lawyers for Human Rights.

¹⁰⁹ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 25 February 2016 to 08.00 CET on 31 March 2016.

During the reporting period, over 1,300 people left reception the centres on their own will.¹¹⁰

The transfer centre in Elhovo, which has a capacity of 240 people and is managed by the MoI, was temporarily closed for repairs. The centre served as a short-term detention facility for people apprehended at the border. People were accommodated there while their papers were processed. After that, those who applied for international protection were sent to the SAR and the rest were transferred to the pre-removal detention facilities of the MoI.¹¹¹

The former minister of the interior Ms. Petya Parvanova is the new chairperson of the SAR. The government made the appointment decision and disregarded the civil society's petition for a transparent procedure and a public hearing of the candidates.¹¹²

There is a shortage of fresh fruits and vegetables at the reception and registration centres of the SAR. The issue with the public procurement of food to the centres, which was one of the reasons for dismissing the former chairperson of the agency, remains unresolved.¹¹³

The Vrazhdebna open centre of the SAR is temporarily closed due to the low occupancy rates. It was designated for accommodating migrants relocated from Greece and Italy. However, after the arrival of the first two people in February, one of them returned to his home country and there were no other new arrivals.¹¹⁴

2.5.2 Vulnerable persons

Nothing new to report.

2.5.3 Child protection

Unaccompanied children continue to be placed in MoI's detention centres by assigning them to the adults they arrived with.¹¹⁵

During the reporting period, the largest number of children have been accommodated in the Voenna rampa reception and registration centre in Sofia.¹¹⁶

2.5.4 Healthcare

Please see the thematic focus on healthcare.

¹¹⁰ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 08.00 CET on 25 February 2016 to 08.00 CET on 31 March 2016.

¹¹¹ Refugee Support Group.

¹¹² For more information, please see: www.peticia.com/138923.

¹¹³ Refugee Support Group.

¹¹⁴ *Ibid.*

¹¹⁵ Bulgarian Lawyers for Human Rights.

¹¹⁶ Refugee Support Group.

2.5.5 Immigration detention

Nothing new to report.

2.6. Responses in law, policy and/or practice

A training exercise called Border 2016 (*Граница 2016*) was performed close to the border with Greece to test the preparedness of the army, the police and humanitarian NGOs to respond to an increased inflow of migrants. The exercise was done in the presence of the Prime Minister and senior officials from the relevant public institutions.¹¹⁷

2.7. Social response to the situation

Caritas Bulgaria runs a mentoring programme through which Bulgarian volunteers meet with asylum seekers living in reception centres at least once a week for four months. At the meetings, the participants are free to decide where they want to go and what they want to do. The aim of the programme is to enable the mentors to assist asylum seekers when practicing the Bulgarian language and to help them to integrate better in the community.¹¹⁸

2.8. Hate crime incidents

The Prosecutor's Office ordered an inspection regarding a news broadcast that shows an individual, Mr. Dinko Valev, mistreating and detaining migrants at the border with Turkey.¹¹⁹ Mr Valev was called to the local police department for explanations, but no charges or detention order were issued against him.¹²⁰

A public perception survey, published on 30 March 2016, found that Bulgarians are becoming more hostile towards asylum seekers. The polling agency studied some 80,000 social media entries, among which 47 % expressed a negative attitude, 25 % expressed a positive attitude and 28 % remained neutral.¹²¹

The Brussels terrorist attacks triggered a series of anti-migrant public statements. The director of one of the biggest museums and a well-known political observer,

¹¹⁷ Stoyanova, V. (2016), 'Joint training "Border 2016" closed the Kulata check point for an hour', *Vesti.bg*, 5 March 2016, www.vesti.bg/bulgaria/obshtestvo/borisov-dovolen-sym-ot-provedenoto-uchenie-6050910.

¹¹⁸ Caritas Bulgaria.

¹¹⁹ BBC news, www.bbc.com/news/magazine-35919068.

¹²⁰ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'An inspection has been ordered in relation to a piece of broadcast news regarding detention of migrants with the participation of Mr Dinko Valev', Press release, 25 March 2016, www.prb.bg/bg/news/aktualno/razporedena-e-proverka-vv-vrzka-s-izlchen-reportaz/.

¹²¹ Mediapool (2016), 'Bulgarians become more hostile towards asylum seekers', Mediapool.bg, 30 March 2016, www.mediapool.bg/balgarite-stavat-vse-po-vrazhdebni-kam-bezhantsite-news247380.html.

both professors, were two of the most widely discussed cases. The museum director stated in an interview that Muslim newcomers should be converted to Christianity and sent to labour camps to acquire working skills.¹²² The political observer said in an interview that it is obvious that there are no asylum seekers and that these people are more correctly called migrants and the most appropriate term should be “criminals” as they had illegally crossed the border, thus committing a crime.¹²³

¹²² OffNews (2016), 'Bozhidar Dimitrov: We should beat Islam as Dinko does and convert the migrants to Christianity', *OffNews*, 29 March 2016, http://offnews.bg/news/Politika_8/Bozhidar-Dimitrov-Da-biem-islama-po-dinkovski-da-pokrastim-migranti_626658.html.

¹²³ OffNews (2016), 'Prof Konstantinov: Islamists are another species', *OffNews*, 25 March 2016, http://offnews.bg/news/Politika_8/Prof-Konstantinov-Islamistite-sa-drug-biologichen-vid_626469.html.

3. Croatia

3.1. Stakeholders contacted

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

- Welcome Initiative (*Inicijativa Dobrodošli*);
- Ministry of Health (*Ministarstvo zdravlja*);
- Jesuit Refugee Service (*Isusovačka služba za izbjeglice*);
- Centre for Peace Studies (*Centar za mirovne studije*);
- International Organization for Migration (IOM) Croatia, based in Zagreb.

3.2. Overview of the situation

In March 2016, 1631 people arrived in Croatia. People were arriving until 5 March 2016. During that period, only Syrian and Iraqi nationals were allowed to enter Croatia. Vulnerable groups accounted for approximately two thirds of the arrivals.¹²⁴ It has been estimated that the majority of new arrivals were from Syria and Afghanistan.¹²⁵

The closure of the Balkan route was officially announced in the evening of 8 March 2016, and the Croatian border was closed on 9 March 2016. From 1 to 5 March 2016, refugees were transported by train from the Serbian side of the border (Šid) directly to the Slavonski Brod transit camp. The transport from the Slavonski Brod camp to the Slovenian border (Dobova) was also carried out directly by trains. Around 200 people applied for asylum in March, most of them in the second half of the month, after the NGOs/INGOs got access to the sectors where they were accommodated in the camp.¹²⁶

3.3. Criminal proceedings against migrants and people helping them

3.3.1 Criminal proceedings initiated against migrants and asylum seekers

There is no information on any criminal proceedings initiated against migrants or asylum seekers who entered Croatia in the refugee wave.

¹²⁴ Croatia, Welcome Initiative.

¹²⁵ Croatia, Jesuit Refugee Service.

¹²⁶ Croatia, Welcome Initiative.

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

There is no information on any criminal proceedings initiated against people/organisations/associations facilitating irregular entry or stay.

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

3.4.1 Registration and identification

Between 1 and 5 March 2016, the registration and identification procedures did not significantly change in comparison with the previous reporting period. No new arrivals occurred after 5 March 2016. On 9 March 2016, all new arrivals from sectors 3 and 4 (returnees from Slovenia) were registered again and given orders to leave the European Economic Area within 30 days (in the meantime they are not allowed to leave the camp).¹²⁷ People who arrived at the camp from Serbia before 5 March 2016 were normally registered and transported to Slovenia. However, Slovenia returned some of them as well. There were mainly returnees from Slovenia in the sectors, but also cases of people who crossed Serbia and arrived in Croatia, but were not able to continue their journey (Afghan nationals, lack of documents, etc.).

3.4.2 Asylum procedure

During the registration procedure, police officers and volunteers inform new arrivals about the option to apply for international protection and provide them with basic information on the subject. Children who express an intention to seek asylum are moved, along with their family members, to the Reception Centre for Asylum Seekers in Kutina. Unaccompanied children are appointed special guardians.¹²⁸

3.4.3 Return procedure

There is no information about the period preceding 9 March 2016. No returns from Croatia to Serbia or other countries on the Balkan route have occurred since 9 March 2016. The *non-refoulement* principle was respected and voluntary return procedures were only carried out to safe countries.¹²⁹

¹²⁷ Croatia, Welcome Initiative.

¹²⁸ Croatia, Jesuit Refugee Service.

¹²⁹ Croatia, Welcome Initiative.

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

3.5.1 Reception conditions and capacity

In normal circumstances, i.e. from 1 to 5 March 2016, people would be directed to distribution tents after registration, where the Croatian Red Cross and NGOs hand out canned and dry food, water and clothes provided by the Croatian Red Cross, after which they would board a train to Slovenia. In case of a delay due to Slovenian regulations, people would be placed in sector 1 until departure and volunteers would provide them with support and information. The facilities are satisfactory. NGOs hold daily meetings and cooperate well, in particular when it comes to the delivery and dissemination of humanitarian aid.

Refugees returned from Slovenia were placed in sectors 3 and 4 of the Slavonski Brod camp, which are extremely isolated sectors. Only police was allowed access. The Croatian Red Cross was providing food, water and hygiene supplies. On 27 February 2016, UNICEF was allowed access to sector 3 to work with children twice a day (10.00-12.00 CET and 17.00-19.00 CET). As of 13 March 2016, they were allowed to prolong their activities (09.30-12.00 CET and 15:30-19:00 CET).¹³⁰ As of 18 March 2016, other organisations were allowed to enter the sectors, but there is a schedule that needs to be respected.¹³¹

People in sectors 3 and 4 were given one warm meal per day, and dairy products and dry food for breakfast and dinner. People from sector 4 stated that the police entered their containers in the middle of the night to count them, without even letting them get fully dressed. Sector 4 (where a smaller number of refugees is placed) was out of hot water. On 17 March 2016, single men were moved to sector 1, where they were placed in a big tent consisting of a dormitory with bunk beds and a dining room. A third tent section (living room) was announced, but never implemented. The organisations that were allowed to enter the sector since 18 March 2016 initiated daily activities and soon plan to start language lessons. Sports activities are provided, as well as workshops for children.¹³² The Jesuit Refugee Service believes that people are provided with access to basic conditions, such as food, water, heated accommodation and sanitary facilities.¹³³

3.5.2 Vulnerable persons

Until 5 March 2016, vulnerable groups had prioritised treatment regarding the registration procedure, and adequate medical and special care.

¹³⁰ Croatia, Jesuit Refugee Service.

¹³¹ IOM Croatia.

¹³² Croatia, Welcome Initiative.

¹³³ Croatia, Jesuit Refugee Service.

Vulnerable groups from sectors 3 and 4 were first accommodated in sectors together with everyone else, without any clear rules. On 17 March 2016, single men were moved from sector 3 to sector 1, leaving sector 3 to families with children and single women. Persons with medical issues were temporarily placed in sector 4. On 31 March 2016, there were 145 people in the camp, 140 of whom were in the sectors, one was in the Slavonski Brod hospital, and four received medical treatment in Zagreb. The total number of children was 40.¹³⁴

3.5.3 Child protection

The best interest of the child was subordinate to the expedient transit interest, making it difficult to detect if some children were trafficked. UNICEF and the Save the Children continued to provide specialised support for babies and children in terms of baby food and baby clothing. Some children were not identified and were therefore accommodated in sector 1 with single men. After having been identified, the Social Welfare Centre took care of them.¹³⁵

3.5.4 Healthcare

Please see the thematic focus on healthcare.

The Croatian Red Cross screens for persons in need of medical assistance in the registration area. From 1 March 2016 until 31 March 2016, there were 86 emergency medical interventions, 605 general practice interventions, 71 hospitalisations and 232 camp infirmary interventions.¹³⁶ New arrivals placed in the sectors have only access to emergency medical aid, which is mostly provided upon request. Children from sectors 3 and 4 were usually brought to the CARE tent (accompanied by the police), where UNICEF and the Save the Children provide food and diapers, and MAGNA's paediatricians provide medical aid. MAGNA's request to provide medical aid in sectors 3 and 4 was denied on 13 March 2016. MAGNA therefore decided to leave the camp a week later. The need for psychosocial support is evident, as many people show symptoms of depression or PTSD, but no concrete professional psychosocial support is given at the moment. At the beginning of March, a woman accommodated in the camp delivered a baby at the local hospital. The baby and the parents have Hepatitis B. After recovery in the hospital, the family was accommodated in a separate container. The mother and a pregnant woman complained about inadequate diet, but a medical examination carried out on 28 March 2016 proved they were both of good health. There was also a case of a family with two sick children (from sector 3); one suffering from polio and the other from encephalitis. Although their situations do not officially require emergency medical aid, thanks to the efforts of individuals, the family was transported to Zagreb where children were hospitalised and provided with the necessary medical treatment.¹³⁷

¹³⁴ Croatia, Welcome Initiative.

¹³⁵ *Ibid.*

¹³⁶ Croatia, Ministry of Health.

¹³⁷ Croatia, Welcome Initiative.

3.5.5 Immigration detention

People returned from the Slovenian border are detained in the closed sectors of the camp. Until 17 March 2016, families, vulnerable groups and single men were all placed in the same sectors (3 and 4). In sector 3, families were placed in containers (sometimes even two families per container), while single men were placed together in a large heated tent with bunk beds. On 17 March 2016, single men were moved to sector 1.¹³⁸ At the moment, no alternatives to detention are provided, even for children and other vulnerable groups.¹³⁹ On 9 March 2016, after having been registered again, people placed in the sectors were handed out a document stating that they are not allowed to leave the camp and have a deadline of 30 days to leave the European Economic Area. It is not expected that they will be returned to Serbia when the deadline expires, since the Serbian authorities have already refused to accept them.¹⁴⁰

3.6. Responses in law, policy and/or practice

From 1 to 5 March 2016, when arrivals still occurred, only Syrian and Iraqi nationals were allowed to enter. The refugees were allowed to cross the borders until 8 March 2016. The nationalities of people who did not possess official documents were most likely assessed by police officers, aided by interpreters, through language, dialect and physical features. According to sources, translators sometimes made mistakes when identifying refugees. On 9 March 2016, the Balkan route was closed.¹⁴¹

3.7. Social response to the situation

The Welcome Initiative and the 'Are You Syrious?' initiative attracted around 500 people to the 'Closing of Borders Kills' protest held on 11 March 2016 in Zagreb against the closing of the so-called Balkan Route, which has left more than 40,000 people trapped at the Greek border. The organisers stated that they will not give up on Europe's solidarity and humanity and will resist the militarisation and fascistisation of the Croatian society. They sent a message to the Croatian Prime Minister Tihomir Orešković stating that the shameful border closing has not put an end to the "smugglers' business model", but rather pushed women, children and others into the jaws of smugglers and human traffickers.

