



Monthly data collection on the current migration situation in the EU

May 2016 monthly report

1–30 April 2016

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Highlights: 1-30 April 2016

New arrivals

Some 3,470 people arrive in Greece by sea, including more than 1,000 children. Compared with the number of arrivals in March 2016, this corresponds to a decrease in arrivals by more than 80 %.

At the same time, more than 10,000 people remain stranded in Idomeni, Greece, including many persons with disabilities, pregnant women, patients with chronic diseases and unaccompanied children.

Arrivals increase slightly in Austria, Bulgaria and Hungary. The number of arrivals also remains high in Italy, where some of those rescued at sea have bullet wounds.

The number of migrants arriving in Slovenia decreases sharply and none are reported in Croatia.

In Hungary, people wait out in the open for days until they are allowed to enter the facilities in the transit zone to Serbia. No accommodation, toilets, showers, sanitary facilities or rubbish collection points are available. Non-governmental organisations (NGOs) face difficulties when distributing food to the people waiting on the other side of the fence outside the transit zone on Hungarian territory.

The humanitarian corridor established by Italian Christian groups in Lebanon continues to enable refugees to enter the country in a legal manner by air.

Austria commences preparing to build a fence at its border with Italy (Brenner) with the prospect of possible border controls.

Some 560 persons, mainly from Afghanistan, Bangladesh and Pakistan, are returned from Greece to Turkey under the EU-Turkey deal in April 2016.

Criminal proceedings

Migrants are usually not punished for their irregular entry into a European Union Member State. Hungary, however, continues to prosecute unauthorised border-fence crossings, although the number of prosecuted cases has decreased by half compared to the previous month.

Initial registration and processing

People held at the closed hotspot facilities in Lesbos and Chios, Greece, are released following the maximum period of detention. Open facilities in Chios, where asylum seekers may subsequently stay awaiting the assessment of their asylum claims, are overcrowded.

Due to administrative restrictions in Bulgaria, identity documents are not issued to some asylum seekers because reception facilities cannot register people after they reach the limit of their official capacity.

The Italian parliament questions the government on the identification procedures and the conditions in the newly established hotspot in Taranto.

Requests for international protection drastically decrease in Slovenia.

Hungary continues to systematically reject asylum seekers entering through Serbia, which is considered a 'safe third country'.

Reception conditions

Critical deficits remain concerning the capacity and provision of basic services at official reception sites in Greece.

The transit zones along the Serbian borders with Hungary host about 100 asylum seekers a day.

Tensions arise at reception centres in several EU Member States. For example, in the Porin Reception Centre in Croatia, residents protest due to a lack of healthcare, inadequate food, no access to schools and insecurity about their future.

In Sweden, NGOs report receiving an increased number of calls from asylum seekers, including single women, who feel unsafe in some of the remote facilities.

Child protection

Transfers of unaccompanied children to accommodation facilities are delayed in Greece due to overcrowding.

Unaccompanied children are sometimes not immediately identified and left outside the fence at the Hungarian-Serbian border under very poor living conditions.

In Bulgaria, a security company is responsible for security at the centres where unaccompanied children are accommodated. Guards are not specifically trained to work with children and are not allowed to communicate with them.

In Sweden, authorities move unaccompanied children to the municipalities they were assigned to. Children and their guardians sometimes oppose such a move because it means changing schools, social services and guardians. According to a risk analysis by the Swedish national authorities, 20 % to 30 % of unaccompanied children show signs of mental health issues.

Children in Croatia still do not have access to education.

Austria reports tensions and fights between unaccompanied boys who are accommodated in ethnically mixed groups.

Legal, social and policy responses

A new law enters into force in Greece: it establishes a Reception and Identification Service, an Appeal Authority and new Regional Asylum Offices, and restructures the Asylum Service. Furthermore, it provides asylum seekers with long pending appeals to be granted 'humanitarian status'.

The Italian Prime Minister proposes a common EU policy for the management of migration flows into the EU, '*Migration Compact*', using as a model the agreement between the EU and Turkey.

In Austria, the parliament adopts a new asylum law. The law introduces the possibility of returning asylum seekers to a neighbouring country without examining their claim for international protection, if a threat to national security or public order is established.

Legislative proposals are under discussion in Croatia and Sweden to limit certain entitlements for asylum seekers and/or refugees. In Italy, the system for appealing against negative asylum decisions is being reviewed.

Italy declares 3 October as the National Day of Commemoration of Migration Victims. Germany agrees on a white paper on integration.

In Sweden, national authorities acknowledge the important role of civil society when responding to the needs of asylum seekers in 2015. Moreover, a guide is being developed, which outlines the experiences and lessons learnt.

In Slovenia, the government calls out to people to offer private accommodation for relocated asylum seekers, but very few people respond.

Hate speech

Hate crime incidents continue to occur in several Member States. For example, in Bulgaria several residents from an asylum centre were beaten, robbed and verbally harassed. The victims, however, refuse to report to the police.

Many hate crime incidents are reported in Austria and Germany. Social media continues to be a medium for spreading anti-migrant propaganda in Slovenia.

In Sweden, a case where a police officer physically assaulted an asylum seeker and used offensive language is being investigated.

Thematic focus: Trafficking

In the current migration situation, people arriving are exposed to particular protection risks, as FRA's regular updates have consistently documented. They are also exposed to trafficking in human beings. As smuggling networks raise the prices for people's journeys, the risks of exploitation upon arrival in the EU are further increasing.

While an increase in victims of human trafficking is reported or expected in some EU Member States,¹ identification is generally difficult. Victims who are not formally recognised as such have only limited access to justice and other fundamental rights. FRA has found different practices in five areas that are crucial for prevention and protection in the context of human trafficking.

1. **Identification procedures:** such procedures are mainly initiated as part of asylum or child protection procedures and formalised to different extents; constraints commonly relate to human resources; only some EU Member States use the initial health check for identifying trafficking victims.
2. **Attention to vulnerabilities:** safeguards are not always provided and when available generally focus on children; in transit situations, attention to vulnerable groups is limited.
3. **Cooperation with support organisations:** some Member States proactively involve non-governmental organisations (NGOs) in identification procedures allowing them to approach victims first; in other cases, NGOs report access difficulties; NGO assistance is often insufficient or not formally regulated.
4. **Guidance and training:** not all EU Member States provide regular training or specific guidance to staff who are likely to be in contact with trafficking victims; EASO and Frontex tools are seldom used.
5. **Information on risks and support measures:** information material is available at registration and reception in most but not all Member States; it is often provided in cooperation with support organisations.

Article 5 of the Charter of Fundamental Rights of the European Union prohibits slavery, forced labour and trafficking. The EU Anti-Trafficking Directive (2011/36/EU) obliges Member States to support persons as soon as there are reasonable grounds indicating that the person might have been subjected to human trafficking (Article 11.2). It also obliges Member States to establish early identification and assistance mechanisms for this purpose in cooperation with relevant support organisations (Article 11.4). Special safeguards exist for possible child victims of trafficking (see also [FRA thematic focus on children](#)) and for the reception needs of asylum-seeking trafficking victims (Article 22 of the Reception Conditions Directive (2013/33/EU)). All officials who

¹ For Italy: Equal Opportunities Department (*Dipartimento per le Pari Opportunità*) (DPO); International Organization for Migration (IOM); for Austria: Intervention Centre for Trafficked Women (LEFÖ-IBF).

are likely to come into contact with potential victims of trafficking should be regularly trained (Article 18.3 of the Anti-Trafficking Directive).

Trafficking in human beings is different from the smuggling of migrants. Trafficked migrants are further exploited in coercive or inhuman conditions after having crossed the border. People are trafficked for the purpose of sexual and labour exploitation, the removal of organs or other exploitative purposes. Women and children are particularly affected. Children are also trafficked to be exploited for begging or illegal activities, such as petty theft.² Persons are trafficked by means of coercion or deception, whereas persons who are smuggled usually consent to being smuggled.

In its April monthly report covering March 2016, FRA reported a significant increase in proceedings against trafficking and smuggling in some Member States. The table below shows the overall numbers of proceedings initiated in three EU Member States for trafficking as well as smuggling. Definitions in criminal law, however, differ substantially in both cases and figures are not comparable between Member States.

Table: Proceedings launched for trafficking and smuggling 1 January–30 April 2016

Member State	Trafficking in human beings	Smuggling of migrants
BG	54	150
HU	4	85
SE	1	27

Yet, the real prevalence of trafficking can be expected to be much higher. In Sweden, for example, proceedings were launched in only one of 44 cases of suspected trafficking reported to the police. A possible reason for this is that the police charge traffickers for more easily prosecutable crimes, such as smuggling of migrants or exploitation for prostitution, as reported also from Italy.³ The International Organization for Migration (IOM) has noted a continuing upward trend in the arrival of Nigerian women and girls in Italy claiming to travel alone.⁴ A large proportion of them is identified as victims of trafficking; though, most do not wish to reveal their trafficking background or benefit from protection, at least initially.