On 16 March 2016, the Welcome Initiative and the 'Are You Syrious' initiative held a press conference presenting a report on the systemic human rights violations by the Croatian authorities in the closed parts of the winter reception centre and the

¹³⁸ *Ibid.*

¹³⁹ Croatia, Jesuit Refugee Service.

¹⁴⁰ Croatia, Welcome Initiative.

¹⁴¹ *Ibid.*

transit centre in Slavonski Brod. The day after the conference took place, single men were moved to sector 1, leaving sector 3 to families. A day later, NGOs had a meeting with the Ministry of Interior in the camp and were allowed to enter the sectors.¹⁴²

3.8. Hate crime incidents

The working group for combating hate crime, consisting of the Ministry of Justice, the Ministry of Interior, the Ombudsperson's office, the County Penal Court and NGOs representatives, produces quarterly reports on hate crime incidents. The data concerning the first quarter of 2016 will be available in April 2016.¹⁴³

¹⁴² Croatia, Welcome Initiative.

¹⁴³ Croatia, Centre for Peace Studies.

4. Germany

4.1. Stakeholders contacted

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

- Federal Border Police (*Bundespolizei*, BPOL);
- Federal Criminal Police (*Bundeskriminalamt*);
- German Association of Towns and Municipalities (*Deutscher Städte- und Gemeindebund*, DStGB);
- Regional Office for Health and Social Affairs Berlin (*Landesamt für Gesundheit und Soziales*, LaGeSo Berlin);
- Malteser Migrant Medicine, (*Malteser Migrantenmedizin*);
- Medoffice Berlin (*Medibüro Berlin*);
- Moabit helps (*Moabit hilft e. V.*);
- The Conference of Legal Advisors (*Rechtsberaterkonferenz*);
- Bavarian Refugee Council (*Flüchtlingsrat Bayern*).

4.2. Overview of the situation

The number of new arrivals has significantly decreased due to the closing of the Balkan route.¹⁴⁴ The number of people in need of international protection crossing the Bavarian border with Austria is approximately between a hundred and a couple of hundreds a day. In Passau, for instance, only one to three people have crossed the border each day since the beginning of March.¹⁴⁵ According to the newspaper 'Handelsblatt', which cites the Federal Border Police, about 200 migrants arrived in Germany a day in the first half of March.¹⁴⁶

In February 2016, around 67,800 asylum applications were submitted and around 61,400 persons were registered, arriving mainly from Syria, Iraq, Afghanistan, Iran and Morocco.¹⁴⁷

¹⁴⁴ German Association of Towns and Municipalities.

¹⁴⁵ Bavarian Refugee Council.

¹⁴⁶ Handelsblatt, '[Im März so wenig neue Migranten wie lange nicht](#)', 16 March 2016.

¹⁴⁷ Federal Ministry of the Interior, Press release, 8 March 2016, www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/03/asylantraege-februar-2016.html.

4.3. Criminal proceedings against migrants and people helping them

4.3.1 Criminal proceedings initiated against migrants and asylum seekers

Criminal proceedings concerning irregular border crossing in Bavaria were launched in about 3,500 cases, according to the Federal Border Police. This figure does not include the proceedings initiated in other *Länder*.

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

Overall, the registration and identification procedure has slightly improved.¹⁴⁸ As the number of new arrivals decreased, the waiting period during the registration procedure, especially in Berlin, has been reduced. Moreover, additional staff members are working in registration offices.¹⁴⁹

4.4.2 Asylum procedure

The asylum procedure is still very long. It takes months before asylum seekers can submit their applications. For example, in Berlin, people who arrived in September 2015 could not apply for asylum until now.¹⁵⁰

In Passau, at the border with Austria, a migrant was taken into custody, as he did not immediately mention that he wants to apply for asylum while crossing the border. It is doubtful whether a legal basis for such measure exist in German law. A lawyer initiated legal steps against this measure.¹⁵¹

Due to a lack of available staff, the payment of subsistence allowances according to the Asylum Seekers Benefit Act (*Asylbewerberleistungsgesetz*) often takes too long. In Berlin, destitute asylum seekers have to wait three to four weeks until they receive their initial payment. Asylum seekers often receive only partial payments instead of the full amount of money they are entitled to.¹⁵²

¹⁴⁸ German Association of Towns and Municipalities.

¹⁴⁹ Moabit helps.

¹⁵⁰ German Association of Towns and Municipalities.

¹⁵¹ Conference of Legal Advisors.

¹⁵² Moabit helps.

4.4.3 Return procedure

Nothing new to report.

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

4.5.1 Reception conditions and capacity

Due to the decrease of new arrivals, the need for emergency shelters has declined. In Schleswig-Holstein, for instance, emergency shelters do not exist anymore. In many German States, the allocation of people from reception centres to accommodation centres is therefore quick. However, in cities such as Berlin, it still takes a long time before migrants can be accommodated in appropriate accommodation centres. People, including children, have to stay in airport halls, gyms and other temporary mass shelters for up to six months.¹⁵³

The conditions in mass reception centres are very poor. The needs of people with special vulnerabilities cannot be taken into account. There is lack of washing machines. In some centres, asylum seekers have to walk in the cold and rain to reach a toilet. Furthermore, they have to sleep on camp beds for several months.¹⁵⁴

At an accommodation centre in Prien am Chiemsee, staff members imposed financial penalties to asylum seekers for breaking the house rules and generally charge very high prices for drinks at the centre.¹⁵⁵

4.5.2 Vulnerable persons

People whose claim of being an unaccompanied child has been rejected often do not know about the possibility of taking legal steps against the negative decision. Cases where the youth welfare office has classified an unaccompanied child as an adult can have severe consequences for the child.¹⁵⁶

According to media reports, Christian asylum seekers in accommodation centres are increasingly at risk. Some of them have been threatened and assaulted because of their Christian identity.¹⁵⁷

¹⁵³ German Association of Towns and Municipalities.

¹⁵⁴ Moabit helps.

¹⁵⁵ Conference of Legal Advisors.

¹⁵⁶ *Ibid.*

¹⁵⁷ Bayerischer Rundfunk, 30 March 2016, available at: www.br.de/nachrichten/christen-fluechtlinge-uebergriffe-100.html.

4.5.3 Child protection

In Berlin, unaccompanied children are still being accommodated in hostels, some of which are in very poor conditions.¹⁵⁸

4.5.4 Healthcare

Please see the thematic focus on healthcare.

Even though basic healthcare is provided in all reception and accommodation centres, it is difficult to receive special treatment like chemotherapy. It often takes too long until a decision about the cost coverage is made by the responsible authorities. In many cases, a lawyer is needed to obtain a medical treatment.¹⁵⁹

Due to a lack of space in a mass reception centre in Berlin, a person who needed chemotherapy could not be accommodated in a separate room, despite the person's increased vulnerability to infections.¹⁶⁰

4.5.5 Immigration detention

No new relevant information was provided by the contacted stakeholders.

4.6. Responses in law, policy and/or practice

On 17 March 2016, the asylum package II¹⁶¹ and a new law that allows an easier expulsion of foreign criminals entered into force.¹⁶²

The asylum package II provides for the establishment of special accommodation centres and a fast track procedure for persons whose asylum applications are "manifestly ill-founded". It also suspends the applications for family reunification of family members by people granted subsidiary protection by two years.

The new law on the expulsion of criminal offenders will apply in cases of prison or probation sentences for offences against life, physical integrity, sexual self-determination, property or resistance against executive officers.

¹⁵⁸ Moabit helps.

¹⁵⁹ *Ibid.*

¹⁶⁰ *Ibid.*

¹⁶¹ See monthly data update for February 2016, available at: <http://fra.europa.eu/en/theme/asylum-migration-borders/overviews>.

¹⁶² The Federal Ministry of the Interior, Press release, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/03/asylpaketII-tritt-in-kraft.html.

4.7. Social response to the situation

In Nuremberg, the first accommodation centre for homosexual refugees was opened. A Bavarian lesbian and gay association established the accommodation centre.¹⁶³

Islamic associations in Germany have founded a new joint association of Muslim refugee aid (*Verband Muslimische Flüchtlingshilfe*). Their main aim is to strengthen and coordinate support for the work with refugees together with the Central Council of Muslims in Germany (*Zentralrat der Muslime in Deutschland*), the Islamic Council for the Federal Republic of Germany (*Islamrat für die Bundesrepublik Deutschland*) and the Islamic Community of the Shiite Congregations of Germany (*Islamische Gemeinschaft der schiitischen Gemeinden*).¹⁶⁴

4.8. Hate crime incidents

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

- Nine arson attacks against reception and accommodation centres, including attacks in Mecklenburg-Western Pomerania, North-Rhine Westphalia, Saxony, Lower-Saxony, Brandenburg, Bavaria and Schleswig-Holstein and Baden-Württemberg.
- 36 “other attacks” against reception and accommodation centres (e.g. damage of property), including 12 in Saxony, five in Baden-Württemberg, four in North-Rhine Westphalia, three in Hesse and Mecklenburg-Western Pomerania, two in Bavaria and one in Berlin.
- Four hostile demonstrations against refugees in Saxony-Anhalt, Schleswig-Holstein, Saxony and Bavaria.
- 10 violent attacks directed against asylum seekers (33 injured people).¹⁶⁵

¹⁶³ www.br.de/nachrichten/mittelfranken/inhalt/homosexuellen-unterkunft-fluechtlinge-100.htm.

¹⁶⁴ Catholic news agency, Press release available at: www.kna.de/webnews/kwn09/urn_newsml_kna.de_20130101_160310-89-00203-2.html.

¹⁶⁵ 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

The total number of people who arrived in Greece by sea in March 2016 was 26,609. Lesbos was the main point of entry (around 14,200), followed by Chios (around 8,300), Samos (around 2,600), Leros (around 700), Kos (around 300), Rhodes (around 300), Alexandroupoli (around 120), Kalymnos (around 30), Symi (8). New arrivals were mostly Syrians (around 14,300), Afghans (around 6,000) and Iraqi (around 2,600) nationals.¹⁶⁶

During the same period, the Hellenic Coastguard had to take action regarding 510 incidents at sea. These incidents involved missions in which over 13,500 people were rescued. The majority of these incidents were related either to ungovernable boats or to waterlogged boats.¹⁶⁷

The number of children who arrived in Greece by sea in March 2016 was approximately 9,400. The majority were Syrian (around 6,000), Iraqi (around 1,000) and Afghan (around 2,100) nationals.¹⁶⁸

¹⁶⁶ Hellenic Coast Guard.

¹⁶⁷ *Ibid.*

¹⁶⁸ *Ibid.*

5.3. Criminal proceedings against migrants and people helping them

5.3.1 Criminal proceedings initiated against migrants and asylum seekers

No criminal proceedings were initiated against migrants and asylum seekers for irregular border crossings.¹⁶⁹

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

During March, the Greek authorities prosecuted suspects involved in 20 cases of alleged smuggling.¹⁷⁰

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

5.4.1 Registration and identification

In March 2016, the First Reception Service registered nearly 800 third-country nationals out of the 26,609 who arrived during that period. The majority were Syrian nationals (about 300), followed by Afghan (about 200), Pakistani (about 150), Iraqi (about 100) and other nationalities (about 80). Around 600 were men, 200 were women, including 500 children (0-17). In the same period, the First Reception Service registered 222 unaccompanied children. The majority were male (about 200) under the age of 12 years.¹⁷¹

UNHCR is present in the closed facilities in Lesvos where it undertakes monitoring and protection work. The people detained there are mainly Afghans, Iraqis and Syrians.¹⁷²

UNHCR teams continue to provide information sessions and to identify individuals with specific needs on the islands and the mainland.¹⁷³

5.4.2 Asylum procedure

Nearly 600 people were relocated between 12 October 2015 and 27 March 2016, almost 300 of them were relocated during March. Around 300 were men, 200 were

¹⁶⁹ Hellenic Police Headquarters.

¹⁷⁰ Hellenic Coast Guard.

¹⁷¹ First Reception Service.

¹⁷² UNHCR.

¹⁷³ *Ibid.*

women and five were unaccompanied children. The Asylum Service reported 566 relocation-take-charge requests, which have not yet been confirmed by the destination Member State, and 814 completed cases.¹⁷⁴ The member states involved are Luxembourg, Finland, France, Germany, Lithuania, Portugal, Cyprus, Sweden, Netherlands, Latvia, Romania, Ireland, Bulgaria, Poland, Malta, Czech Republic, and Estonia. The total number of pledges is 2,262.¹⁷⁵

From 12 October 2015 to 29 March 2016, 581 people were relocated; 348 men and 233 women.¹⁷⁶

The total number of asylum applications for March 2016 nearly reached 3,000.¹⁷⁷ Considerable practical obstacles remain to register asylum applications.