² Anti-trafficking Coordinator, available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-human-beings/index_en.htm.
³ Information available at: www.italy.iom.int/images/pdf/RapportoAntitratta.pdf.
⁴ IOM report (October 2015), available at: www.italy.iom.int/index.php?option=com_content&task=view&id=341.

The prevalence of smuggling is also higher than the number of proceedings might indicate. This may partly be due to the fact that the police prioritises expulsion over prosecution, as reported from Sweden, particularly in times of many arrivals.

Depending on the EU Member State, payment may or may not be a criterion for prosecution of smuggling. In Bulgaria, for example, payment is a criterion for prosecuting the facilitation of illegal stay or transit (109 proceedings), but not for prosecuting facilitation of irregular entry (41 proceedings),⁵ which may explain the relatively high figures of proceedings for smuggling of migrants.

Most Member States do not prosecute persons who provide help for humanitarian reasons although there are some exceptions. In Germany, for example, providing help for humanitarian reasons may be punishable if a pecuniary advantage is given or promised in return;⁶ however, the law is applied only in the case of organised smuggling, and jurisprudence exempts help by medical staff, teachers, counsellors or private persons.⁷ In Slovenia, the situation is unclear due to a lack of jurisprudence.

FRA report on severe labour exploitation

In its [report on severe labour exploitation](#), FRA found that among the key risk factors for severe labour exploitation is the low risk of prosecution, a lack of effective monitoring, the low risk of having to compensate the worker, difficulties in communication, and extreme poverty.

Key reasons for why victims are not reporting to the police are fear of being jobless or of having to leave the country, as well as a low rights awareness.

Identification procedures

Victims of trafficking in human beings rarely report to the police. Before the exploitation materialises, they may not even be aware of it. Vulnerabilities may go unnoticed or identification may be delayed, and possible victims may first be transferred to standard reception facilities before their special situation is detected and targeted support is provided to them.

In the context of the current migration situation, common difficulties to identify victims of human trafficking relate to limited human resources, insufficient training, limited access by NGO partners to reception and detention centres, backlogs in registration as well as time constraints during registration, particularly in countries of first arrival and transit countries.

⁵ Bulgaria, Criminal Code (*Наказателен кодекс*), 2 April 1968, Art. 280-281, <http://lex.bg/laws/ldoc/1589654529>.

⁶ Germany, Residence Act, Section 96, Article 1(1)(a), available at: www.gesetze-im-internet.de/englisch_aufenthg/englisch_aufenthg.html.

⁷ Germany, Federal Ministry of the Interior (2007), *Illegal aufhältige Migranten in Deutschland*, available at: www.bmi.bund.de/cae/servlet/contentblob/151394/publicationFile/13641/Pruefbericht_Illegalitaet.pdf; see also: www.igfm.de/menschenrechte/hilfe-fuer-den-notfall/illegal-in-deutschland/.

Most EU Member States covered by this report have set up mechanisms for early identification, in line with Article 11(4) of the Anti-Trafficking Directive, though mainly in connection with asylum or child protection procedures, as the following examples illustrate.

The first interview with asylum seekers, particularly women, at basic care centres in Austria, for example, always addresses the issue of trafficking in human beings so as to see if applicants need special support as required by Article 17 of the Reception Conditions Directive. Female staff is available for this task. Possible victims are accommodated in a women's shelter in the first reception centre Traiskirchen. Female psychologists, who may be consulted twice a week, may also assist with identifying victims.⁸

In Italy, the International Organization for Migration (IOM) supports the authorities in identifying victims of trafficking among new arrivals. Disembarkation facilities in Italy are generally unsuitable for identification purposes as they offer insufficient privacy and safety, particularly when victims arrive together with their traffickers.⁹ The main constraint is the limited amount of time available upon arrival for establishing trust with the victims. The presence of cultural mediators from the same geographical background as the victims has been a positive factor increasing the willingness of women to report information on their trafficking background. If a victim is identified during disembarkation, IOM contacts the competent Prefecture to ensure immediate separation and transfer to a reception centre. IOM interviews female victims for a second time at the reception centres, assessing the need to refer them to a specialised protection facility.

In Germany, identification procedures vary depending on the federal state (*Land*) responsible for registration and reception. Continuous restructuring and recruitment of new staff at the Federal Office for Migration and Refugees may make it difficult to ensure that specially trained staff are available.

In Slovenia, identification takes place primarily at registration and detention, and less so at reception facilities.¹⁰ In Bulgaria, the State Agency for Refugees plans to formalise identification procedures at first registration.

Three of the Member States covered in this report systematically use the initial health check upon arrival for identification purposes: In Austria, Bulgaria and Croatia, healthcare staff pay special attention to possible signs of human trafficking based on training and/or guidance provided to them. In Greece, healthcare professionals are increasingly being trained on trafficking in human beings, however, there are still concerns, particularly at entry points, that healthcare staff

⁸ Austria, Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*).

⁹ IOM report concerning THB victims in Italy in 2014-2015, available at: www.italy.iom.int/images/pdf/RapportoAntitratta.pdf.

¹⁰ Legal Information Centre of NGOs (*Pravnoinformacijski center nevladnih organizacij, PIC*); Slovenian Philanthropy (*Slovenska filantropija*).

may not notice possible victims.¹¹ In Germany, identification by healthcare staff depends on the local/regional networks. In Sweden, the screening for trafficking signs is not mentioned in any of the regulations concerning healthcare staff,¹² and asylum seekers may have to wait for their health check for up to one year in some county councils/regions.¹³

Attention to vulnerabilities

The Anti-Trafficking Directive has specific safeguards for people with special needs. The Reception Conditions Directive, which applies to asylum seekers, also requires that attention is given to vulnerable people (Articles 17 (2), 18 (3) and 21).

Reception conditions for children must be appropriate to their needs. Procedural safeguards include the appointment of a guardian and an individual assessment of the circumstances of each child victim in order to safeguard the child's best interests (Article 14 (2) of the Anti-Trafficking Directive).

FRA Handbook on guardianship for children deprived of parental care –child victims of trafficking

The [handbook](#) provides guidance on key features and standards of guardianship systems, underlining the importance of guardians and legal representatives in preventing and responding to child abuse and exploitation, and in protecting and assisting child victims of trafficking.

Assistance must also be gender-specific and consider the special needs of victims, in particular deriving from pregnancy, health conditions, a disability, a mental or psychological disorder or a serious form of psychological, physical or sexual violence (Article 11 (7) of the Anti-Trafficking Directive).

In the nine Member States covered by this report, special safeguards are in place targeting primarily children and, to some degree, women.

Officials in Sweden are obliged to notify the social welfare committee on any suspicion of trafficking of a child, even if evidence is not clear.¹⁴ The obligation to notify is absolute in the sense that it is not up to the staff to decide whether it is a clear-cut case of trafficking. Difficulties in identifying child trafficking victims stem from a lack of human resources and the subsequent backlog in individual needs assessments that should be done for each child upon arrival at the municipality. These assessments frequently reveal past or ongoing exploitation. Due to the decrease in arrivals in the first four months of 2016, the municipalities

¹¹ Greece, Office of the National Rapporteur on Trafficking in Human Beings.

¹² Sweden, Migration Agency, Central Coordinator of BLA.

¹³ Swedish Association of Local Authorities and Regions; National Board of Health and Welfare.

¹⁴ Migration Agency's handbook reflecting obligations set out in Chapter 14, section 1 of the Social Services Act (*Socialtjänstlag [2001: 453]*).

have started to reduce this backlog.¹⁵ In view of the high risk of trafficking of unaccompanied children, the National Board of Health and Welfare (*Socialstyrelsen*) has developed guidelines (*riktlinjer*) and recommendations (*råd*) on this topic for the municipalities.¹⁶

At the accommodation centres for unaccompanied children in Sweden, access to NGOs has been reduced to decrease the risk of unauthorised persons contacting children. Besides this measure, the Swedish Health and Social Care Inspectorate (*Inspektionen för vård och omsorg*) has not observed any specific safeguards or information material at these centres. According to the Inspectorate, the number of children placed at the centre, their whereabouts at night or contacts with unauthorised persons have been unknown at some accommodation centres.¹⁷

In Germany, the Federal Office for Migration and Refugees has specially trained case managers for children, victims of gender-based persecution as well as victims of torture, traumatised asylum seekers and victims of human trafficking. In their branch offices, however, the same officer is often responsible for all these vulnerable people.¹⁸ UNICEF supports the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth to improve the protection and identification of vulnerable children and women at reception centres.

Efforts to improve the identification of child victims of trafficking in Austria include focused training and cooperation between the police and child and youth authorities, as well as the Austrian Task Force Against Human Trafficking.¹⁹

At the initial reception centres in Austria, there are separate houses for women and unaccompanied children. Support and care are generally provided 24/7. There is an information point. Psychologists are available for crisis interventions. Several security measures are in place at the initial reception centres where victims are placed: female staff, including female security staff, work there and access is refused to men; the police is present and there is video surveillance. In case of transfers, children below the age of 14 are always accompanied the entire way to their destination by staff. The initial reception centres have to report on a regular basis on the number of unaccompanied children present there.²⁰

¹⁵ Swedish Health and Social Care Inspectorate (*Inspektionen för vård och omsorg*).