Around 2,000 applicants were men and 1,000 were women, including 82 unaccompanied children (15 were girls). The main region of registration was Attica (around 1,300), followed by Thessaloniki (around 650), Lesvos (370), Samos (around 180), South and North Evros (around 170), Rhodes (120), Amygdaleza (around 40), Patra (around 30), and Chios (around 45).¹⁷⁸ Most applicants were between 18-34 years of age. They came mainly from Syria (around 1,400), Pakistan (around 200) and Iraq (around 300). The main countries of origin were Syria with a 99.9 % recognition rate at first instance, followed by Pakistan with 2.8 % and Afghanistan with 60.5 %.¹⁷⁹

5.4.3 Return procedure

IOM conducted visits to open centres hosting migrants in and around Athens to inform them of the assisted voluntary return (AVR) service, counsel them on the procedure, and register those who wished to receive AVR. IOM provides information sessions at Idomeni, pre-removal centers, islands and temporary shelters across the mainland.¹⁸⁰

In March 2016, there were 694 registrations to join IOM's programme Assisted Voluntary Return and Reintegration. Almost 480 people have been returned; around 400 men, 60 women and 30 children (including one unaccompanied from Iraq).¹⁸¹

¹⁷⁴ 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).

¹⁷⁵ For more information, see: http://asylo.gov.gr/wp-content/uploads/2016/03/Relocation-procedures-up-to-27.3.16_gr.pdf.

¹⁷⁶ IOM Greece.

¹⁷⁷ Asylum Service.

¹⁷⁸ The Asylum Service did not provide information on whether they were new arrivals.

¹⁷⁹ Asylum Service. The Asylum Service provided the recognition rate statistics, based on data from decisions (at first instance) until 31 December 2015.

¹⁸⁰ IOM Greece.

¹⁸¹ *Ibid.*

No information was provided by the Hellenic Police regarding forced returns.

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

5.5.1 Reception conditions and capacity

More than 5,000 refugees and migrants are temporarily accommodated in the port of Piraeus because they are refusing to leave the port and be transferred to accommodation shelters.¹⁸²

In Idomeni, all organisations remain on site, and food distributions have resumed. There are still some serious issues concerning water, sanitation and hygiene, health, protection and shelter. The site remains overcrowded, with 10,000 to 12,000 people being stranded there, including around 4,000 children.¹⁸³

Assessments are ongoing on sites in the mainland, since there are many sites which are operational but need expansion work. Currently, 33 emergency reception sites are operating. However, critical issues remain with the provision of basic services in many of the sites.¹⁸⁴

More than 46,000 people were staying on the Greek sites by the end of March 2016. The sites throughout Greece had a minimum capacity of 26,610 people and maximum capacity of 31,610 people. The capacity on the islands amounted to 7,450 people, while 5,337 persons were accommodated there.¹⁸⁵

As of 23 March 2016, the army is providing food to people stranded at the port of Piraeus.¹⁸⁶

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 services, including cancer and disability cases, unaccompanied and separated children and sexual and gender-based violence survivors.¹⁸⁷

On 26 March 2016, Idomeni's MdM medical team was called to assist a woman who had just given birth to a baby girl. She had been in Kilkis hospital during the early stages of labour, but had discharged herself after hearing a rumour that the border had opened. MDM provided medical assistance to the woman and her baby

¹⁸² NGO PRAKSIS.

¹⁸³ UNHCR, see: www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=56f10d049&query=greece_hotspots.

¹⁸⁴ NGO PRAKSIS.

¹⁸⁵ UNHCR.

¹⁸⁶ Ministry for Migration Policy.

¹⁸⁷ *Ibid.*

inside the tent and promptly arranged for her safe transfer to a hospital with an ambulance.¹⁸⁸

In Idomeni, there are many people with disabilities, pregnant women, patients with chronic diseases and unaccompanied children.¹⁸⁹

5.5.3 Child protection

The accommodation facilities for unaccompanied children throughout Greece are currently operating at their full capacity. There were many delays in transferring the children in shelters due to overcrowding. On 29 March 2016, almost 400 unaccompanied children were waiting in First Reception Centres, transit facilities, and police stations on the islands to be transferred to reception centres in the mainland.¹⁹⁰

The transit facility NGO PRAKSIS in Lesbos can now host 20 children, while seven was its original capacity.¹⁹¹

5.5.4 Healthcare

Please see the thematic focus on healthcare.

The Greek Minister of Health, Andreas Xanthos, visited the sites of Nea Kavala and Herso in northern Greece and the site in Idomeni. He stated that the living conditions in Idomeni were dire.

The Ministry of Health is operating in Idomeni with two mobile units of the Hellenic Centre for Disease Control and Prevention since early March 2016.¹⁹²

5.5.5 Immigration detention

The current capacity of pre-removal centres in Greece is 5,099. On 31 March 2016, the total number of detainees was 1,405 people, 296 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 31 March 2016, the total number of detainees was 2,003 people, which means a 34 % occupancy rate. Provision of food is currently limited and is mainly managed by the Armed forces or through ad hoc solutions.¹⁹³

In March, 23 unaccompanied children were placed in pre-removal centres. Twenty of them were detained in the Special Centre for children at Amygdaleza's pre-

¹⁸⁸ MDM Greece.

¹⁸⁹ *Ibid.*

¹⁹⁰ NGO PRAKSIS.

¹⁹¹ *Ibid.*

¹⁹² Ministry of Health.

¹⁹³ NGO PRAKSIS.

removal centre, two in the pre-removal centre Petrou Ralli in the Attica region, and one in the pre-removal centre in Drama.¹⁹⁴

5.6. Responses in law, policy and/or practice

On 5 March 2016, the last people were allowed to cross the Greek-FYROM borders. The borders have been completely closed since then.¹⁹⁵

The first step that the authorities took after the EU Council and Turkey agreement, was to send all refugees and migrants who had arrived before 20 March to the mainland. Greek authorities provided additional ferry transport from the islands of Lesbos and Chios to the mainland. Refugees and migrants arriving on the Greek islands, and who are registered as of 20 March 2016, are brought from the shores to the hotspots. Hotspots are closed centres as of 20 March 2016.¹⁹⁶

5.7. Social response to the situation

Riots continue on a daily basis in Idomeni between the people who are stranded there. In addition, there are frequent blocks on the railway lines by protesters against the closure of the borders.¹⁹⁷ In Chios, riots continue within the registration area. The facility is locked, although people can walk freely in the accommodation area.¹⁹⁸

On 6 March 2016, an initiative was organised on Facebook for the collection of goods and items for the refugees and migrants stranded in Greece. The meeting point was Syntagma square in the centre of Athens. Hundreds of Athenians gathered there, bringing the listed items with them which were then distributed to shelters, the port of Piraeus, and Victoria square.¹⁹⁹

On 15 March 2016, activists occupied an abandoned high school in the Exarchia area in Athens for the housing of refugees and migrants stranded in Athens.²⁰⁰

On 24 March 2016, refugees and migrants accommodated in the temporary shelter of Diavata in northern Greece protested in the centre of Thessaloniki against the closure of the borders.²⁰¹

On 30 March 2016, a protest took place in Omonoia square in the centre of Athens. Migrants, refugees, student associations and unions protested against the closure of the borders. On the same day, refugees and migrants stranded in Piraeus

¹⁹⁴ Hellenic Police Headquarters.

¹⁹⁵ NGO PRAKSIS.

¹⁹⁶ UNHCR.

¹⁹⁷ NGO PRAKSIS.

¹⁹⁸ MDM Greece.

¹⁹⁹ See: www.facebook.com/AthensLiveGr/videos/1678536209085076/?pnref=story.

²⁰⁰ Official Facebook page of the housing squat: www.facebook.com/5olikeio/?fref=ts.

²⁰¹ NGO PRAKSIS.

protested against the closure of the borders. Several similar protests took place in mainland Greece, demanding that the border be opened again.²⁰²

UNHCR redefined its role in Greece as the EU-Turkey deal came into effect. UNHCR has, until now, been supporting the authorities in the hotspots on the Greek islands, where refugees and migrants were received. Under the new provisions, these sites became closed detention facilities. In line with its policy of opposing mandatory detention, UNHCR teams suspended some of their activities at all closed centres on the islands. This includes the provision of transport to and from these sites. However, UNHCR will maintain a presence to carry out protection monitoring to ensure that refugee and human rights standards are upheld, and to provide information on rights and procedures to seek asylum.²⁰³

5.8. Hate crime incidents

The Racist Violence Recording Network (RVRN) has not recorded any incidents of racially motivated violence or hate crime, or any other related incidents during the past month.²⁰⁴

On 26 March 2016, a small group of residents with Greek flags protested outside the new accommodation shelter in the region of Veroia in northern Greece against the arrival of refugees. There were some verbal exchanges with an MP from the governing party and some of the residents threw heads of dead pigs. Police forces prevented the group from blocking the entrance of the accommodation shelter.²⁰⁵

²⁰² *Ibid.*

²⁰³ UNHCR, see: [www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=56f10d049&query=greece hotspots](http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=56f10d049&query=greece%20hotspots).

²⁰⁴ Racist Violence Recording Network.

²⁰⁵ See : <http://tvxs.gr/news/ellada/entasi-sti-beroiia-gia-kentro-prosfygon-petaksan-goyroynokefali-binteo>.

6. Hungary

6.1. Stakeholders contacted

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

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

6.2. Overview of the situation

In March, the number of new arrivals increased by around 40 % compared to the previous month. About 3,200 people crossed the border into Hungary in March.²⁰⁶ Most of the new arrivals entered through the borders with Serbia. Very few people entered Hungary through the borders with Romania.²⁰⁷ Out of the 3,200 new arrivals, 84 % were men and 16 % were women. There were around 300 people under 18 years old, 28 of them were registered as unaccompanied children.²⁰⁸ The police does not keep statistics about the number of persons with disabilities.²⁰⁹ Most of the new arrivals came from Afghanistan, Iraq, Iran, Pakistan, and Syria. Among the new arrivals, the ratio of those coming from African countries (mostly from Morocco and Algeria) was still significant, almost 30 %.²¹⁰

Concerning asylum applications, nearly 4,600 people applied for asylum in March compared to 2,200 in February.²¹¹ Asylum seekers were mainly from Afghanistan

²⁰⁶ National Police Headquarters.

²⁰⁷ *Ibid.*

²⁰⁸ *Ibid.*

²⁰⁹ *Ibid.*

²¹⁰ *Ibid.*

²¹¹ Office of Immigration and Nationality.

(some 1,140), Iraq (some 900), Pakistan (some 790), Iran (460), Syria (some 400), Morocco (some 230) and Algeria (some 150).²¹² Some of the new claims submitted in the reporting period were not from new arrivals. Many people sentenced to an entry-ban order after committing the crime of unauthorised border fence crossing, also filed claims for asylum. Asylum applicants cannot be expelled from the country during the asylum procedure. Approximately half of the asylum seekers (around 2,400 people) applied for asylum in a police procedure.²¹³ The Office of Immigration and Nationality made 42 positive decisions (accepting the asylum claims) and 450 negative decisions (rejecting the claims) in March. In 2,611 cases the Office terminated the process, since the applicants had left the country.²¹⁴

6.3. Criminal proceedings against migrants and people helping them

6.3.1 Criminal proceedings initiated against migrants and asylum seekers

Almost a third of the around 3,200 new arrivals were apprehended by the police on 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 848 of them in March.²¹⁵

The District Court of Szeged (*Szegedi Járásbíróság*) held 649 criminal trials in the reporting period. 647 people were sentenced to expulsion. Defendants came mainly from Afghanistan, Pakistan and Syria. 200 people received a one-year entry ban; 416 a two-year entry ban; and 22 persons a three-year entry ban. The Court ordered the imprisonment of the defendants in six cases, and the execution of imprisonment was suspended for two years along with a two-year or three-year entry ban. In two cases, the Court ordered the imprisonment of the defendants without suspension. Only three defendants appealed against the decisions out of the 647 sentenced to expulsion. None of the defendants requested the translation of the Court's verdict in writing. The number of reoffenders increased in the reporting period, which is why the Court ordered a two or three-year entry ban more often than the one-year entry ban order.²¹⁶ The National Judiciary Office (*Országos Bírósági Hivatal*) plans to relocate some criminal cases related to the

²¹² *Ibid.*

²¹³ National Police Headquarters.

²¹⁴ Office of Immigration and Nationality.

²¹⁵ The provision of unauthorised border crossing as set out in Article 352/A of Act C of 2012 in the Criminal Code, available at: njt.hu/cgi_bin/njt_doc.cgi?docid=152383.297990#foot_121_place. The provision was introduced in the Criminal Code by Act CXL of 2015 on the amendment of certain laws as a result of the migrant situation, available at: njt.hu/cgi_bin/njt_doc.cgi?docid=177552.298006. Act CXL of 2015 entered into force on 15 September 2015.

²¹⁶ County Court of Szeged.

migrant crisis to the courts of Gyula and Debrecen to reduce the workload of the courts in Szeged.²¹⁷

During the reporting period, the police initiated criminal procedures against 38 people (some of them were new arrivals, whereas others had arrived earlier in Hungary), who were suspected of forging public documents when they tried to enter Hungary.²¹⁸

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

Human smugglers were very active in March. The authorities suspect that after FYROM had closed its borders, the human smugglers started to recommend new routes to Western Europe through Hungary.²¹⁹ The police apprehended and initiated new criminal procedures against 30 people who were accused of human trafficking and smuggling.²²⁰ The perpetrators were nationals of Hungary, Romania, Serbia, Italy, Austria and Kosovo.*²²¹

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 most people were cooperative during these procedures.²²²

In the transit zones of Röszke and Tompa (Serbian borders), the authorities systematically interview new arrivals to identify vulnerable groups (children, persons with disabilities, 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. The authorities now use a questionnaire to identify unaccompanied children.²²³ The questionnaire is filled out by the children.

²¹⁷ There will be migrant trials in Gyula and Debrecen, available at: <http://magyaridok.hu/belfold/gyulan-es-debrecenben-is-targyalnak-migranspereket-512500/>.

²¹⁸ National Police Headquarters.

²¹⁹ Human smugglers recommend Hungary again, available at: http://index.hu/kulfold/2016/03/09/menekultvalsag_balkani_utvonai_magyarorszag/.

²²⁰ National Police Headquarters.

²²¹ General Attorney's Office. Note that, throughout the report, references to Kosovo* are marked with an asterisk to indicate that this designation is without prejudice to positions on status, and is in line with UN Security Council Resolution 1244 (1999) and the International Court of Justice Advisory Opinion on Kosovo's declaration of independence.

²²² National Police Headquarters.

²²³ *Ibid.*

The authorities respect the requests of the new arrivals to be reunited with their families in case other family members arrived earlier.²²⁴ However, civil society organisations experienced that, in a few cases, male adults who committed the crime of unauthorised border fence crossing were separated from the women and children of the family and put in a different detention centre.²²⁵

6.4.2 Asylum procedure

It is still a common practice that asylum seekers who are entering through Serbia are automatically rejected on the grounds of inadmissibility, as Serbia is considered a safe third country under Hungarian law.²²⁶ While the transit zones along the Hungarian-Serbian borderline (Röszke and Tompa) seem to allow the submission of asylum claims, civil society organisations believe that it is practically impossible to get protection status there. Soon after the Office of Immigration and Nationality interviews new arrivals in the transit zones, their claims are typically rejected based on the safe third country rule.²²⁷

According to civil society organisations, the majority of asylum seekers do not appeal against the decisions of the Office of Immigration and Nationality when their asylum applications are rejected. Instead, some of them try to re-enter the country illegally through the fences.²²⁸ In the reporting period, the Administrative and Labour Court of Szeged (*Szegedi Közigazgatási és Munkaügyi Bíróság*) received 150 review claims that challenged the negative decisions (rejecting the asylum applications) of the Office of Immigration and Nationality. In 24 of the ongoing cases, the Court rejected the review claims and upheld the Office's decision. In 70 cases, the Court repealed the Office's decision and sent the case back to the Office of Immigration and Nationality to look at the facts more thoroughly instead of automatically applying the safe third country rule. In 10 cases, the Court had to terminate the process as the claimants had left the country. All other review claims have not yet been decided.²²⁹

6.4.3 Return procedure

The vast majority of the new arrivals entered Hungary through the borders with Serbia in March.²³⁰ As Serbia still readmits almost exclusively its own nationals, the readmission procedures are very long and uncertain for most people in detention.²³¹ During the reporting period, 188 people were expelled. Statistics on the target countries are only available if the Hungarian Police is in charge of the

²²⁴ *Ibid.*

²²⁵ Hungarian Helsinki Committee.

²²⁶ UNHCR Hungary.

²²⁷ *Ibid.*

²²⁸ Hungarian Helsinki Committee.

²²⁹ County Court of Szeged.

²³⁰ National Police Headquarters.

²³¹ Hungarian Helsinki Committee; UNHCR Hungary.

expulsion process to execute the Court's entry-ban orders. In March, the police expelled 122 people to the following countries: Romania (72), Ukraine (33), Serbia (11), Austria (one), Slovenia (one), Pakistan (one), Georgia (one), China-Hong Kong (one) and Kosovo* (one). The readmitted people were mostly nationals of these countries.²³²

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

6.5.1 Reception conditions and capacity

The transit zones along the Croatian borders (Letenye and Beremend) did not host any refugees or asylum seekers during the reporting period, while the transit zones along the Serbian borders (Röszke and Tompa) were busy hosting around 70-80 refugees and asylum seekers per day.²³³ The practice of the transit zones is still the same: they only admit and accommodate those who accept to apply for asylum in Hungary. If they do not do so, they have to return to Serbia.²³⁴

At the open reception centres Vámoszabadi, Bicske, and Nagyfa the reception conditions were adequate, and asylum seekers had access to food, potable water and heating.²³⁵ The Office of Immigration and Nationality started to recruit personnel for two new temporary reception centres in Körmend and Szentgotthárd. The new refugee camps are expected to accommodate between 600 and 700 asylum seekers.²³⁶

The Office of Immigration and Nationality ordered asylum detention of 305 people during the reporting period.²³⁷ The Office may order asylum detention to ensure that the applicant does not leave Hungary during the asylum procedure.²³⁸ Civil society organisations regularly visit the asylum detention facilities to identify vulnerable groups, and to provide legal and psychological counselling to people.²³⁹

The Office of Immigration and Nationality and the police ordered alien-police detention of 198 and 94 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.²⁴⁰ Since many of the detained people have been waiting for expulsion for months, tensions remain

²³² National Police Headquarters.

²³³ Hungarian Helsinki Committee.

²³⁴ UNHCR Hungary.

²³⁵ Office of Immigration and Nationality.

²³⁶ *Ibid.*

²³⁷ *Ibid.*

²³⁸ 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.

²³⁹ UNHCR Hungary; Hungarian Helsinki Committee.

²⁴⁰ 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.

high.²⁴¹ On 19 March 2016, around 30 people in asylum detention at the Kiskunhalas detention facility started to fight over which programme they should watch on the television. One of the detained people needed medical assistance after the incident.²⁴²

While there are no complaints about food and water, people in alien police detention get very little information about the length of readmission procedures, according to civil society organisations.²⁴³

6.5.2 Vulnerable persons

Accommodation conditions for people with disabilities are not satisfactory. Civil society organisations reported a case where the wheelchair of a young Syrian man was broken at the border, and he had to spend 23 days lying on a bed until his lawyer was able to get a donated wheelchair for him. He could not go out to the courtyard to get some fresh air at the detention facility for almost two months because of the stairs.²⁴⁴

The joint report of the Cordelia Foundation and the Hungarian Helsinki Committee criticises Hungary for the lack of systematic identification of torture survivors and traumatised asylum seekers as well as the scarce and confusing information that contributes to their re-traumatisation in detention, and the unnecessary limitation of the detainees' contact with the outside world.²⁴⁵

6.5.3 Child protection

Transit zones are still not equipped with special containers to provide child-friendly spaces.²⁴⁶ At the refugee camps (open facilities), social workers are available to assist children. There are child-friendly spaces at all open reception centres in Hungary.²⁴⁷

The children's homes Fót and Hódmezővásárhely accommodated around 10-15 children on an average day in March, which is less than a fourth of their total capacity (88 beds).²⁴⁸ Fluctuation remains very high at the children's homes as most of the children (about 95 %) leave after spending only a couple of days in these institutions.²⁴⁹

²⁴¹ Hungarian Helsinki Committee.

²⁴² Order was restored, available at: <http://police.hu/hirek-es-informaciok/legfrissebb-hireink/bunugyek/helyreallt-a-rend>.

²⁴³ UNHCR Hungary.

²⁴⁴ UN Human Rights Council: Annual Interactive Debate on the Rights of Persons with Disabilities, available at: www.hrw.org/news/2016/03/04/un-human-rights-council-annual-interactive-debate-rights-persons-disabilities.

²⁴⁵ The Cordelia Foundation (2016), *From Torture to Detention*, available at: www.cordelia.hu/images/szakmai_anyagok/from_torture_to_detention.pdf.

²⁴⁶ Hungarian Helsinki Committee.

²⁴⁷ Office of Immigration and Nationality.

²⁴⁸ Ministry of Human Capacities.

²⁴⁹ *Ibid.*

6.5.4 Healthcare

Please see the thematic focus on healthcare.

6.5.5 Immigration detention

During the reporting period, the police guarded around 200 people, who were placed in alien police detention in permanent and temporary detention facilities, waiting for the execution of the Court's expulsion order.²⁵⁰

Around 460 people were in asylum detention during the reporting period. The Office orders asylum detention of applicants if it needs to establish the identity of the applicant, or if it wants to prevent the applicant from leaving the country before the asylum request is reviewed. Civil society organisations consider 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 about procedural rights and obligations, and the prospect of expulsion often result in misunderstandings and frustration.²⁵¹

6.6. Responses in law, policy and/or practice

The government declared a state of emergency in Hungary as a result of the closure of the Balkan route, and increased security along the fences and ordered more police officers and soldiers to guard the borders.²⁵² Around 1,500 soldiers are currently guarding the borders of Hungary.²⁵³ Civil society organisations heavily criticised the government's decision, stating that it is against the law, since the conditions set out therein (e.g. minimum 500 new asylum claims per day, minimum 1,000 people a day who stayed in the transit zones in the previous month, etc.)²⁵⁴ are not met.²⁵⁵ The government was also planning a new regulation

²⁵⁰ National Police Headquarters.

²⁵¹ UNHCR Hungary.

²⁵² Government Ordinance no. 41/2016 (III. 9.) on ordering emergency situation for the entire territory of Hungary caused by the mass migration situation, and on the rules related to the ordering, maintaining and ending of the emergency situation, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1600041.KOR.

²⁵³ The Government orders emergency migration situation for the entire country, available at: http://index.hu/belfold/2016/03/09/az_egesz_oroszagra_migracios_valsaghelyzetet_hirdet_a_kormany/.

²⁵⁴ Article 80/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.

²⁵⁵ Speculations instead of firm legal grounds for the emergency situation, available at: http://helsinkifigyelo.blog.hu/2016/03/09/spekulacios_valsaghelyzet#more8456950; Dispatches: Hungary's New, Bigger Migrant Lockout, available at: www.hrw.org/news/2016/03/09/dispatches-hungarys-new-bigger-migrant-lockout.

to decrease the minimum living space granted to detained migrants.²⁵⁶ After harsh oppositions from NGOs²⁵⁷, the government dropped its plan.²⁵⁸

While there is still no definite decision about the establishment of fences along the Hungarian-Romanian borderline, the government states that the infrastructure is ready to erect fences there at any time, and the fences can become functioning in two to three weeks.²⁵⁹ Tracks for building new fences in the tri-state area of the borders (the Serbian-Hungarian-Romanian borders close to the city of Battonya) were reported by the media in early March.²⁶⁰

6.7. Social response to the situation

The Hungarian Association for Migrants (*Menedék Migránsokat Segítő Egyesület*) organised a joint Easter and Nowruz celebration in Budapest on 27 March 2016. Asylum seekers from the open reception centres in Bicske and Vámoszabadi came to the event. The purpose of the celebration was to introduce Christian holidays to the asylum seekers.²⁶¹ Several civil society organisations provide counselling and psychiatric care to traumatised asylum seekers and the victims of human smuggling and trafficking, both at the open reception centres and at the detention facilities.²⁶²

6.8. Hate crime incidents

No attacks or incidents against refugee camps and the transit zones were reported during the reporting period.²⁶³ However, after the Brussels attacks on 22 March 2016, racist and xenophobic comments significantly increased on social media sites. Most comments blamed the European Union for its overly welcoming policy regarding the migrant crisis.²⁶⁴

²⁵⁶ Draft Government Decree on amending certain migration and refugee legislations, available at: www.kormany.hu/download/7/54/a0000/Tervezet.pdf#!DocumentBrowse.

²⁵⁷ Hungarian Helsinki Committee: The Government is about the reset care provided to refugees, available at: http://index.hu/belfold/2016/03/08/helsinki_a_menekultellatas_megszuntetesere_kszul_a_kormany/.

²⁵⁸ Government Decree no. 62/2016. (III. 31.) on amending legislation related to migration and refugees, available at: www.kozlonyok.hu/nkonline/MKPDF/hiteles/MK16044.pdf.

²⁵⁹ The Hungarian Government (2016), 'Hungary is ready to establish fences along the Romanian borderline', available at: www.kormany.hu/hu/hirek/magyarorszag-felkeszult-a-kerites-epitesere-a-roman-hataron.

²⁶⁰ A massive number of refugees arrived on Friday, available at: http://index.hu/belfold/2016/03/05/menekultvalsag_hatarzar_romania/.

²⁶¹ Hungarian Association for Migrants.

²⁶² Hungarian Helsinki Committee; UNHCR Hungary.

²⁶³ National Police Headquarters.

²⁶⁴ Personal observation of the expert browsing Facebook and Twitter during the reporting period.

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);
- Doctors Without Borders Italy (*Medici Senza Frontiere Italia*) (MSF Italia);
- Save the Children Italia Onlus²⁶⁵;
- United Nations High Commissioner for Refugees (UNHCR)²⁶⁶;
- Italian Red Cross (IRC)²⁶⁷;
- 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 almost 9,700.²⁶⁸

On 7 March 2016, the German ship 'FGS Ludwigshafen' (operating in the framework of the European Union military operation in the southern Central Mediterranean – Eunavfor MED) disembarked 121 people in Augusta (Sicily). They had been rescued the day before, together with 87 people saved by the ship 'HMS Enterprise'.²⁶⁹ On 7 March 2016, the ship 'Aquarius', which belongs to the association 'Sos Méditerranée' and is supported by private donations, successfully completed its first search and rescue operation, saving almost 70 people. The people were then disembarked in Lampedusa (Sicily). On 15 March 2016, nearly 120 people (among them 13 women, one pregnant woman, and several children) were disembarked in Lampedusa. This was the second rescue operation of the new

²⁶⁵ This stakeholder has been contacted by email but has not yet provided any information.

²⁶⁶ *ibid.*

²⁶⁷ *ibid.*

²⁶⁸ Information provided by the Ministry of the Interior.

²⁶⁹ Information available on the Twitter account of Eunavfor MED (@eunavformed).

ship Aquarius.²⁷⁰ The following day, around 200 people (including 26 women and 17 children) were disembarked in Augusta.²⁷¹

In Reggio Calabria (Calabria), on 17 March 2016, almost 600 people rescued in several operations (including around 80 women, 140 children, and one female corpse) were disembarked by the Italian Navy ship 'Aviere'.²⁷²

On the same day, 270 people (among them 50 women and several children) were disembarked in Lampedusa by the Italian Coast Guard. The majority of them come from Mali, Cameroon, Nigeria, Congo, and Guinea Bissau.²⁷³ In addition, around 600 people, mostly from Sub-Saharan countries, and two corpses were disembarked in the harbour of Messina (Sicily).²⁷⁴ On 19 March 2016, the Norwegian ship 'Siem Pilot' of the European Agency for the Management of Operational Cooperation at the External Borders (Frontex) disembarked over 700 people (including around 50 women and 60 children) in Palermo (Sicily). On 20 March 2016, 470 people (including 15 children) were disembarked in Augusta by the Italian Navy ship 'Sfinge' after several rescue operations run by the Italian Navy.