¹⁶ National Board of Health and Welfare. See also Sweden, National Board of Health and Welfare, 'Social services' work with unaccompanied children and adolescents' (*Socialtjänstens arbete med ensamkommande barn och ungdomar*), available at: www.socialstyrelsen.se/publikationer2013/2013-5-2.

¹⁷ Swedish Health and Social Care Inspectorate (*Inspektionen för vård och omsorg*).

¹⁸ KOK inquiry (2016) not published: Survey sent to specialised counselling centres for victims of trafficking by the German NGO Network against Trafficking in Human Beings (KOK e.V.) in January 2016. Fifteen counselling centres answered the survey; see also GRETA (2015)¹⁰, *Report concerning the implementation of the Council of Europe Convention against Trafficking in Human Beings by Germany*, p. 38.

¹⁹ Austria, Federal Criminal Police Office (*Bundeskriminalamt*).

²⁰ Austria, Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*).

Official reception facilities near registration points in Greece provide some measures, like child friendly spaces that are operated by trained personnel and that have been established in close cooperation with NGOs, such as Save the Children. These spaces aim at keeping children safe, as well as providing them with educational and leisure activities so they remain engaged. All major organisations working in the field, for example UNHCR and IOM, follow gender and child specific approaches. However, similar spaces and opportunities are very limited in unofficial settlements created *ad hoc* along the migration routes.²¹

The authorities in Hungary take no preventive measures targeting particularly vulnerable groups, such as unaccompanied children and women. Due to a lack of human resources, family relations in a group cannot be identified and the authorities have to take the information provided to them at face value. According to the Office of Immigration and Nationality, parents often do not report the disappearance of their children to the reception centres, most likely because the stated family bonds are not real.²²

In Bulgaria, a coordination mechanism for referral and care for unaccompanied foreign children and foreign child victims of trafficking is being developed. No preventive measures are in place targeting trafficking risks among vulnerable groups. Prevention of trafficking is done as part of the general care work towards such groups.²³

When people were arriving in Croatia prior to the closing of the border, transit camps were constantly monitored, and the safety conditions were enhanced, for example, separating toilets for men and women.²⁴ The Croatian Red Cross also put up posters for self-identification with information on victims' rights and prepared materials to be used for training concerning children.

Cooperation with support organisations

In line with the Anti-Trafficking Directive (Article 11(4)), Member States cooperate with support organisations in different ways. NGOs usually provide general assistance and information on procedural rights in reception and detention centres.

At the pre-removal detention centre for women in Italy (Ponte Galeria, Rome), for example, the NGO Be Free informs female victims, mostly Nigerian girls, on protection measures. In some Member States, social service workers, medical staff, NGOs, IOM or UNHCR may also formally identify victims of human trafficking, in line with the national referral mechanism. In Croatia and Italy, specialised NGOs carry out the initial interview with potential victims.

²¹ Greece, Office of the National Rapporteur on Trafficking in Human Beings.

²² Hungary, Office of Immigration and Nationality.

²³ Bulgaria, State Agency for Refugees.

²⁴ Croatia, Croatian Red Cross (*Hrvatski crveni križ*), email received on 27 April 2016.

With the exception of Germany and Sweden, all Member States covered in this report have set up a National Referral Mechanism, which determines the cooperation among all actors during the identification and referral of trafficking victims. In Sweden, responsibilities are built into the administrative system, and cooperation among the authorities is facilitated by the County Administrative Board of Stockholm and its National Methodology Support Team.²⁵ In Germany, referrals are organised at *Länder* level, where in most cases, cooperation agreements between specialised counselling centres, police, federal level authorities (e.g. women affairs, social affairs) and other actors have been set up. Victims are referred to the counselling centres for support in legal and other issues.²⁶ Asylum case officers are also instructed to inform a counselling centre in cases of trafficking, however, according to the experience of the counselling centres, this is not very often the case in practice.²⁷ A majority of counselling centres for trafficking victims report a lack of regular access to reception and detention facilities, although their social workers often identify trafficking victims.²⁸ They can reach potential victims only indirectly by offering training to the staff and volunteers working at the reception centres.

In Slovenia, NGOs are only present at reception or detention facilities when they are called in. In Hungary, only one NGO (Cordelia Foundation) assists traumatised people, including victims of trafficking.

Platform Sweden's civil society against trafficking of human beings

More than 20 civil society organisations coordinate their work against human trafficking based on a common platform, 'Sweden's civil society against trafficking of human beings' (*Plattformen civila Sverige mot människohandel*). Member organisations provide assistance in terms of identification, provision of information, accommodation, dialogue, legal counselling, interpretation, healthcare, education, employment and family contacts.

As part of a pilot project initiated in 2015, the member organisations finance the 30-day reflection period, during which the victims may decide whether to cooperate with the police.²⁹

²⁵ Sweden, National Coordinator against prostitution and trafficking, Migration Agency, Swedish Police, National Board on Health and Welfare.

²⁶ See: www.kok-gegen-menschenhandel.de/fileadmin/user_upload/medien/Publikationen_KOK/KOK_Brochure_Trafficking_for_Labour_Exploitation_internet.pdf, p. 16 [accessed 25.04.2016].

²⁷ KOK inquiry.

²⁸ KOK inquiry.

²⁹ Sweden, County Administrative Board of Stockholm (*Länsstyrelsen Stockholm*) (2015), 'Human trafficking of children: national survey 2012-2015, Report 2015:30' (*Människohandel med barn: Nationell kartläggning 2012-2015, Rapport 2015:30*), Stockholm: Länsstyrelsen.

Guidance and training

The Anti-Trafficking Directive requires the promotion of training for police, border guards, immigration officials, public prosecutors, lawyers, judiciary staff, labour inspectors, social, child and healthcare personnel, consular staff, and other public officials if they are likely to encounter victims of trafficking in their work (Article 25).

Training and guidance available in the nine Member States address general and specific issues related to human trafficking. The quality of the training could not be assessed, including its relevance, the target audience, or whether it is regular and/or mandatory. Only interviewees in Sweden (for this report) indicated that they will use the EASO tool for identifying vulnerable persons.³⁰

In some cases, indicators or manuals for identification and referral focus on specific groups, such as women or children (Bulgaria) or address specific actors such as healthcare or detention staff (Slovenia) or transit situations (Croatia). In Slovenia, police and border guards use Frontex material, such as the Trainer's Manual on Anti-trafficking and the Handbook on Risk Profiles, to identify victims. In Greece and Sweden, the International Labour Organization's operational indicators for adult and child victims of trafficking for labour and sexual exploitation³¹ are used together with specific national guidelines for first level identification. In Sweden, this includes, for example, guidelines concerning unaccompanied children developed by the National Board of Health and Welfare (*Socialstyrelsen*) for social workers at municipal level.³² In a joint initiative, Austria, Italy, Greece and Romania have developed training material in the context of the AGIRE project on identifying and protecting children who are or might be trafficking victims. Italy further developed specific guidelines in its National Action Plan on this topic.³³

Training on human trafficking is usually included as part of broader training courses; a focus on specific trafficking issues may be addressed in special training courses, as recently done in Austria for staff taking care of Afghan children.³⁴

³⁰ See European Asylum Office (EASO), [IPSN - EASO tool for identification of persons with special needs](#) (online).

³¹ Available at: www.ilo.org/wcmsp5/groups/public/@ed_norm/@declaration/documents/publication/wcms_105023.pdf

³² Sweden, National Board of Health and Welfare, 'Social services' work with unaccompanied children and adolescents' (*Socialtjänstens arbete med ensamkommande barn och ungdomar*), available at: www.socialstyrelsen.se/publikationer2013/2013-5-2.

³³ Italy, National Action Plan against THB and exploitation 2016–2018 (*Piano nazionale d'azione contro la tratta e il grave sfruttamento 2016–2018*), including annex containing indicators, available at: www.pariopportunita.gov.it/images/Piano%20nazionale%20di%20azione%20contro%20la%20tratta%20e%20il%20grave%20sfruttamento%202016%202018.pdf and www.pariopportunita.gov.it/images/ALLEGATO%202%20-%20Linee%20guida%20rapida%20identificazione.pdf. The guidelines are available at: www.pariopportunita.gov.it/images/ALLEGATO%205%20-%20POS%20Minori.pdf.

³⁴ Austria, Federal Criminal Police Office (*Bundeskriminalamt*).

The training generally addresses registration and reception staff whereas information on training available to staff in detention facilities is limited. No regular training takes place in Germany nor do guidelines or codes of conduct exist to allow for a systematic identification by staff at reception centres, according to the counselling centres for trafficking victims.³⁵

Information on risks and support measures

The Anti-Trafficking Directive obliges EU Member States to make information available on the risks of trafficking, as a preventive measure (Article 19(2)), and to inform victims of trafficking of support measures available to them (Article 11(5) and (6)).

Most of the nine Member States provide information on trafficking risks in the form of posters and flyers that are made available at registration and reception facilities. Distribution of material in pre-removal detention may be more difficult due to access restrictions, as reported, for example, in Germany,³⁶ or restrictions to hand out information, as reported in Austria.³⁷ In Germany, information at registration and reception varies depending on whether or not counselling centres for trafficking victims are present.

At least three Member States operate a national 24/7 hotline for victims of trafficking (Austria, Italy and Sweden). In Italy, the phone service is provided in several languages and has proven to facilitate the contacts between victims and reception and support services.³⁸ Furthermore, as a preventive action, efforts are made to inform possible victims early on before trafficking begins.³⁹

No special posters or handouts are available at registration or reception facilities in Sweden nor at accommodation centres for unaccompanied children.⁴⁰ One flyer was developed as part of an EU project especially targeting Nigerian women, who are victims of trafficking for sexual exploitation in a number of EU countries.⁴¹ Some older material remains available on the web in Sweden, for example Safe Trip, an information campaign launched in 2010 that especially targeted women

³⁵ KOK inquiry (2016).

³⁶ KOK inquiry (2016).

³⁷ Caritas Styria.

³⁸ Information concerning this service is available at: www.pariopportunita.gov.it/index.php/numeri-di-pubblica-utilita-sezione/120-numero-verde-antitratta-800-290-290.

³⁹ IOM Italy report, available at: www.italy.iom.int/images/pdf/RapportoAntitratta.pdf.

⁴⁰ Health and Social Welfare Inspectorate (*Inspektionen för vård och omsorg*) and Swedish Migration Agency.

⁴¹ Swedish Migration Agency.

who were potential victims of human trafficking. A short information card for unaccompanied children is currently being developed.⁴²

Possible trafficking victims in Bulgaria are informed only orally upon registration and reception.⁴³ Also, victims receive most of the information orally considering that they might have to hide any information material. According to the National Referral Mechanism, this should include information on the crime of trafficking, victim rights, the right to keep the situation of trafficking secret from other people, the possibilities to receive support, the places where victims can turn for support in their home country/town, and the existing legislation they can make use of.⁴⁴

The National Commission for Combatting Trafficking in Human Beings (NCCTHB) in Bulgaria is planning a campaign, including a short film, showing the risks of trafficking.⁴⁵

In Greece, handouts are provided with information on protection and support services. For instance, PRAKSIS has distributed a comprehensive guide for migrants that provides relevant information in different languages.⁴⁶

In Croatia, during the period of arrivals until March 2016, the Red Cross placed posters in places with good visibility at transit camps and reception centres for asylum applicants and organised several information sessions for international protection applicants regarding potential risks and their rights.⁴⁷

In Slovenia, the police has handed out a leaflet on human trafficking, translated into several languages.⁴⁸ In preparation of an asylum request, the Legal Information Centre of NGOs (*Pravnoinformacijski center nevladnih organizacij, PIC*) has provided information on human trafficking. Especially vulnerable applicants have been informed by the Institute of African Studies (*Inštitut za afriške študije*) on human trafficking, sexual violence and gender violence.⁴⁹

In Hungary, the police distributes flyers prepared by IOM on victim support at registration.⁵⁰ However, the Office of Immigration and Nationality does not have flyers or information leaflets about human trafficking, so they can only inform those who turn to them with specific questions, which is generally unlikely since

⁴² Swedish Migration Agency (*Migrationsverket*) and National Coordinator Against Prostitution and Trafficking of Human Beings at the County Administrative Board Stockholm (*Nationell samordnare mot prostitution och människohandel, Länsstyrelsen Stockholm*).

⁴³ Bulgaria, State Agency for Refugees.

⁴⁴ Bulgaria, National Commission for Combating Trafficking in Human Beings (*Национална комисия за борба с трафика на хора*) (2010), National Mechanism for Referral and Support of Trafficked Persons in Bulgaria (*Национален механизъм за насочване и подпомагане на жертви на трафик в България*), p. 42, http://antitraffic.government.bg/images/documents/nrm_eng.pdf.

⁴⁵ Bulgaria, National Commission for Combatting Trafficking in Human Beings.

⁴⁶ Office of the National Rapporteur on Trafficking in Human Beings.

⁴⁷ Croatia, Croatian Red Cross (*Hrvatski crveni križ*), email received on 27 April 2016.

⁴⁸ General Police Directorate, Uniformed Police Directorate, Border Police Division.

⁴⁹ Information available on their website, at: www.africanstudy.org/help-for-victims-of-human-trafficking/.

⁵⁰ Hungary, National Police Headquarter.

Hungary is considered a transit country and not a destination country for human trafficking.⁵¹

The provision of information to possible victims of trafficking prior to any formal identification differs greatly among the nine Member States covered in this report. The information varies in content, level of detail, form and time when the persons concerned receive it. It is particularly relevant to provide this information for prevention purposes at an early stage in view of the increased risks upon arrival.

⁵¹ Hungary, Office of Immigration and Nationality.

1. Austria

1.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:⁵²

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

1.2. Overview of the situation

The Federal Ministry of the Interior/Department II/2, Operational Affairs (*Bundesministerium für Inneres/Abteilung II/2 Einsatzangelegenheiten*) reports that around 5,200 persons arrived in Austria in April.⁵³ They mainly come from Afghanistan, Syria, Iraq, Iran, Pakistan and Kosovo.*⁵⁴ UNHCR estimates that about 5,700 people arrived in Austria in April.⁵⁵ The situation has calmed down at the moment. Around 150 to 200 newly arrived people are apprehended every day by the authorities or contact the authorities on their own.⁵⁶ They enter Austria via Hungary with the help of smugglers,⁵⁷ which has led to renewed border controls at the Hungarian border.⁵⁸ There are no organised arrivals in Spielfeld like it was in the past, but the police and military are still present there.⁵⁹ Furthermore,

⁵² The Worker's Samaritan Federation and the Child and Youth Welfare Ombudsperson were contacted as well, but could not provide relevant information for this reporting period.

⁵³ Federal Ministry of the Interior/Department II/2, Operational Affairs.

⁵⁴ *Ibid.* 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.

⁵⁵ UNHCR, Daily Estimated Arrivals per Country - Flows through Western Balkans Route, available at: <http://data.unhcr.org/mediterranean/download.php?id=1113>.

⁵⁶ Caritas Austria.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ *Ibid.*

Caritas Styria (*Caritas Steiermark*) believes that people entering Austria are either coming from Italy or are being sent back from Germany.⁶⁰

The Federal Ministry of the Interior reports that 4,150 people applied for asylum in April (compared to 3,265 in March).⁶¹ They were mainly from Afghanistan, Syria and Somalia.⁶²

1.3. Criminal proceedings against migrants and people helping them

1.3.1 Criminal proceedings initiated against migrants and asylum seekers

Nothing new to report.

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

Nothing new to report regarding criminal proceedings. Some 26 proceedings against smugglers were initiated in April 2016.⁶³

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

1.4.1 Registration and identification

Nothing new to report.

1.4.2 Asylum procedure

The asylum authority recently opened a new office in Graz. Up to 60 additional staff members will work there to speed up proceedings and work through the backlog of applications.⁶⁴

1.4.3 Return procedure

Efforts are made to promote voluntary returns to people with a negative prospect of getting asylum by frequently providing them with information on the possibility of a voluntary return.⁶⁵

⁶⁰ Caritas Styria.

⁶¹ Federal Ministry of the Interior, Department III/9.

⁶² *Ibid.*

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

⁶⁴ Caritas Styria.

⁶⁵ Federal Ministry of the Interior, Department III/9.

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

1.5.1 Reception conditions and capacity

The situation concerning accommodation for asylum seekers is rather relaxed at the moment. There are places available in federal and provincial basic care facilities.⁶⁶ A few accommodation facilities may be closed down.⁶⁷ Transit infrastructure is still in place, but only as a contingency measure.⁶⁸

Accommodation for asylum seekers is generally in a good condition in Styria. The province performs regular checks and follows up on complaints. Facilities which do not run smoothly will be closed down.⁶⁹

Volunteers provide German classes in Red Cross housing facilities. There is also a small budget for German classes taught by professionals.⁷⁰ At a facility at the airport Schwechat, German classes are provided for one hour a week.⁷¹ The state has no official budget for German courses for people who are waiting for the decision on their asylum application.⁷² People are in need of daily structures and they would benefit from such activities.⁷³

Caritas is focusing on integration measures, since taking care of people in transit is no longer an issue.⁷⁴ Efforts are made to provide language classes and integration dialogues for people hosted by Caritas, but not everyone is automatically entitled to such services.⁷⁵ New facilities are identified for asylum seekers who are still staying in transit or emergency quarters.⁷⁶

1.5.2 Vulnerable persons

Care facilities for people in wheelchairs and people who require special medical treatment have been opened. These facilities are located close to hospitals to ensure proper healthcare.⁷⁷

⁶⁶ Federal Ministry of the Interior, Department III/9; Caritas Styria.

⁶⁷ Federal Ministry of the Interior, Department III/9.

⁶⁸ Caritas Austria.

⁶⁹ *Ibid.*

⁷⁰ Red Cross Austria.

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ Caritas Austria.

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ Federal Ministry of the Interior, Department III/9.