The following day, the Spanish ship 'Numancia' (operating in the framework of EUNAVFOR MED) disembarked around 670 people in Cagliari (Sardinia). All of them had been rescued the day before in several operations.²⁷⁵

On 27 March 2016, the Italian Navy, the Coast Guard, and the vessels used in the EUNAVFOR MED and Triton operations rescued around 730–750 people in several operations. The migrants were disembarked two days later by the vessel 'Siem Pilot' in Pozzallo (Sicily).²⁷⁶ On 29 March 2016, nearly 1,600 people were rescued in 11 operations. Three vessels of the Italian Navy rescued 690 people (including around 100 women and 30 children) in several operations. They were disembarked in Augusta on the following day by the ship 'Aliseo'.²⁷⁷ On the same day, the Italian Coast Guard ship 'Diciotti' rescued around 780 people (including 125 women, six of whom were pregnant, and five children) and disembarked them in Reggio

²⁷⁰ Information available on the Facebook page of the Mediterranean Hope and on the Twitter account of SOS Méditerranée.

²⁷¹ Information available on the Twitter account of the Italian Navy (@ItalianNavy).

²⁷² *Ibid.*

²⁷³ Information available on the Facebook page of the Mediterranean Hope.

²⁷⁴ Information available at: http://palermo.repubblica.it/cronaca/2016/03/17/news/migranti_sbarchi_soccorsi_canale_di_sicilia_morti-135683130/.

²⁷⁵ Information available on the Twitter accounts of the Italian Navy (@ItalianNavy), the Italian Coast Guard (@guardiacostiera), the Defence Authority of Spain (@EMADmde), and Frontex (@Frontex), as well as at: http://palermo.repubblica.it/cronaca/2016/03/19/news/migranti_sbarco_palermo_pozzallo_morto-135829349/.

²⁷⁶ Information available on the Twitter accounts of the Italian Navy (@ItalianNavy), the Italian Coast Guard (@guardiacostiera), and the Norwegian police (@kripos).

²⁷⁷ Information available on the Twitter account the Italian Navy (@ItalianNavy).

Calabria. To conclude, the Eunavfor MED ship 'Frankfurt' rescued around 100 people (including around 50 women, and two children).²⁷⁸

On 30 March 2016, almost 1,400 people were rescued in eight different operations. Those who were rescued were disembarked in different ports. The following day, the Italian Navy ship 'Chimera' disembarked around 400 people in Palermo, and the French Frontex ship 'Jacoubet' disembarked around 130 people in Catania. On 1 April 2016, over 500 people were disembarked by the Norwegian Frontex ship 'Siem Pilot' in Salerno (Campania).²⁷⁹

It is worth underlining that the numbers are rising again.

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 10 March 2016, the Public Prosecutor's Office of Palermo charged 24 people with smuggling and other criminal activities. Among them were the smugglers involved in the Lampedusa disaster on 3 October 2013, when 366 migrants died off the coast of Lampedusa.²⁸⁰

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

7.4.1 Registration and identification

On 1 March 2016, several associations gathered at a press conference at the Senate, including CIR, Centro Astalli, Caritas, Doctors for Human Rights (*Medici per i diritti umani*, MEDU), MSF Italia, and the association 'Senza Confine', which takes part in the National Asylum Board (*Tavolo Nazionale Asilo*). They presented a document stating that the implementation of the hotspot system in Italy is

²⁷⁸ Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera). See also: www.prefettura.it/reggiocalabria/news/472784.htm#News_57920.

²⁷⁹ Information available on the Twitter account of the Italian Navy (@ItalianNavy), the Italian Coast Guard (@guardiacostiera), and the Norwegian police (@kripos). See also: www.0766news.it/tag/guardia-costiera.

²⁸⁰ Information available at: www.repubblica.it/solidarieta/immigrazione/2016/03/10/news/arresto_trafficienti-135196024/.

seriously affecting the right to international protection as well as migrants' and asylum seekers' fundamental rights and needs.²⁸¹

On 17 March 2016, the Minister of the Interior declared that a legislative reform authorising the use of force for the identification of asylum seekers who refuse to identify themselves will soon be submitted to the parliament. No details have been provided yet.²⁸² The proposal was strongly opposed by police officers' trade unions. They call for the adoption of a clear legislative and administrative framework, and underline that, in their opinion, carrying out identification by force is not line with their professional mission.²⁸³

On 17 March 2016, the hotspot of Taranto (Apulia) officially opened. This 10,000 m² facility can host up to 300 people. However, 400 people moved into the centre on the day it opened.²⁸⁴ ASGI participated in the delegation that gained access to the hotspot in Taranto, and publicly testified about the critical conditions at the centre. Inadequate information was provided to the asylum seekers during identification procedures and applications for international protection; moreover, people are being arbitrarily detained at the centre.²⁸⁵

At the hotspot in Trapani (Sicily), overcrowding seems to be the main issue. The facility, with the capacity of 400 people, is actually hosting and identifying 180 people per day. Furthermore, as stressed in previous reports, identification procedures are taking longer than the foreseen 24 hours.²⁸⁶

On 17 March 2016, the launch of a mobile hotspot unit by the end of the month was announced. It will be based in Catania (Sicily), where Italian police officers and EU experts will cooperate to identify asylum seekers and migrants arriving in

²⁸¹ The convocation of the press conference is available at: <http://centroastalli.it/tavolo-asilo-conferenza-stampa-per-diritti-dei-migranti-ad-approccio-hot-spot/>. The document presented during the conference is available at: <http://centroastalli.it/wp-content/uploads/2016/02/Documento-Tavolo-Asilo-1.3.2016.pdf>. Comments on the document are available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIX3053.TIF&subcod=20160302&numPag=2&>, <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIF3340.TIF&subcod=20160302&numPag=2&>, and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIH3046.TIF&subcod=20160302&numPag=1&>.

²⁸² Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB54039.TIF&subcod=20160317&numPag=1&> and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB55284.TIF&subcod=20160318&numPag=1&>.

²⁸³ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIX5050.TIF&subcod=20160318&numPag=2&>. One of the press releases of police officers' trade unions is available at: www.uglpoliziadistato.it/index.php?option=com_content&view=article&id=6394:fotosegnalamento-forzoso-la-risposta-del-dipartimento&catid=1:ultime&Itemid=50.

²⁸⁴ Information provided by ASGI during an email interview held on 19 March 2016. The information is available at: www.lagazzettadelmezzogiorno.it/news/home/721321/Migranti--la-puglia-si-prepara.html, www.dinamopress.it/news/hotspot-e-gare-dappalto-piene-di-ombre-cosa-sta-succedendo-a-taranto and http://bari.repubblica.it/cronaca/2016/03/18/news/migranti_il_nuovo_hotspot_di_taranto_inaugurato_e_s_ubito_in_emergenza_cento_ospiti_di_troppo_-135753114/#gallery-slider=135257259.

²⁸⁵ The text of ASGI's statement is available at: www.asgi.it/allontamento-espulsione/hotspot-di-taranto-mancano-le-garanzie-per-leffettivo-accesso-al-diritto-dasil/.

²⁸⁶ Information available at: www.redattoresociale.it/Notiziario/Articolo/504156/Hotspot-2492-migranti-fotosegnalati-a-Trapani-II-prefetto-Sistema-regge.

Italy in locations far from the existing hotspots (Lampedusa, Pozzallo, Trapani, and Taranto).²⁸⁷

7.4.2 Asylum procedure

On 4 March 2016, the undersecretary of the Ministry of the Interior, heard by the Schengen Committee, provided the overall number of asylum seekers hosted in the Italian reception system: between January and February 2016, nearly 9,400 people arrived in Italy, a slight increase in comparison with the same period in 2015 (some 9,200 people arrived in Italy); around 16,000 international protection applications were registered from January to 4 March 2016. A total of 107,000 asylum seekers are hosted in the Italian reception system. Between 7,000 and 8,000 are living in the first reception system created to respond to current emergencies and to provide people with basic assistance upon arrival; 21,000 people are hosted by the Central Service for the National Asylum Seekers and Refugees Protection System (*Servizio centrale del sistema di protezione per richiedenti asilo e rifugiati*, SPRAR) and almost 70 % are currently living in special reception centres (*centri di accoglienza straordinaria*, CAS).²⁸⁸

As for relocation, the Minister of the Interior took part in a meeting with UNHCR members, local NGOs, cultural mediators, and Ministry of the Interior professionals to organise the relocation procedure for the asylum seekers who arrived in Cagliari on 21 March 2016 and who are eligible for relocation under the EU relocation scheme.²⁸⁹ A day later, many of the asylum seekers – who had previously refused identification due to fear of being kept in Italy – organised a public demonstration, demanding to leave Sardinia and continue their journey towards other EU Member States.²⁹⁰

7.4.3 Return procedure

Nothing new to report.

²⁸⁷ Information available at: www.ansa.it/sicilia/notizie/2016/03/17/migranti-arriva-in-sicilia-hotspot-mobile_c590a620-b7d2-4bff-962a-340b890f08f6.html.

²⁸⁸ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIX4009.TIF&subcod=20160310&numPag=1&>.

²⁸⁹ Information available at: www.interno.gov.it/it/notizie/verso-relocation-dei-migranti-eritrei-sbarcati-cagliari.

²⁹⁰ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM6084.TIF&subcod=20160326&numPag=1&> and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SI52262.TIF&subcod=20160329&numPag=1&>.

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

7.5.1 Reception conditions and capacity

The Municipality of Val di Susa (Piedmont) is developing a reception system based on small facilities scattered throughout the territory, with the support of the local Prefect and the Ministry of the Interior, using abandoned buildings and facilities.²⁹¹ On 22–23 March 2016, IRC and the Prefect of Milan set up a temporary reception camp in the EXPO Milano 2015 facilities that had been built to host workers and are now unused.²⁹² Due to harsh criticism voiced by local right-wing parties, the Prefect decided that all asylum seekers should be transferred to other facilities by the end of the month.²⁹³

CIR declared that the current reception system and the funds so far earmarked for it are clearly insufficient, especially considering that a national coordination system has not been implemented yet and reception procedures are subsequently very different throughout the Italian territory. The SPRAR system, though financed with national funds, is organised on a municipality basis.²⁹⁴ The municipalities have not responded adequately to the public announcement made by the Ministry of the Interior to boost the capacity of SPRAR for 2016–2017.²⁹⁵ A new public announcement will probably be launched soon.²⁹⁶

7.5.2 Vulnerable persons

Nothing new to report.

7.5.3 Child protection

The Prefect of Ancona (Marche), in cooperation with regional authorities, has organised a training course for 90 professionals involved in the local reception system to guarantee the necessary knowledge and expertise to adequately cope

²⁹¹ Information available at: www.interno.gov.it/it/notizie/i-comuni-val-susa-impegnati-progetti-micro-accoglienza-dei-profughi, <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SI15306.TIF&subcod=20160304&numPag=1&>, and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIW1100.TIF&subcod=20160307&numPag=1&>.

²⁹² Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIG3259.TIF&subcod=20160323&numPag=2&>.

²⁹³ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM6120.TIF&subcod=20160326&numPag=1&>.

²⁹⁴ Information available at: www.vita.it/it/article/2016/03/01/rathaus-cir-in-italia-manca-un-piano-nazionale-dintegrazione-dei-rifug/138483/.

²⁹⁵ Information available at: www.redattoresociale.it/Notiziario/Articolo/502980/Accoglienza-migranti-flop-del-bando-Sprar-I-comuni-non-rispondono.

²⁹⁶ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SI65049.TIF&subcod=20160318&numPag=1&>.

with the reception of children and their needs. This course has been supported by the Ministry of the Interior.²⁹⁷ The NGO 'Borderline Sicilia' has once again denounced the long-lasting presence of children at the hotspot in Pozzallo. All 33 children, who arrived at the centre on 24 February 2016, are still there. UNHCR, Save the Children Italia Onlus, and the NGO 'Terres des Hommes', which operate at the centre, confirm that there are over 100 children living there.²⁹⁸

7.5.4 Healthcare

Please see the thematic focus on healthcare.

7.5.5 Immigration detention

On 5 March 2016, the Extraordinary Parliamentary Commission for Human Rights Protection and Promotion issued a resolution concerning the current conditions of identification and expulsion centres (*centri di identificazione ed espulsione*, CIE). In this report, the parliamentary commission stresses the critical aspects of the CIE system regarding the protection of fundamental rights, reception conditions, and the protection of vulnerable categories. The commission calls upon the Italian government to reform the CIE system, introducing alternatives to detention, and guaranteeing proper information to detainees and adequate protection of vulnerable categories through proper accommodation solutions.²⁹⁹

7.6. Responses in law, policy and/or practice

Local municipalities are trying to implement a coordination plan to cope with the increasing number of arrivals at the border between Italy and Austria due to the Austrian border policy, and to guarantee the application of reception and identification procedures.³⁰⁰ In the framework of the 'Safe Streets' Operation (*Operazione 'Strade Sicure'*), police authorities, in cooperation with the Italian army, have implemented strict control measures at the Italian border with Austria, aimed at detecting irregular entries into the Italian territory. Due to these controls, 37 irregular migrants were identified during the first weekend of March.³⁰¹ This issue was reported to the Minister of the Interior through a parliamentary questioning presented on 9 March, which underlines the added burden to the

²⁹⁷ Information available at: www.interno.gov.it/it/notizie/migranti-e-accoglienza-formazione-operatori-nelle-marche.

²⁹⁸ Information available at: <http://siciliamigranti.blogspot.it/2016/03/minori-pozzallo-da-settimane-allinterno.html>.

²⁹⁹ The commission's resolution is available at: www.senato.it/service/PDF/PDFServer/BGT/751012.pdf.

³⁰⁰ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIX3205.TIF&subcod=20160302&numPag=1&> and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=S114289.TIF&subcod=20160303&numPag=1&>.

³⁰¹ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIC2091.TIF&subcod=20160301&numPag=1&>.