1.5.3 Child protection

Unaccompanied children continue to be transferred to the regions from Traiskirchen. At the federal level, there are enough available accommodation facilities for unaccompanied children.⁷⁸ For example, almost 500 places for unaccompanied children are available in Styria outside of Graz.⁷⁹ Girls are accommodated separately from boys. Boys are accommodated in ethnically mixed groups, which sometimes causes tensions and fights among members of different ethnic groups.⁸⁰

Red Cross runs a specialised institution for unaccompanied asylum seekers in Tyrol and further institutions are planned in Lower Austria and Vienna. Currently, there are cases of unaccompanied asylum-seeking children who are being sent by the provinces to facilities for adults. Such facilities are not equipped to cater to their best interests and they have limited resources for activities involving children.⁸¹

Increased efforts are made to provide children with the opportunity to do sports.⁸²

1.5.4 Healthcare

As previously reported, the provision of interpretation during visits to doctors or hospitals continues to be a problem. There are many complaints from doctors in this regard.⁸³ The hospital in Graz (LKH Graz) hired the private association ISOP a few years ago to provide a pool of interpreters, which is a good start, but does not completely solve the problem.⁸⁴

In the basic care quarter 'Vordere Zollamtsstraße' in Vienna, the people responsible established networks with nearby doctors to provide medical care for asylum seekers. Some of the doctors speak the languages of the asylum seekers, which makes visits smoother.⁸⁵

1.5.5 Immigration detention

Between 20 and 25 people are in detention in Vordernberg awaiting removal; they are mainly Dublin cases.⁸⁶

⁷⁸ *Ibid.*

⁷⁹ Caritas Styria.

⁸⁰ *Ibid.*

⁸¹ Red Cross Austria.

⁸² Federal Ministry of the Interior, Department III/9.

⁸³ Caritas Styria.

⁸⁴ *Ibid.*

⁸⁵ Red Cross Austria.

⁸⁶ Caritas Styria.

1.6. Responses in law, policy and/or practice

Preparations were made to initiate border controls at the Brenner border crossing point to Italy.⁸⁷

A new asylum law was adopted by the parliament. In case of threats to national security or public order, the government may adopt a regulation allowing for the return of asylum applicants to neighbouring countries without first deciding on their asylum claim. When this mechanism is triggered, the authorities are only required to examine if there are any bars against the return to the neighbouring country deriving from Articles 3 and 8 of the ECHR. This means that only applicants with close family in Austria and those who are at risk of ill-treatment in the neighbouring country would not be returned.

The changes also concern new restrictions concerning family reunification and a limited duration of the asylum status.⁸⁸ Civil society and UNHCR criticised the amendments.⁸⁹

1.7. Social response to the situation

Media reported that a woman was raped in a public toilet in Vienna by three asylum seekers.⁹⁰ This incident had a negative impact on the population and might also have influenced the results of the presidential elections at the federal level, where the candidate from the right-wing party obtained the highest number of votes.⁹¹ Feelings of fear and a lack of understanding prevailed.⁹²

Negative reactions towards new arrivals are increasing, with only a small fraction of the population still displaying a welcoming attitude.⁹³ Reactions towards newly established accommodations for asylum seekers vary from region to region. It is of utmost importance to involve neighbours as early as possible.⁹⁴ The nationality of criminals is increasingly reported by the media.⁹⁵ The 'refugee situation' is still

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

⁸⁸ www.parlament.gv.at/PAKT/PR/JAHR_2016/PK0411/.

⁸⁹ UNHCR, *Flüchtlingsschutz in Österreich nicht aushebeln!*, available at: www.unhcr.at/presse/pressemitteilungen/artikel/9bfebbdd6a643ae7a6529516aa099bf8/fluechtlingsschutz-in-oesterreich-nicht-aushebeln.html.

⁹⁰ See, for instance, der Standard, *Erstes Geständnis nach Vergewaltigung am Praterstern*, 22 April 2016, available at: <http://derstandard.at/2000035503971/Studentin-in-Wien-von-drei-Jugendlichen-vergewaltigt>; die Presse, *Praterstern: Studentin von drei Jugendlichen vergewaltigt*, 22 April 2016, available at: http://diepresse.com/home/panorama/wien/4973083/Praterstern_Studentin-von-drei-Jugendlichen-vergewaltigt.

⁹¹ Federal Ministry of the Interior, Department III/9.

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

⁹³ Caritas Styria.

⁹⁴ Red Cross Austria.

⁹⁵ Caritas Styria.

a prominent topic in public discourse, also during the recent presidential elections.⁹⁶

The Federal Ministry of the Interior continues to receive negative calls and emails. This includes, for instance, complaints that the pocket money for asylum seekers (€40 a month) is too much.⁹⁷ Red Cross Austria also occasionally receives negative emails and Facebook messages.⁹⁸ Caritas Austria received some emails criticising the institution's work.⁹⁹

1.8. Hate crime incidents

The following demonstrations and incidents were reported in April:¹⁰⁰

2 April, Innsbruck (Tyrol): the interest group Arzl (IG Arzl, Arzl being a district of Innsbruck) organised an event to prevent the setup of an accommodation facility for about 240 asylum seekers. Some 400 people participated in heated discussions with politicians. Ten members of the *Identitäre Bewegung Österreich (IBÖ)* unrolled banners with IBÖ-signs; there was a short escalation after a local politician from the Greens showed a sign saying 'Refugees welcome' and called the members of the IBÖ 'Nazi'.

3 April, Brenner border crossing point on the Italian side: a march was planned involving around 500 participants; some 50 people who were ready to use violence tried to break through to the Austrian territory, but they were stopped by the Austrian police. There was one temporary apprehension.

6 April, Graz (Styria): the IBÖ occupied the roof of the Greens' headquarters and unfolded a banner saying '*Islamisierung tötet*' ('Islamisation kills') and shouted paroles. The 20 participants initially arranged an activity against the planned mosque, but since the police was present there, they decided to occupy the roof of the Green's headquarters instead.

7 April, Feistritz an der Drau (Carinthia): there was an attack against an accommodation facility for unaccompanied children; a window was broken again.

9 April, border to the Czech Republic: protests by numerous Islamophobic groups from the Czech Republic; around 100 participants (no Austrians were involved).

9 April, Zemendorf (Burgenland): five youths threatened asylum seekers who were living in the local asylum accommodation; a drain cover was removed as well. The youngsters escaped and were not identified.

9 April, Oberdorf (Upper Austria): graffiti were painted on an accommodation facility for asylum seekers with red colour.

⁹⁶ *Ibid.*

⁹⁷ Federal Ministry of the Interior, Department III/9.

⁹⁸ Red Cross Austria.

⁹⁹ Caritas Austria.

¹⁰⁰ Federal Agency for State Protection and Counter Terrorism.

10 April, Peuerbach (Upper Austria): a trampoline was set on fire close to an accommodation facility for asylum seekers by an unknown person; no injuries.

11 April, Krems (Lower Austria): a curtain was burnt at an accommodation facility for asylum seekers. It cannot be excluded that this was done intentionally because a curtain had already burnt there before.

13 April, Padua (Italy): in protest of Austrian asylum policy, the Austrian Foreign Trade Office was occupied and barb wire was set up; Austrian staff working there were insulted and threatened. The Italian police did not interfere.

14 April, Vienna (Vienna): a theatre performance of an adapted version of Elfriede Jelinek's play "Die Schutzbefohlenen" at the cinema Audimax was disturbed by 30 to 40 members of the IBÖ. They poured red colour over the actors.

15 April, Leonding (Upper Austria): flyers with provocative content were spread by direct mail (*Postwurfsendung*). Asylum seekers were portrayed as criminals.

16 April, Vienna (Vienna): a Pegida demonstration took place with approximately 50 participants. A counterdemonstration comprising of about 200 people was organised by the Junge Linke Wien (Young Lefts Vienna). Clashes between these groups were prevented by the police.

16 April, Vienna (Vienna): a demonstration on 'Stop closing down the border' was held in the Prater in Vienna. There were about 100 participants; no signs of left-wing extremism.

11 to 17 April, Vienna, 10th district: messages with racist and xenophobic content were spread.

20 April, Achenkirchen (Tyrol): an unknown person hanged a banner with a Swastika on an accommodation facility for asylum seekers.

22 April, Feistritz an der Drau (Carinthia): someone wrote 'Asylwahn stoppen' ('Stop the asylum madness') on a concrete wall on the road B100.

24 April, Brenner border crossing point: a 'March for free movement in Europe and against closing down borders' was held with about 300 participants, including Italian politicians. The march was forbidden on the Austrian territory by the Austrian authorities. Some groups were ready to use violence and the organisers of the march were temporarily detained.

25 April to 1 May, Vienna: an IT-server firm from Vienna reported that some of their clients were unable to print documents, apart from one document with content against asylum seekers.

25 April to 1 May: Caritas Austria and other organisations received various emails with content that is now being investigated by the Federal Agency for State Protection and Counter Terrorism.

The Anti-Discrimination Bureau Styria received reports on seven racist graffiti, four hate crimes, including physical attacks, and nine racist insults.¹⁰¹

¹⁰¹ 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).

2.2. Overview of the situation

In April 2016, a total of 1,065 people were apprehended at the border and within the territory of the country. Around 370 new arrivals were apprehended at the border, while some 460 persons were apprehended within the territory of the country, and more than 680 persons were apprehended at the border while trying to leave the country. The majority of new arrivals apprehended at the border were from Afghanistan (more than 55 %), Syria, Iraq and Pakistan. The majority of those apprehended while trying to leave the country were from Afghanistan (more than 75 %), Pakistan, Iraq and Syria. New arrivals were apprehended both at the green border (around 330 people) and at border check points (some 45 people). The majority of new arrivals crossed the border from Turkey (more than 300 people), but for the first time there was also a significant number coming from Greece (almost 70 people). People who tried to leave the country were apprehended primarily at the green border (nearly 700 people, all of them at the border with Serbia) rather than at the border check points (12 people).¹⁰²

Almost 1,100 persons applied for asylum, including over 900 men (around 100 aged between 0 and 13 years, around 140 aged between 14 and 17 years, and two aged 65 years or older) and 170 women (40 aged between 0 and 13 years,

¹⁰² Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8 a.m. on 31 March 2016 to 8 a.m. on 28 April 2016.

17 aged between 14 and 17 years, and four aged 65 years or older). The most common nationalities of the asylum applicants were Afghan, Syrian, Iraqi and Pakistani.¹⁰³

Refugee status was granted to 34 applicants, 40 persons obtained humanitarian status and 25 asylum applications were rejected.¹⁰⁴

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

A man was sentenced to conditional imprisonment of 18 months with a three-year probation period and a fine of BGN 5,000 (approximately EUR 2,500) for assisting, illegally and for material benefit, foreigners to pass through the country. The man was charged with driving 36 Afghan nationals from Sofia to the Serbian border.¹⁰⁵

The court in Burgas ordered house arrest for a man charged with driving two Afghan citizens in the trunk of his car.¹⁰⁶

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

2.4.1 Registration and identification

Nothing new to report.

¹⁰³ State Agency for Refugees.

¹⁰⁴ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 31 March 2016 to 8.00 CET on 28 April 2016.

¹⁰⁵ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'Court sentenced a driver of 36 Afghan citizens under an indictment of the Regional Prosecutor's Office in Kyustendil', Press release, 14 April 2016, www.prb.bg/bg/news/aktualno/po-obvinitelen-akt-na-rajonna-prokuratura-kyustend/.

¹⁰⁶ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'Court ordered house arrest of a man charged with illegally assisting foreigners to pass through the country', Press release, 1 April 2016, www.prb.bg/bg/news/aktualno/sdt-opredeli-myarka-za-neotklonenie-domashen-arest/.

2.4.2 Asylum procedure

The local authorities face problems with registering the addresses of people who live at the reception centres of the State Agency for Refugees (SAR). Such a registration is necessary for issuing identity papers. There is a quota of people, who may be registered at the address of the reception centre. This quota usually corresponds to the centres' capacity. As many people obtain such a registration and then leave the country, the quota for the centres is practically exhausted by people who no longer live there. However, municipalities do not have a formal reason to delete these registrations. Thus, authorities face an obstacle in issuing identity documents.¹⁰⁷

2.4.3 Return procedure

During the reporting period, a total of 47 migrants were returned from Bulgaria, including three persons sent to another EU Member State under the Dublin Regulation.¹⁰⁸

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

2.5.1 Reception conditions and capacity

As of 28 April 2016, there were about 1,300 asylum seekers accommodated in the reception centres of the State Agency of Refugees (SAR). The majority were from Afghanistan (650 persons), Syria (about 300 persons), Iraq (about 150 persons) and Pakistan (125 persons). The total capacity of all reception centres is still 5,130. During the reporting period the occupancy rate ranged between 15 % and 25 %. There were also around 500 asylum seekers accommodated at external addresses at their own expense.¹⁰⁹

During the reporting period, over 700 people left reception centres on their own will.¹¹⁰

On 15 April 2016, media reported that the State Agency for Refugees (SAR) threw away tons of wasted food because it was not able to make use of it. The Agency purchased more food because it overestimated the expected number of new arrivals at the reception centres. The food was purchased under an allegedly

¹⁰⁷ Bulgarian Red Cross.

¹⁰⁸ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 31 March 2016 to 8.00 CET on 28 April 2016.

¹⁰⁹ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 31 March 2016 to 8.00 CET on 28 April 2016.

¹¹⁰ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 31 March 2016 to 8.00 CET on 28 April 2016.

overpriced public procurement contract, which was the reason for the dismissal of the former chairperson of the Agency in March this year. The food appeared excessive compared to the low occupancy rates at the reception centres. The Agency's new chairperson is currently negotiating with the food supplier to exchange the remaining unused quantities for new food with longer shelf life.¹¹¹

2.5.2 Vulnerable persons

The Social Assistance Agency (SAA) signed agreements with 82 municipalities throughout the country for continuing the coordination and development of foster care centres. The increased number of support services cover specialised foster care of children with disabilities, child victims of human trafficking and unaccompanied children who have obtained international protection.¹¹²

2.5.3 Child protection

During the reporting period, the highest number of unaccompanied children were from Afghanistan. They are accommodated separately from adults either on separate floors of the same centre, like in Ovcha kupel, or in separate rooms on the floor for families, like in Voenna rampa. The security company hired to guard the centres has assigned additional people to take care of the safety of the premises where unaccompanied children are accommodated, including to prevent adults from entering these premises or abusing the children. These guards are not specifically trained to work with children and are not allowed to communicate with them. Their only purpose is to increase the security and safety of children and they are instructed to alert the centre in case of problems. In daytime, they can call the centre's personnel, and during the night they can call an ambulance or the police, if necessary. The people who directly communicate with the children are the centres' social workers, who are present on site during working hours (every working day from 9.00 CET to 17.00 CET).¹¹³

2.5.4 Healthcare

The previously reported problem with cases of scabies has ceased. As of the end of April, there were only four such cases registered at the reception centres in Sofia.¹¹⁴

¹¹¹ Shekerova, G. (2016), Nova investigation: Tons of spoiled food for refugees goes to the garbage, NovaNews, 15 April 2016, <http://novanews.novatv.bg/news/view/2016/04/15/145163/разследване-на-нова-тонове-развалена-храна-за-бежанци-на-боклука/>.

¹¹² For more information, see: http://ophrd.government.bg/view_doc.php/7145.

¹¹³ Bulgarian Red Cross.

¹¹⁴ *Ibid.*

2.5.5 Immigration detention

As of 28 April 2016, there were 329 migrants accommodated in the pre-removal detention centres called special homes for temporary accommodation of foreigners of the Ministry of the Interior (MoI). The majority were from Afghanistan (about 200 people), Iraq (about 40 people), Pakistan (about 20 people), Syria (about 20 persons) and Iran (five persons). The total capacity of the special homes was temporarily reduced from 940 to 700 people due to construction works at one of the facilities. During the reporting period, a total of 920 new arrivals were accommodated in the homes and 840 persons were transferred to the State Agency for Refugees (SAR). The occupancy rate ranged between 41 % and 61 %.¹¹⁵

2.6. Responses in law, policy and/or practice

On 20 April 2016, the BBC broadcasted the story of an Iraqi family that was turned away by Bulgarian border guards. The parents froze to death while their surviving children were mistreated in a Bulgarian hospital. Bulgaria's Deputy Minister of the Interior said the case was being investigated.¹¹⁶

2.7. Social response to the situation

Caritas Bulgaria continues to recruit volunteers for its mentoring programme. Under this programme, a Bulgarian mentor meets with an asylum seeker living at a reception centre at least once a week for four months to assist in his/her integration. The organisation also runs language courses in Bulgarian for non-native speakers as well as activities for children at the reception centres in Sofia.¹¹⁷ The Council of Refugee Women in Bulgaria (CRWB) launched a donation campaign, open between 20 April and 3 May 2016, for kitchen appliances for asylum seekers and international protection status holders living at or outside of reception centres.¹¹⁸

2.8. Hate crime incidents

The Prosecutor's Office responded to the well-publicised case of illegal detention of three Afghan migrants. It initiated criminal proceedings and interviewed the

¹¹⁵ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 31 March 2016 to 8.00 CET on 28 April 2016.

¹¹⁶ BBC (2016), 'Iraqi refugee children orphaned after Bulgaria refuses entry', BBC News, 20 April 2016, www.bbc.com/news/world-europe-36089850.

¹¹⁷ Caritas Bulgaria.

¹¹⁸ For more information, see: www.facebook.com/events/708891242582316/.

migrants.¹¹⁹ The main perpetrator was first detained for 72 hours but refused to cooperate.¹²⁰ The prosecutor requested his detention in custody from the court.¹²¹ However, the person was ultimately put under house arrest.¹²²

Volunteers working at the Ovcha kupel centre have reported about recurrent cases of asylum seekers being attacked in the areas close to the centre. There are indications that the same gang is beating, robbing and verbally harassing people. The victims, however, refuse to report to the police or other officials and the cases remain unsolved.¹²³

¹¹⁹ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (*Прокуратура на Република България*) (2016), 'The Regional Prosecutor's Office in Malko Tarnovo started pre-trial proceedings for illegal deprivation of liberty of foreigners' (*Районна прокуратура Малко Търново започна досъдебно производство за извършено противозаконно лишаване от свобода на чужди граждани*), Press release, 11 April 2016, www.prb.bg/bg/news/aktualno/rajonna-prokuratura-malko-trnovo-zapochna-dosdebno/.