Italian border control. Moreover, the questioning indicate the economic damage that the Austrian policy will cause to the transport of goods between Italy and Austria.³⁰²

The Italian Minister of the Interior and its German counterpart have sent a joint letter to the Presidency of the European Commission and to the EU Commissioner for Migration, Home Affairs and Citizenship, proposing necessary measures to reform the EU asylum system. These proposals include the creation of a genuine EU agency for asylum policies; a common registration system for international protection applicants with the active involvement of Frontex officers at the hotspots; common EU standards and criteria for providing asylum status. They also suggest adopting procedures to identify people in need of international protection in their countries of origin or transit before they are brought to Europe. The aim is to create an institutionalised relocation system in the EU, which would distribute asylum seekers according to quotas in all Member States, overcoming the so-called 'Dublin system'.³⁰³

The agreement signed between the EU and Turkey raised several concerns and negative comments among many NGOs working in the asylum field.³⁰⁴ Most of them – CIR, ASGI, Oxfam Italia, MSF Italia, Caritas, Centro Astalli, MEDU, and the association 'Senza Confine' – which takes part in the National Asylum Board, submitted a letter on 15 March 2016 to the Italian President of the Council of Ministers. This letter denounces the impact of the agreement on asylum seekers' fundamental rights considering that Turkey should not be considered a safe third country. The letter also stresses the possible breach of international law since the agreement would allow for collective push-backs from EU borders, which constitutes an evident violation of the *non-refoulement* principle.³⁰⁵ After the agreement was approved, the same associations released another joint position paper calling upon: 1) the EU to revoke the agreement; 2) UNHCR not to participate in the identification procedures of asylum seekers coming from Turkey as it is the preliminary step towards mass push-backs; 3) the Italian parliament to reject the abovementioned agreement.³⁰⁶ Two parliamentary questionings have been presented to the government concerning the agreement with Turkey, both stressing that the agreement could represent a severe violation of EU and

³⁰² The text of the questioning is available at: <http://aic.camera.it/aic/scheda.html?core=aic&numero=3/02093&ramo=CAMERA&leg=17&testo=immigrazione>.

³⁰³ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SI11273.TIF&subcod=20160307&numPag=1&> and <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SI171006.TIF&subcod=20160307&numPag=1&>.

³⁰⁴ This is, for example, the position of MSF Italia (www.medicisenzafrontiere.it/notizie/news/migrazione-msf-%E2%80%99Ci-leader-europei-hanno-perso-il-senso-della-realt%C3%A0-accordo-cinico) and CIR (www.cir-onlus.org/it/comunicazione/news-cir/51-ultime-news-2016/2007-rifugiati-preoccupazione-del-cir-per-conclusioni-del-summit-consiglio-europeo-turchia).

³⁰⁵ The text of the letter is available at: www.asgi.it/wp-content/uploads/2016/03/Lettera-Consiglio-UE_17-18mar16_final.pdf.

³⁰⁶ The position paper is available at: www.asgi.it/wp-content/uploads/2016/03/2016-Comunicato_accordi-turchia-17-18-marzo-2016.pdf.

international law and of basic human rights.³⁰⁷ Moreover, on 16 March 2016, a public demonstration was organised in front of the Senate to protest against the agreement between the EU and Turkey.³⁰⁸

A possible consequence of the agreement between the EU and Turkey is the increase of new arrivals coming from the Balkan route, especially from Albania. For this reason, the Ministry of the Interior has started bilateral negotiations with Albania to improve border and sea monitoring and stop irregular inflows to Italy, even though the Italian Minister of the Interior have stated that, so far, there is no clear evidence that the number of arrivals from the Balkans is going to increase dramatically.³⁰⁹ On 11 March 2016, the Minister of the Interior declared that Italy is ready to send a contingent of Italian border police officers to Albania to assist Albanian police officers in border monitoring activities.³¹⁰

Some Italian ordinary courts have adopted relevant decisions concerning the recognition of international protection for applicants coming from countries that are not generally considered as unsafe third countries. In particular, four decisions of the Ordinary Courts of Perugia and Venice have awarded asylum status to applicants coming from Nigeria because of the general context of violence currently affecting that country.³¹¹ Another decision by the Ordinary Court of Venice on 5 February 2016 awarded international protection to a Malian citizen due to his high degree of integration into the Italian society.³¹² Two relevant decisions have been issued concerning sexual orientation as a ground for international protection: the Ordinary Court of Venice awarded subsidiary protection to a Gambian citizen³¹³ and humanitarian residence permit to a Cameroun citizen³¹⁴ because of their sexual orientation, which could put them at serious risk in their countries of origin.

³⁰⁷ The texts of the questionings are available at: <http://aic.camera.it/aic/scheda.html?core=aic&numero=6/00221&ramo=CAMERA&leg=17&testo=rifugiati> and <http://aic.camera.it/aic/scheda.html?core=aic&numero=3/02123&ramo=CAMERA&leg=17&testo=immigrazione>.

³⁰⁸ The call for the demonstration was published on Facebook by the Italian Kurdish Solidarity Network.

³⁰⁹ Information available at: www.interno.gov.it/it/notizie/alfano-bruxelles-nessuna-evidenza-sulla-rota-adriatica-flussi-migranti, www.redattosociale.it/Notiziario/Articolo/502959/Migranti-una-nuova-rota-Adriatica-Alfano-nessuna-evidenza-di-flussi, and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIB5053.TIF&subcod=20160311&numPag=1&>.

³¹⁰ Information available at: www.repubblica.it/esteri/2016/03/11/news/migranti_20_poliziotti_italiani_a_confini_albania-135242044/ and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB36005.TIF&subcod=20160312&numPag=1&>.

³¹¹ Decision of the Ordinary Court of Perugia of 29 February 2016, available at: www.meltingpot.org/IMG/pdf/img-160302111135_1_.pdf; decisions of the Ordinary Court of Venice of 8 January 2016, available at: www.meltingpot.org/IMG/pdf/1_2016_trib_ve_sus_nigeria_08012016.pdf and www.meltingpot.org/IMG/pdf/2_2016_trib_ve_sus_nigeria_08012016.pdf; decision of the Ordinary Court of Venice of 6 March 2016, available at: www.meltingpot.org/IMG/pdf/ordinanza_ve_5889-2016.pdf.

³¹² The text of the decision is available at: www.meltingpot.org/IMG/pdf/2016_trib_ve_uman_mali.pdf.

³¹³ Decision of the Ordinary Court of Venice of 4 March 2016, available at: www.meltingpot.org/IMG/pdf/2014_trib_ve_suss_gambia.pdf.

³¹⁴ Decision of the Ordinary Court of Venice of 5 November 2015, available at: www.meltingpot.org/IMG/pdf/2016_trib_ve_uman_camerun.pdf.

On 11 March 2016, the Prefect of Sondrio (Lombardy) issued a circular letter addressed to the managers of reception centres, aimed at establishing rules regarding the coexistence of people hosted in the centres, i.e. asylum seekers, and local residents. In this circular letter, the Prefect asked the managers of reception centres to implement strict opening and closing time schedules as well as to prevent groups of more than five asylum seekers from walking through the city centre and from letting their children play in public gardens and parks, which are areas for local families.³¹⁵ On 21 March 2016, ASGI sent a letter to the Prefect of Sondrio, calling for the withdrawal of the circular letter due to its discriminatory content.³¹⁶ On 22 March 2016, the Prefect of Sondrio declared to share ASGI's position and withdrew the abovementioned circular letter.³¹⁷

7.7. Social response to the situation

On 10 March 2016, several local associations and NGOs – including ASGI and the 'Melting Pot Europa' project – organised a public demonstration, asking the Region of Trentino-Alto Adige to develop measures to implement a regional reception system and to identify an adequate solution for the 240 asylum seekers who had been excluded from adequate reception.³¹⁸

The National Office against Racial Discrimination (*Ufficio Nazionale Antidiscriminazioni Razziali*, UNAR) organised an initiative called 'The Week against Racism' (14–21 March 2016), consisting of several events, exhibitions, and meetings throughout the Italian territory, aimed at raising awareness on the importance of opposing racial discrimination at any level.³¹⁹

MSF Italia has organised a campaign called '#asteptogether'. It is a public auction that sells shoes donated by celebrities and influential people, which have marked important steps of their careers. The profits will be used by MSF to fund its humanitarian activities in Italy and abroad.³²⁰

³¹⁵ The text of the circular letter is available at: www.asgi.it/notizia/sondrio/.

³¹⁶ ASGI's letter is available at: www.asgi.it/wp-content/uploads/2016/03/Lettera-nota-prefettura-1.pdf.

³¹⁷ The Prefect's letter is available at: www.asgi.it/wp-content/uploads/2016/03/2016_Sondrio_Risposta-Prefettura_ASGI.pdf.

³¹⁸ Information available at: www.meltingpot.org/A-Bolzano-240-richiedenti-asilo-fuori-accoglienza#.VvpdxPmLQdV.

³¹⁹ Information available at: www.redattoresociale.it/Notiziario/Articolo/503199/Accendi-la-mente-e-spegni-i-pregiudizi-al-via-Settimana-contro-il-razzismo.

³²⁰ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB55048.TIF&subcod=20160318&numPag=1&>.

7.8. Hate crime incidents

On 14 March 2016, a former farm in Bolzano Vicentino (Veneto), where some asylum seekers were hosted, was burnt down at night. No one was injured, and the perpetrators were identified by police authorities.³²¹

Another serious incident happened on 21 March 2016 during a football match in Campania. Members of Afro-Napoli United, an amateur football team promoting integration, were verbally and physically assaulted by their rivals, who used racist language to insult them.³²²

The leader of the French National Front (*Front national*, FN) political party was invited to a two-day convention that took place in Rome on 15–16 March 2016. The convention gathered together the main Italian far-right political parties and associations. Fight against migration and the protection of national identity were the central issues discussed at the convention.³²³

³²¹ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIB2199.TIF&subcod=20160315&numPag=1&>.

³²² Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB54030.TIF&subcod=20160324&numPag=1&>.

³²³ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB53014.TIF&subcod=20160316&numPag=1&>.

8. Slovenia

8.1. Stakeholders contacted

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

- UNICEF Slovenia (*UNICEF Slovenija*);
- Ministry of Health (*Ministrstvo za zdravje*);
- Caritas Slovenia (*Slovenska karitas*);
- Slovenian Philanthropy (*Slovenska filantropija*);
- 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 Naturalisation 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*).

8.2. Overview of the situation

The Border Police Division reports that around 1,600 people (including around 400 women and 80 children) entered Slovenia during the reporting period. Most were Syrian, Pakistani and Iraqi nationals arriving from Croatia by train.³²⁴ Approximately 200 people requested international protection in the same period.³²⁵

As of 8 March 2016, the Slovenian police is no longer implementing the provisions of the Joint Statement signed in Zagreb and is only allowing entry to people who fulfil the conditions for entry or wish to apply for international protection in Slovenia, in line with the statement of the EU Heads of State, which the

³²⁴ General Police Directorate; Uniformed Police Directorate; Border Police Division.

³²⁵ Asylum Home.

government adopted on 7 March 2016,³²⁶ and the Schengen Borders Code. The inflow of people has therefore drastically decreased.

8.3. Criminal proceedings against migrants and people helping them

8.3.1 Criminal proceedings initiated against migrants and asylum seekers

There have been several instances of misdemeanour proceedings initiated (fines issued) against aliens for irregularly crossing the border under the State Border Control Act³²⁷ and the Aliens Act.³²⁸

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

No criminal proceedings were initiated during the reporting period.³²⁹

'Engaging in the prohibited transit of aliens or assisting them in hiding' is prohibited by the Criminal Code,³³⁰ but it is unclear whether facilitating irregular entry or stay for humanitarian reasons (without pay) is a crime.³³¹ No such acts (or criminalisation of them) have been reported by stakeholders since arrivals began in September 2015. Facilitating irregular entry/stay is also a misdemeanour under the Aliens Act, punishable with a fine from €2,000 to €4,500. During the reporting period, such fines were issued against two people (a national of Slovenia and a national of Serbia).³³²

On 29 March 2016, the media reported that the police had arrested a Dutch citizen who was caught crossing the green border in his personal vehicle with five citizens of Syria and Afghanistan, whom the police also detained. The circumstances of the illegal border crossing are under investigation.³³³ Similarly, on 30 March 2016, the police detained a Pakistani national (with an Italian residence permit) illegally transporting four fellow citizens with documents from Hungarian asylum homes

³²⁶ Ministry of the Interior, Press release, 8 March 2016, available at: www.mnz.gov.si/en/media_room/news/article/12137/9668/3ce26cde82ce307e6141a105d8e6d67d/.

³²⁷ Slovenia, State Border Control Act, 20 April 2010, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5964.

³²⁸ General Police Directorate; Uniformed Police Directorate; Border Police Division.

³²⁹ The Office of the State Prosecutor General.

³³⁰ Art. 308, para. 3 of the Criminal Code, 20 May 2008, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050.

³³¹ The Office of the State Prosecutor General.

³³² General Police Directorate; Uniformed Police Directorate; Border Police Division.

³³³ Article on the web news portal RTVSLO, 'Citizen of the Netherlands smuggling five immigrants', 29 March 2016, available at: www.rtvslo.si/crna-kronika/nizozemec-v-osebнем-avtomobilu-pretihotapil-pet-prebeznikov/389306.

and immigration detention centres. The police stopped them on a highway and found they had illegally crossed the state border.³³⁴

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

8.4.1 Registration and identification

There is no special registration and identification procedure since the provisions of the Schengen Borders Code were imposed again on 8 March 2016. Volunteers have reported that after 24 February 2016, UNHCR translators were excluded from the procedures prior to registration and only translators, under the authority of the police, were allowed access.³³⁵

All individuals over the age of 14 requesting international protection during the reporting period have been registered in EURODAC.³³⁶

The police (*Policija*) did not detect any criminal activity related to human trafficking of irregular migrants in the period from 1 March to 31 March 2016.³³⁷

8.4.2 Asylum procedure

During the reporting period about 200 people applied for international protection. Most came from Afghanistan and Syria, around 30 from Iraq, 15 from Iran, five from Morocco, while the rest were from Pakistan, Cameroon, Sri Lanka, Egypt, Eritrea, Gambia, Liberia, Libya and Tunisia. Among them were about 170 men, 40 women and 50 children, including 14 unaccompanied.³³⁸

The Asylum Home reports that there were no rejections of requests for international protection based on the safe third country principle.³³⁹

Under the Dublin III Regulation procedure, 16 people were returned back to Slovenia (two five-member families from Afghanistan, two men from Iran, one man from Iraq, and one man from Syria).³⁴⁰

³³⁴ Article on the web news portal RTVSLO, 'Pakistani man illegally transporting four fellow citizens', 30 March 2016, available at: www.rtvsllo.si/crna-kronika/pakistanec-nezakonito-prevazal-stiri-svoje-rojake/389377.