¹²⁰ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'The Regional Prosecutor's Office in Malko Tarnovo detained for 72 hours Mr Petar Nizamov charged with illegally depriving of liberty three foreigners from Afghanistan', Press release, 13 April 2016, www.prb.bg/bg/news/aktualno/rajonna-prokuratura-malko-trnovo-zadrzha-za-72-c-1/.

¹²¹ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'The Regional Prosecutor's Office in Malko Tarnovo motioned the court for detention in custody of Mr Petar Nizamov', Press release, 14 April 2016, www.prb.bg/news/aktualno/rajonna-prokuratura-malko-trnovo-vnese-v-sda-isk-1/.

¹²² Bulgaria, Mediapool Online (2016), 'Perata remains under house arrest: 'I do it only for Bulgaria'', 21 April 2016, www.mediapool.bg/perata-ostava-pod-domashen-arest-pravya-go-samo-za-bulgaria-news248370.html.

¹²³ Bulgarian Red Cross.

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*);
- Croatian Law Centre (*Hrvatski pravni centar*);
- Are You Serious Initiative.

3.2. Overview of the situation

There have been no new arrivals since the closure of the Balkan route (9 March 2016), at least not in an organised manner. The Slavonski Brod camp closed on 15 April 2016, and all the people who had been placed there were transferred either to the detention centre in Ježevo, or to the reception centre for international protection applicants in Zagreb (Porin).¹²⁴

About 80 people applied for asylum before being moved from the camp. On 13 April 2016, 62 family members who did not apply for asylum were transferred to the reception centre for international protection applicants in Zagreb (Porin). Some 20 single men who did not apply for asylum were transferred to the Ježevo detention centre. Several men applied for asylum after being moved to the Ježevo detention centre, but they are still detained. The approximate share of particular groups of people is similar to the one in March, as most of the people situated in the reception centres for international protection applicants were previously detained in the Slavonski Brod camp.¹²⁵

3.3. Criminal proceedings against migrants and people helping them

3.3.1 Criminal proceedings initiated against migrants and asylum seekers

No information available.

¹²⁴ Croatia, Jesuit Refugee Service.

¹²⁵ Croatia, Welcome Initiative.

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

No information available

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

3.4.1 Registration and identification

Since there have not been any new arrivals, no new registration or identification procedures have been undertaken. Early identification of vulnerable people is flawed.¹²⁶

3.4.2 Asylum procedure

Police officers and volunteers acquainted refugees detained in the camp with the option to apply for international protection and provided them with basic information on the subject. Children who expressed an intention to seek asylum were moved, along with their family members, to the reception centre for applicants for international protection in Zagreb (Porin) or in Kutina. Special guardians were appointed to unaccompanied children.¹²⁷

3.4.3 Return procedure

The returnees from Slovenia, who had been detained in the Slavonski Brod camp since February or March, were moved from the camp in the period between 8 April and 13 April 2016. The information given by the police was very basic and insufficient. Before the closure of the camp, the returnees were told they would be moved to a better institution with better conditions. The NGOs present in the camp tried to provide more detailed and concrete information.

Families (62 persons) were provided with an alternative to detention (a separate part of the Porin reception centre in Zagreb), while some 20 single men were transferred to the detention centre in Ježevo. Several men requested international protection after having been moved to Ježevo, but they still remain in detention. No information was received on forced returns. A dozen of men requested voluntary return to Iraq and were returned.¹²⁸

Different sources inform on transfers under Dublin regulations from various EU countries (e.g. from Slovenia, Austria, Sweden and Switzerland) to Croatia. Currently, there are at least 20–30 persons in Croatia who were sent back in this manner.¹²⁹

¹²⁶ Croatia, Croatian Law Centre.

¹²⁷ Croatia, Welcome Initiative.

¹²⁸ *Ibid.*

¹²⁹ Croatia, Are You Serious Initiative.

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

3.5.1 Reception conditions and capacity

The camp conditions have not changed since the previous reporting period.

On 26 April 2016, around 40 refugees (out of around 300) accommodated in the Porin reception centre protested against the conditions in the centre and the lack of health care, inadequate food and insecurity about the future. The reception centre got a new manager on the same day, and the refugees confirmed that conditions partly improved.¹³⁰

Financial help is also an issue, as these people receive HRK 100 per month, which is not enough for their needs, while the children in the centre still lack access to the education system. Volunteers are continuing to provide support to those accommodated in Porin through various workshops for children and adults.

3.5.2 Vulnerable persons

Free legal aid and psychological support is provided to torture victims who applied for international protection. Psychologists' opinions are used in the procedure.¹³¹

The accommodation conditions for (around 80) vulnerable people at the reception centre for international protection applicants in Kutina are the same as before. Their basic needs are covered, but the accommodation is not adequate for vulnerable people.¹³²

3.5.3 Child protection

Children who expressed an intention to seek asylum were moved, along with their family members, to the reception centre for international protection applicants in Zagreb (Porin) or Kutina. Unaccompanied children were appointed special guardians. Children in Kutina have child friendly spaces, while the Porin centre does not. Children who arrived in Croatia during the past few months still do not have access to education. Leisure activities are rare. More NGOs will have access to the reception centres in May, therefore more informal leisure and educational activities will be provided.¹³³

Unaccompanied children were appointed special guardians, however, several children presented themselves as older than 18. The authorities did not determine their age, and treated them as adult single men.¹³⁴

¹³⁰ Croatia, Centre for Peace Studies.

¹³¹ Croatia, Croatian Law Centre.

¹³² *Ibid.*

¹³³ Croatia, Welcome Initiative.

¹³⁴ *Ibid.*

3.5.4 Healthcare

Refugees who have not requested international protection in Croatia, as well as those who are still in the course of the procedure, only have the right to emergency medical aid, according to the Act on International and Temporary Protection and the Act on Foreigners.

From 1 April 2016 until 15 April 2016, there had been 25 emergency medical interventions, 92 general practice interventions, 19 hospitalisations and 57 camp infirmary interventions. After the closure of the Slavonski Brod camp (15 April 2016), the Ministry of Health crisis headquarters stopped collecting information about refugees.¹³⁵

When necessary, NGOs and several doctors cover the costs of specialised medical examinations and treatments, which are not provided by the state to irregular migrants or international protection applicants.¹³⁶

3.5.5 Immigration detention

The Ministry of Interior started carrying out alternative measures to detention, placing people subject to return decisions in a special section of the Zagreb reception centre for international protection applicants, rather than in detention.¹³⁷

Families that did not request international protection in Croatia have been moved from detention (after the closure of the camp) to Porin (asylum seekers' shelter), where they can freely move around during day time. Men were moved to a closed detention centre in Ježevo.¹³⁸

3.6. Responses in law, policy and/or practice

The Croatian Aliens Act is being amended through an urgent procedure. Draft amendments provide for threat of punishment against each person assisting (even if there is no material gain) a foreigner in illicit entry, transit, or stay in Croatia. Exceptions only relate to legal aid. Furthermore, the draft amendments envisage the criminalisation of sole attempt. It envisages other financial repercussions and the expulsion of foreigners. Croatia is expected to receive people subject to relocation and resettlement schemes.

¹³⁵ Croatia, Ministry of Health.

¹³⁶ Croatia, Welcome Initiative.

¹³⁷ Croatia, Jesuit Refugee Service.

¹³⁸ Croatia, Welcome Initiative.

3.7. Social response to the situation

On 27 April 2016, an activist group of volunteers from the Welcome Initiative performed an act concerning president Erdogan's visit to Zagreb. The Initiative recalled that Turkey's government is accused of killing refugees on the Syrian border, that Turkey has illegally forced thousands of refugees to return to Syria and that the conditions in Turkish refugee detention centres and shelters are unsuitable for any human being, let alone a person in need of shelter and a safe environment.¹³⁹

3.8. Hate crime incidents

We received no information on any hate crime incidents against migrants or people in need of international protection.¹⁴⁰

¹³⁹ Croatia, Welcome Initiative.

¹⁴⁰ Croatia, Centre for Peace Studies.

4. Germany

4.1. Stakeholders contacted

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

- Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*, BAMF);
- Federal Ministry of the Interior (*Bundesministerium des Inneren*, BMI);
- Federal Border Police (*Bundespolizei*, BPOL);
- Pro Asyl;
- Diakonie Deutschland – Bundesverband;
- UNICEF;
- KOK e.V. (Federal umbrella organisation of counselling centers for victims of trafficking).

4.2. Overview of the situation

Arrivals seem to be further decreasing.¹⁴¹ Data on new arrivals in April are not available yet.