³³⁵ Article on the web news portal Dnevnik, 'How Slovenia rejected war refugees: "Return to Turkey, it is safe"', 2 April 2016, available at: www.dnevnik.si/1042733006/svet/kako-je-slovenija-kolektivno-zavracala-vojne-begunce-vrni-se-v-turcijo-tam-je-varno.

³³⁶ Asylum Home.

³³⁷ General Police Directorate; Uniformed Police Directorate; Border Police Division.

³³⁸ Asylum Home.

³³⁹ *Ibid.*

³⁴⁰ *Ibid.*

Slovenia transferred an unaccompanied child from Syria so he could be reunited with his family.³⁴¹

During the reporting period, five asylum seekers had their movement limited and were detained at the Centre for Foreigners (*Center za tujce*).³⁴²

Volunteers report cases where pressure is put on people not to request for international protection.³⁴³

8.4.3 Return procedure

The police (*Policija*) reports that 357 people were denied access to the country.³⁴⁴ Furthermore, 25 people were returned on the basis of a bilateral agreement via the procedure of informal announcement to neighbouring law enforcement authorities, and nine persons according to the procedure of formal announcement.³⁴⁵ One person was returned to his country of origin.³⁴⁶ There were five failed attempts of return.³⁴⁷

During the reporting period, 65 new people were accommodated at the Centre for Foreigners (*Center za tujce*), who are either in the process of being removed from the country or establishing their identity. Around 30 came from Syria, 10 from Afghanistan, 10 from Iraq, two from Iran, two from Morocco, one from Kosovo,* one from Nepal, one from Pakistan, one from Serbia and one from Turkey. Among them were six unaccompanied children. Moreover, there were 44 people who were forcibly returned after being accommodated at the Centre for Foreigners (*Center za tujce*): 20 from Afghanistan, seven from Iran, six from Iraq, five from Syria, two from Serbia, one from Kosovo,* one from Nigeria, one from Turkey and one from Ukraine. Among them were five children with their families.³⁴⁸

There have been no changes in law or practice regarding the above mentioned issues.

³⁴¹ *Ibid.*

³⁴² *Ibid.*

³⁴³ Article on the web news portal Dnevnik, 'How Slovenia rejected war refugees: "Return to Turkey, it is safe"', 2 April 2016, available at: www.dnevnik.si/1042733006/svet/kako-je-slovenija-kolektivno-zavracala-vojne-begunce-vrni-se-v-turcijo-tam-je-varno.

³⁴⁴ Article 10 of the Aliens Act, 27 June 2011, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761.

³⁴⁵ General Police Directorate; Uniformed Police Directorate; Border Police Division.

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

³⁴⁷ *Ibid.*

³⁴⁸ *Ibid.*

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

8.5.1 Reception conditions and capacity

The total capacity fluctuated throughout the reporting period, with the number increasing from 7,763 on 1 March to 8,342 on 11 March.³⁴⁹ The reception or accommodation centres were not overcrowded at any point,³⁵⁰ nor were asylum seekers accommodated together with people in return procedures.³⁵¹

All registration and accommodation centres have been emptied since the last large groups of people entered Slovenia on 5 March 2016, including the biggest two centres in Dobova and Šentilj.³⁵² Some of them have already been closed, but most of them are on standby in case additional groups of people enter the country.³⁵³ All migrants are now accommodated either at the Centre for Foreigners or at the Asylum Home, which is currently operating in three different locations: the central building in Ljubljana Vič for all categories of refugees (with separate departments for single women and unaccompanied children), an external unit in Ljubljana Kotnikova for single men, and an external unit in Logatec for families.³⁵⁴ Children under 15 years of age are still accommodated at the Crisis Centres across the country.³⁵⁵

8.5.2 Vulnerable persons

Nothing new to report.

8.5.3 Child protection

Since the number of migrants entering and exiting Slovenia has decreased significantly, people are staying in the country for longer periods of time as their asylum applications are being processed. Children are included in the educational process – they attended their first day of school in March at primary schools in Ljubljana, Logatec, and Slovenj Gradec.³⁵⁶

³⁴⁹ URSZR, Daily reports on protection, rescue and help activities, 1 February 2016- 29 February 2016, not published, sent upon request. No data collection has taken place since 11 March.

³⁵⁰ *Ibid.*

³⁵¹ Slovenian Philanthropy.

³⁵² Slovenian Philanthropy; Caritas Slovenia.

³⁵³ *Ibid.*

³⁵⁴ Slovenian Philanthropy.

³⁵⁵ *Ibid.*

³⁵⁶ *Ibid.* See also article on the web news portal RTVSLO, '20 Children asylum seekers already included in Slovene primary schools', 11 March 2016, available at: www.rtvsllo.si/begunska-kriza/20-otrok-prosilcev-za-azil-je-ze-vključenih-v-slovenske-osnovne-sole/387964.

8.5.4 Healthcare

Please see the thematic focus on healthcare.

8.5.5 Immigration detention

Nothing new to report.

There were 65 new people detained at the Centre for Foreigners (*Center za tujce*) (closed detention facility).³⁵⁷ On 2 March, a citizen of Syria, who was detained at the Centre for Foreigners, was hospitalised and treated after drinking a toxic cleaning agent.³⁵⁸

8.6. Responses in law, policy and/or practice

Although there were no new arrivals since 5 March 2016, the government announced on 8 March that it was going to start enforcing the Schengen rules more strictly, i.e. only permitting migrants to cross the border if they wish to seek asylum in Slovenia.³⁵⁹ The government also came under public pressure after reports revealed that the police had been ignoring people's requests to seek asylum, asking them (mis)leading questions to get a response, which would provide grounds for their return to Croatia, and filtering individuals based on their nationality.³⁶⁰ The police denied all allegations.³⁶¹

The government has also announced that from April onwards, its focus is going to be on relocation and resettlement efforts, as Slovenia has pledged to relocate 567 refugees by September.³⁶²

The largest opposition party, the Slovenian Democratic Party (SDS), proposed a referendum on limiting the number of people who can seek asylum in Slovenia; their proposal was overwhelmingly rejected.³⁶³ Finally, the amendments to the

³⁵⁷ See section 8.4.3..

³⁵⁸ General Police Directorate; Uniformed Police Directorate; Border Police Division.

³⁵⁹ Ministry of the Interior, Press release, 8 March 2016, available at: www.mnz.gov.si/si/novinarsko_sredisce/novica/browse/2/article/12208/9667/cc75fc81bcc81fccf00f14cc186c8dc5/.

³⁶⁰ Article on the web news portal Dnevnik, 'Treatment of refugees by the Slovene police: the interpreter tore up the papers and threw them in the trash', 14 March 2016, available at: www.dnevnik.si/1042731780/slovenija/ravnanje-slovenske-policije-z-begunci-prevajalka-je-papirje-strgala-in-jih-vrgla-v-smeti.

³⁶¹ Article on the web news portal RTVSLO, 'Slovene police denies allegations about filtering refugees in the name of the EU', 14 March 2016, available at: www.rtvlo.si/slovenija/slovenska-policija-zanika-ocitke-o-filtriranju-beguncev-v-imenu-eu-ja/388185.

³⁶² Article on the web news portal RTVSLO, 'Šefic: we are going to relocate 567 refugees between April and September', 10 March 2016, available at: www.rtvlo.si/slovenija/sefic-med-aprilom-in-septembrom-bomo-premestili-567-beguncev/387849.

³⁶³ Article on the web news portal RTVSLO, 'SDS proposes a referendum on asylum seekers, harsh responses by some parties', 4 March 2016, available at: www.rtvlo.si/slovenija/sds-predlaga-referendum-o-prosilcih-za-azil-oster-odziv-nekaterih-strank/387404.

International Protection Act (*Zakon o mednarodni zaščiti*), accelerating the asylum procedure, were passed by the National Assembly.³⁶⁴

8.7. Social response to the situation

As the number of people entering the country decreased drastically in March, so did the social response to the ongoing crisis. Volunteers are still active in the field,³⁶⁵ and many are available on call,³⁶⁶ however, there was only one protest in favour of migrants in Kranj, gathering about 400 people.³⁶⁷ Polls show that 53 % of people support accommodating refugees near their place of residence.³⁶⁸

8.8. Hate crime incidents

The Slovenian hotline for reporting hate speech incidents on the internet, 'Web eye' (*Spletno oko*), received 120 reports of alleged hate speech, punishable according to Article 297 (public incitement to hatred, violence or intolerance) of the Criminal Code.³⁶⁹ Three reports were referred to the police. Internet, especially social media, continues to be a medium for spreading hostile propaganda against migrants. For instance, the press exposed a fascist Facebook group, with claims of having ties to WWII anti-communist legacy, called the 'Legion of Death'. It listed some prominent political figures as members.³⁷⁰ After the national television broadcasted the news, the Facebook group was deleted and its supposed members from the political elite denied any collaboration with the group, and some openly opposed it.

There were no large demonstrations against migrants across the country. There was a smaller rally in the village Črni les, municipality Lenart, against the conversion of a former hotel building into a centre for migrants. The state secretary and the president of the Slovenian parliament visited representatives of the

³⁶⁴ Article on the web news portal RTVSLO, 'New International Protection Act passed, obstructed by SDS and NSi', 4 March 2016, available at: www.rtv slo.si/slovenija/sprejet-nov-zakon-o-mednarodni-zasciti-obstrukcija-sds-a-in-nsi-ja/387366.

³⁶⁵ Article on the web news portal 24ur, 'Refugees forget their peril for a moment as they visit the zoo, most impressed by the snake Rudi', 31 March 2016, available at: www.24ur.com/novice/slovenija/begunci-za-trenutek-pozabili-na-tezave-in-obiskali-zivalski-vrt-najbolj-jih-je-navdusil-kacon-rudi.html.

³⁶⁶ Caritas Slovenia.

³⁶⁷ Article on the web news portal RTVSLO, 'People of Kranj Rally in support of refugees, in Maribor against Islamisation', 12 March 2016, available at: www.rtv slo.si/slovenija/kranjcani-s-shodom-v-podporo-beguncem-v-mariboru-proti-islamizaciji/388053.

³⁶⁸ Article on the web news portal RTVSLO, 'Polls: more than 50% in favour of admitting refugees', 21 March 2016, available at: www.rtv slo.si/slovenija/anketa-sprejemanju-prosilcev-za-azil-naklonjena-dobra-polovica/388725.

³⁶⁹ Hotline for reporting hate speech on the internet 'Web eye', Project coordinator, 1 April 2016.

³⁷⁰ News video on the web news portal RTVSLO, 'Increasing hostility towards foreigners', 21 March 2016, available at: <http://4d.rtv slo.si/arhiv/prispevki-in-izjave-dnevnik/174395325>.

municipality.³⁷¹ There was a small gathering against migrants in Maribor³⁷² and in Celje.³⁷³

The Office of the State Prosecutor General did not receive any criminal reports and did not initiate any proceedings concerning the criminal offence 'public incitement to hatred, violence or intolerance' related to migrants, punishable under Art. 297 of the Criminal Code³⁷⁴.³⁷⁵ No fines were issued by the police for misdemeanours inciting intolerance³⁷⁶ under Art. 20 of the Protection of Public Order Act.³⁷⁷

³⁷¹ Slovenian Press Agency (2016), 'Repeated discussions about migrants' accommodation in Lenart', 3 March 2016, available at: www.sta.si/2237862/v-lenartu-znova-o-namescanju-migrantov.

³⁷² Article on the web news portal Večer, 'Rally against migrants in Maribor and in support of migrants in Kranj' 12 March 2016, available at: www.vecer.com/v-mariboru-shod-proti-islamizaciji-slovenije-in-proti-vladi-6195682.

³⁷³ Article on the web news portal VTV, 'Protest against migrants in Celje', 8 March 2016, available at: www.vtvstudio.com/v-celju-protestni-shod-proti-migrantom/.

³⁷⁴ Slovenia, Criminal Code, 20 May 2008, with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050.

³⁷⁵ The Office of the State Prosecutor General.

³⁷⁶ The General Police, Uniformed Police Directorate, Border Police Division.

³⁷⁷ Slovenia, The Protection of Public Order Act, 22 June 2006 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3891.

9. Sweden

9.1. Stakeholders contacted

For this report, the following stakeholders were contacted:³⁷⁸

- Swedish Migration Agency (*Migrationsverket*);
- Swedish Civil Contingencies Agency (Myndigheten för samhällsskydd och beredskap);
- Swedish Police (*Polisen*);
- National Board of Health and Welfare (*Socialstyrelsen*);
- National Board of Education (*Skolverket*);
- Swedish Health and Social Care Inspectorate (*Inspektionen för vård och omsorg*);
- Public Health Agency of Sweden (*Folkhälsomyndigheten*);
- Regional Public Prosecutor's Office (*Åklagarmyndigheten*);
- Region Västra Götaland, regional coordination office of healthcare for asylum seekers and new arrivals (*Västra Götalandsregionen, samordnare för hälso- och sjukvård för asylsökande och nyanlända*);
- Region Norrbotten, Boden health central, (Norrbottens landsting, Bodens vårdcentral);
- Amnesty International Sweden;
- Save the Children Sweden (*Rädda Barnen Sverige*);
- Red Cross Sweden (*Röda Korset Sverige*);
- Expo Foundation (*Stiftelsen Expo*);
- Swedish Association of Local Authorities and Regions (*Sveriges kommuner och landsting, SKL*).

9.2. Overview of the situation

During the period of 1 March – 31 March 2016, Sweden received around 2,250 asylum seekers, a further decrease compared to February (nearly 2,800) and January (nearly 4,200).³⁷⁹ The decrease is considered to be a result of the obligatory ID checks on all carriers entering Sweden and the introduction of even stricter border controls in other European states. The temporary law on ID checks has so far been extended until 8 April 2016.

³⁷⁸ The Swedish National Council for Crime Prevention was not available.

³⁷⁹ Swedish Migration Agency.

Asylum seekers were mainly from Syria (around 400), Afghanistan (around 200), Iraq (around 200) and Somalia (around 160).³⁸⁰ Among them were some 1,300 men, 940 women and almost 800 children (the number includes both unaccompanied children and children arriving with their families). Around 120 asylum seekers were unaccompanied children, a decrease from February (187 unaccompanied children) and January (640). The unaccompanied children were predominately boys (81 %), but the ratio of girls has risen from 13 % in February to 19 % in March.³⁸¹

9.3. Criminal proceedings against migrants and people helping them

9.3.1 Criminal proceedings initiated against migrants and asylum seekers

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

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

Since autumn 2015, 24 people have been convicted of human smuggling in Malmö District Court (*Malmö tingsrätt*).³⁸² The regional public prosecution office (*Åklagarmyndigheten*) has appealed several cases to the Scania and Blekinge Court of Appeal (*Hovrätten över Skåne och Blekinge*) and has the intent of taking these kind of cases to the Supreme Court (*Högsta domstolen*) to get a Supreme Court decision that can provide guidance on how to adjudicate in similar cases.³⁸³ According to the Prosecutor's Office, there is a need of more transparent practice regarding the crime of human smuggling.³⁸⁴ Earlier case law on human smuggling shows that it was considered a crime of absolute criminal liability, which by definition should lead to a prison sentence.³⁸⁵ However, later case law (from October 2015 onwards) show a tendency to interpret human smuggling as a crime of strict liability, meaning more emphasis is put on whether the accused has had criminal intentions or not.³⁸⁶ Consequently, it has become less likely that an accused would be sentenced to prison.³⁸⁷

³⁸⁰ Swedish Migration Agency.

³⁸¹ *Ibid.*

³⁸² Regional Public Prosecutor's Office.

³⁸³ *Ibid.*

³⁸⁴ *Ibid.*

³⁸⁵ *Ibid.*

³⁸⁶ *Ibid.*

³⁸⁷ *Ibid.*

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

9.4.1 Registration and identification

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

9.4.2 Asylum procedure

People arriving in Sweden are subject to ID controls at the border by the Swedish border controls. They can access the asylum procedure by asking for asylum or protection, in which case the police takes them to the Migration Agency's reception centre in the vicinity. No rejections of asylum claims are made at the borders.

Asylum seekers stay in the Migration Agency's reception centres for about a week to register their applications.³⁸⁹ There are no reports of applications being rejected based on the safe third country principle. The number of asylum decisions increased from 7,344 in February to 7,644 in March. 40 % of the applicants were granted residence permits. The rest are either Dublin cases or discontinued. Approximate processing time was 291 days.³⁹⁰ The majority of asylum seekers (around 157,400) are waiting for an appointment to present their cases to the Migration Agency. Approximate processing time for their cases is 21 months.³⁹¹

Asylum seekers are not detained. However, they may be placed in ski resorts or tourist housings far away from any village, municipality or city, which makes it difficult for them to leave the accommodation centres on their own.³⁹²

9.4.3 Return procedure

The police is in charge of the deportation of persons denied asylum.³⁹³ According to the police, 21,000 individuals are on the deportation list. Almost 62 % of the persons listed have absconded.³⁹⁴ The police estimates that the authorities will

³⁸⁸ Swedish Migration Agency.

³⁸⁹ *Ibid.*

³⁹⁰ *Ibid.*

³⁹¹ *Ibid.*

³⁹² For instance, around 600 asylum seekers have been placed in an accommodation centre at a ski resort 150 kilometres northwest of the city of Kiruna, in the very north of Sweden. Before the arrival of the asylum seekers, only 30 persons were living in the vicinity. For more information, see: www.svt.se/nyheter/lokalt/norrboten/skidanlaggning-blir-flyktingforlaggning.

³⁹³ Swedish Migration Agency, Swedish Police.

³⁹⁴ Swedish Police.

execute 4,000 deportations during 2016.³⁹⁵ Few countries are currently accepting to receive their citizens, except on a voluntary basis.³⁹⁶

There are no separate detention facilities for families and/or unaccompanied children. All facilities have sections that can be separated from the main areas. These sections can be used for children, women, families and other aliens, who for other reasons are particularly vulnerable.³⁹⁷ Unaccompanied children are only detained on exceptional grounds.³⁹⁸ There are no reports of any transgressions of these regulations.³⁹⁹

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

9.5.1 Reception conditions and capacity

On 1 April 2016, over 173,300 persons were registered in the Migration Agency's reception system. Approximately 91 % of them were waiting for a decision, 8 % had obtained residence permits and 2 % had been denied residence permits. 53 % lived in the asylum accommodation centres for adults and families, 28 % stayed with relatives or friends and 19 % stayed in the specially designated accommodations for unaccompanied children. The asylum accommodation centres are either run by the Migration Agency or by private companies procured by the Agency.⁴⁰⁰ The specially designated accommodations for unaccompanied children are either run by the assigned municipalities or by private companies procured by the municipalities.⁴⁰¹

9.5.2 Vulnerable persons

Unless obvious during the first visual inspection or specifically pointed out by the asylum seekers, identification procedures remain slow. Families that arrive together are placed together in the same accommodation centre. Single adults and families have so far been placed wherever accommodation centres have been established. Unaccompanied children are placed in specially designated accommodation centres and the assigned municipalities are responsible for their welfare..⁴⁰² During March 2016, over 20 assaults and two violent deaths were

³⁹⁵ Swedish Police.

³⁹⁶ *Ibid.*

³⁹⁷ Swedish Migration Agency.

³⁹⁸ Sweden, Aliens Act, chapter 10, paragraph 3, section 1, available at: www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Utlanningslag-2005716_sfs-2005-716/.

³⁹⁹ Save the Children, Amnesty International, Red Cross.

⁴⁰⁰ Swedish Migration Agency.

⁴⁰¹ Swedish Association of Local Authorities and Regions.

⁴⁰² Swedish Migration Agency.

reported from the asylum accommodation centres.⁴⁰³ The violence rate indicates that some centres are not suitable for vulnerable groups, especially since the police may have to travel long distances to reach a specific accommodation if they get a call. The only time the asylum seekers have a possibility to state a specific vulnerability, e.g. sexual orientation, is during the health screenings and the asylum interviews. The current waiting time for the asylum interviews is approximately 20 months.⁴⁰⁴ If the personnel at an accommodation centre notice that an asylum seeker is in a vulnerable situation they are supposed to report this to the Migration Agency, which has to find more suitable accommodation or support for the person in question.⁴⁰⁵

9.5.3 Child protection

There is still a lack of accommodation centres for single adults, families and unaccompanied children in municipalities which they are assigned to. This has created a situation where many asylum seekers are first placed in transit accommodation centres and specially designated accommodation centres for unaccompanied children in other municipalities where housing has been found.⁴⁰⁶ This prolonged stay in transit accommodation centres have led to delays in access to education and/or healthcare for some children, including children living with their families and unaccompanied children, since the assigned municipalities and regions are responsible for providing schooling, social care and welfare and healthcare services.⁴⁰⁷ The authorities consider that 1) there are no statistics available on the frequency of these problems; 2) these kinds of delays have happened and may still be happening; and 3) the situation varies widely between different municipalities and regions.⁴⁰⁸

According to the police, approximately –seven to eight children are still reported missing from their accommodation each week.⁴⁰⁹

9.5.4 Healthcare

Please see the thematic focus on healthcare.

⁴⁰³ Swedish Police.

⁴⁰⁴ Swedish Migration Agency.

⁴⁰⁵ *Ibid.*

⁴⁰⁶ *Ibid.*

⁴⁰⁷ Swedish Association of Local Authorities and Regions, National Board of Education, Public Health Agency of Sweden, Swedish Migration Agency.

⁴⁰⁸ Swedish Association of Local Authorities and Regions, National Board of Education, Public Health Agency of Sweden, Swedish Migration Agency.

⁴⁰⁹ Swedish Police.

9.5.5 Immigration detention

There are no separate detention facilities for families and/or unaccompanied children. All facilities have sections that can be separated from the main areas. These sections can be used for children, women, families and other aliens, who for other reasons are particularly vulnerable.⁴¹⁰ Unaccompanied children are only detained if there are exceptional grounds for doing so.⁴¹¹ There are no reports of any transgressions of these regulations.⁴¹²

9.6. Responses in law, policy and/or practice

The Government presented a bill to the Swedish Parliament on 22 March 2016 proposing an amendment of the right to assistance for certain aliens.⁴¹³ The proposed amendment concerns adult aliens not living with children, whose asylum applications have been rejected and have either not left the country on their own accord within a certain time period, or whose deportation decision has entered into force or will shortly thereafter. Persons belonging to this category will not have the right to assistance of any kind, including housing.⁴¹⁴

A memorandum for a draft proposal of a temporary law was presented on 11 February 2016. It will be considered by the Council on Legislation (*Lagrådet*).⁴¹⁵ It introduced limitations on the opportunity to obtain residence permits in Sweden. The memorandum received heavy criticism from 53 instances, including courts, national authorities, unions and other civil society organisations.⁴¹⁶ The deadline for responses was 10 March 2016. The criticism focused on four areas; 1) the examination of the consequences of the suggested changes; 2) the possible negative impact on the integration of newly arrived persons; 3) the clear violations of international law, especially the right to family

⁴¹⁰ Migration Agency.

⁴¹¹ *Ibid.*

⁴¹² Save the Children, Amnesty International, Red Cross.

⁴¹³ Sweden, Government bill 2015/16: 146 Extra modification of the state budget for 2016 - Amendment of the right to assistance for certain foreigners. The suggested amendments are in reference to Act on the reception of asylum seekers and others, available at: www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Lag-1994137-om-mottagande-a_sfs-1994-137/.

⁴¹⁴ Sweden, Government bill 2015/16: 146 Extra modification of the state budget for 2016 - Amendment of the right to assistance for certain foreigners. The suggested amendments are in reference to Act on the reception of asylum seekers and others, available at: www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Lag-1994137-om-mottagande-a_sfs-1994-137/.

⁴¹⁵ 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-lagadsremiss-om-begransningar-av-mojligheten-att-fa-uppehallstillstand-i-sverige.pdf.

⁴¹⁶ A collection of web links to all responses to the memorandum is available at: www.regeringen.se/remisser/2016/02/remiss-av-begransningar-av-mojligheten-att-fa-uppehallstillstand-i-sverige/.

reunification.⁴¹⁷ According to the Minister of Migration, Morgan Johansson, the proposal will be reviewed to ensure that its formulations cannot be interpreted as violations of international law. Mr. Johansson does not anticipate the need to do any major changes to the original text. As a result of the review, the proposal cannot be presented to the Swedish Parliament until 21 June 2016.⁴¹⁸

9.7. Social response to the situation

The support for asylum seekers is mainly channelled into voluntary work directly aimed at activities meeting the needs of individual persons and groups. Since the Migration Agency is not obligated to offer any activities for asylum seekers, non-governmental organisations arrange language lessons, music classes, football practice, studies and professional counselling etc. A new free app for mobile phones, 'Welcome!' has been developed to facilitate meetings between new arrivals and people already living in Sweden and is widely used. A beta version was released in December 2015 and a new version was launched in around 20 municipalities/cities in January and February 2016.⁴¹⁹ The app is translated into Arabic, Persian/Farsi, English and Swedish and has four functions: 1) Basic information about Sweden, e.g. the emergency numbers; 2) Reach out – where new arrivals can ask questions which locals can answer; 3) Activities – where locals can post activities that new arrivals can join; and 4) Chat – where conversations are directly translated into Swedish and vice versa.⁴²⁰

9.8. Hate crime incidents

The Finnish right-wing extremist organisation 'Soldiers of Odin' has established local groups in a number of Swedish cities. Members of these groups have been gathering in an organised manner in several cities, wearing the same kind of uniform outfits. They call this activity 'patrolling' and claim that they do it to guard the city streets from the alleged criminal behaviour of immigrants.⁴²¹ So far, 'patrolling' has been noticed in Stockholm, Trelleborg, Säter, Borlänge, Hedemora, Gothenburg and Örebro.⁴²² Although the presence of such groups is seen as a

⁴¹⁷ A collection of web links to all responses to the memorandum is available at: <http://www.regeringen.se/remisser/2016/02/remiss-av-begransningar-av-mojligheten-att-fa-uppehallstillstand-i-sverige/>.

⁴¹⁸ Kudo, P. (2016), 'The new law on temporary residence permits delayed', *Svenska Dagbladet*, 14 March 2016, available at: www.svd.se/nya-lagen-om-tillfalliga-uppehallstillstand-forsenas.

⁴¹⁹ Sweden, TV4 News (*TV4 Nyheter*), 3 April 2016, video clip available at: www.tv4.se/nyheterna/klipp/app-%C3%A4nkar-svenskar-och-flyktingar-3327232.

⁴²⁰ See information about the app itself at: <http://welcomeapp.se/>.

⁴²¹ Leman, J., Quensel, A. and Vergara, D. (2016), 'They patrol as the Soldiers of Odin – right wing-extremists and serious criminal offenders', *Expo*, 18 March 2016, available at: http://expo.se/2016/de-patrullerar-som-soldiers-of-odin--hogerextrema-och-grovt-kriminella_7043.html.

⁴²² Johansen, M. (2016), 'Soldiers of Odin emerge in Örebro', *Nerikes Allehanda*, 25 March 2016, available at: <http://na.se/nyheter/orebro/1.3698934-soldiers-of-odin-pa-gang-i-orebro>.

threat by the majority of people, the police states that the organisation's behaviour is not illegal. The members are not demonstrating in the sense that they are expressing political messages and so far, they have not been violent.⁴²³

⁴²³ Göteborgs-Posten (2016), 'Soldiers of Odin 'patrolled' in Gothenburg', 31 March 2016.