In March 2016, some 60,000 asylum applications were submitted. Around 20,600 newly arrived persons in need of international protection were registered in March.¹⁴² Approximately 6,000 were from Syria, 2,600 from Iraq and 2,100 from Afghanistan.¹⁴³

4.3. Criminal proceedings against migrants and people helping them

4.3.1 Criminal proceedings initiated against migrants and asylum seekers

Nothing new to report.

¹⁴¹ Federal Ministry of the Interior, Press release from 8 April 2016, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/04/asylantraege-m%C3%A4rz-2016.html; Diakonie.

¹⁴² Federal Ministry of the Interior, Press release, 8 April 2016, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/04/asylantraege-m%C3%A4rz-2016.html.

¹⁴³ Federal Ministry of the Interior, Press release, 8 April 2016, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/04/asylantraege-m%C3%A4rz-2016.html.

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

Registration and data exchange

After the Act to Improve the Registration and Information Exchange for Purposes related to the Residence Act and the Asylum Act (*Gesetz zur Verbesserung der Registrierung und des Datenaustausches zu aufenthalts- und asylrechtlichen Zwecken*) entered into force on 5 February 2016, the Federal Administration Office (*Bundesverwaltungsamt*) extended the database of the Central Register of Foreigners (*Ausländerzentralregister*) on 30 March 2016. The scope of registered data has been extended (e.g. covering information on health screening, vaccinations, and professional qualifications). In addition, all public authorities are authorised to access the core data as far as it is relevant for their respective tasks. The main aim of the act is to accelerate and facilitate the registration procedure, the security check, and the asylum procedure by establishing a big database in the Central Register of Foreigners. 6,700 authorities, including register and security authorities, and 14,000 other facilities use the Central Register of Foreigners as an information platform.¹⁴⁴

Unaccompanied children

On 13 April 2016, the Federal Government (*Bundesregierung*) noted in its answer to a child parliamentary interpellation that the Federal Criminal Police (*Bundeskriminalamt*) registered about 8,000 child refugees (including around 600 children below 14 years of age and 7,400 adolescents) as missing in 2015.¹⁴⁵ Nearly 2,200 of those reappeared or returned. Most of the missing children originate from Afghanistan, Syria, Somalia, Eritrea, Morocco and Algeria.¹⁴⁶

According to the Federal Association for Unaccompanied Child Refugees (*Bundesfachverband unbegleitete minderjährige Flüchtlinge*), there are several reasons for this high number of missing children. Some of the children registered

¹⁴⁴ Federal Administration Office, press release from 31 March 2016, available at: www.bva.bund.de/SharedDocs/Kurzmeldungen/DE/BVA/Sicherheit/AZR/2016-03-31-DAVG_Erster%20Meilenstein.html, www.bva.bund.de/SharedDocs/Downloads/DE/BVA/Pressemitteilungen/2016/2016-03-31-%20DAVG_%20erster%20Meilenstein.pdf;jsessionid=22094E112665D2A7DB170DA8B6CE3EE1.1_cid383?_blob=publicationFile&v=1.

¹⁴⁵ Status of the analysis 21 March 2016.

¹⁴⁶ Federal Government, response to a child interpellation (Drs. 18/8087), available at: <http://dipbt.bundestag.de/dip21/btd/18/080/1808087.pdf>.

as missing were not retrieved in the register when they reappeared in another municipality because the municipalities do not share this information. Moreover, children may disappear from the place of first registration because they want to continue their journey to family members or friends in other European countries or in other German cities. A uniform system to reunite with families and friends does not exist in Germany. Sometimes the refugees expect better reception conditions in other municipalities. However, there is also a danger that unaccompanied children will become victims of human trafficking – though there are no data or evidence so far.¹⁴⁷ The welfare organisation Diakonie confirms that unaccompanied child refugees may be registered as disappeared because of problems with custody and reallocation.¹⁴⁸

From 1 January until 15 March 2016, the Federal Border Police (*Bundespolizei*) refused entry to 280 unaccompanied children on the German-Austrian border because, according to the authorities, the legal requirements following Article 5 (1) of the Schengen Borders Code were not satisfied.¹⁴⁹

4.4.2 Asylum procedure

To speed up decisions in the asylum procedure and to relieve the workload of its branch offices (*Außenstellen*), the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*) established four decision centres (*Entscheidungscentren*) in Nuremberg, Berlin, Bonn and Mannheim in 2015. In these centres, decisions are made on the basis of the file only. Prior to that, the personal hearings take place in the branch offices of the Federal Office for Migration and Refugees. There is a focus on asylum seekers from Syria, Iraq and Eritrea at the decision centres.¹⁵⁰

In April, the quality of decisions issued by these decision centres was under discussion. It was stated that there is a high proportion of inexperienced and poorly trained decision makers (*Entscheider*) at these centres. Instead of the normal training of three months, the newly recruited decision makers had only received a training of four to eight weeks.¹⁵¹

The inadequate qualification of decision makers in the handling of vulnerable groups was particularly criticised.¹⁵² This is expected to be a growing problem,

¹⁴⁷ Federal Association for Unaccompanied Child Refugees, Press release, 11 April 2016, available at: www.b-umf.de/images/160411_PM_VerschwendeneKinder_ne.pdf.

¹⁴⁸ Diakonie.

¹⁴⁹ Answer of the Federal Ministry of the Interior, available at: <http://luise-amtsberg.de/wp-content/uploads/2016/05/SF90.pdf>.

¹⁵⁰ Federal Office for Migration and Refugees, Press release, 5 October 2015, available at: www.bamf.de/SharedDocs/Pressemitteilungen/DE/2016/20160322-015-helfende-haende.html.

¹⁵¹ Available at: www.stuttgart-er-nachrichten.de/inhalt.print.89a1aed6-9d40-44f1-927b-4f1aac9bd33e.presentation.print.v2.html.

¹⁵² Pro Asyl.

especially when the newly recruited decision makers start working on more complicated cases than applications from Syrians.

At the moment, stakeholders provided no systematic observations relating to the quality of the decisions.¹⁵³

4.4.3 Return procedure

The amount of asylum seekers from Syria and Iraq returning voluntarily to their countries of origin is still relatively high.¹⁵⁴

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

4.5.1 Reception conditions and capacity

Due to the decrease in new arrivals, some initial reception centres are partly empty.¹⁵⁵ In spite of the decrease, administrations are busy clearing and processing older registrations, including detecting files and passports that got lost in 2015.¹⁵⁶

Until April 2016, the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*) had opened a new type of reception and registration centres, the so-called arrival centers (*Ankunftscentren*), in cooperation with the particular Federal State (*Bundesland*).

The aim of the arrival centres is to speed up the procedures by combining the different steps of the procedure involving different authorities, including medical examination, registration, identification, submission of the asylum application, and the personal hearing. Asylum seekers are categorised into four clusters: A: persons having a very good perspective of staying in Germany (e.g. Syrians), B: persons coming from safe countries of origin, C: 'other' cases (including Afghans), D: Dublin cases. For people from the first two categories, the whole procedure should (in theory) last only 48 hours. Asylum seekers from safe countries of origin are obliged to wait in special areas of the arrival centres (*Wartezonen*) until there is a decision about their application, leading to accelerated deportation.¹⁵⁷

Currently, arrival centres are operative in

- Heidelberg (Baden-Württemberg)

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ Diakonie.

¹⁵⁶ *Ibid.*

- Bad Fallingbostal (Lower Saxony)
- Dresden, Leipzig, Chemnitz (Saxony)¹⁵⁸
- Lebach (Saarland)
- Halberstadt (Saxony-Anhalt)¹⁵⁹
- Trier (Rhineland-Palatinate)
- Manching and Bamberg (Bavaria) (following a different model; only for asylum seekers from safe countries of origin).

During the next months, at least one such arrival centre shall be operative in each federal state. The arrival centres are criticised for several reasons: first, clusters might endanger the access to an objective asylum procedure, especially for those in Category B; second, due to the speedy procedures, access to independent legal advice and the opportunity to make an informed and reflected decision are reduced; third, the concentration of authorities' efforts on the speedy processing of clusters A and B might lead to even longer waiting periods for cluster C.¹⁶⁰

4.5.2 Vulnerable persons

Identification of vulnerable persons in practice is still reported to be difficult, forcing vulnerable persons to remain in the general reception centres instead of being transferred to special facilities.¹⁶¹

4.5.3 Child protection

In December 2015, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth launched in cooperation with UNICEF the 'Initiative to protect children and women at refugee accommodation centres'.¹⁶² The aim is to ensure that women and children at accommodation centres are protected, supported and taken care of. Reasons for this initiative are that many accommodation centres are not very child-friendly, especially temporary accommodation centres. For instance, the staff is not qualified to work with traumatised children. Furthermore, there is no unified national standard for protection against violence in accommodation centres.

¹⁵⁸ Federal Office for Migration and Refugees, Press release, 7 April 2016, available at: www.bamf.de/SharedDocs/Pressemitteilungen/DE/2016/20160405-017-pm-ankunftszentren-sachsen.html.

¹⁵⁹ Federal Office for Migration and Refugees, Press release, 1 March 2016, available at: www.bamf.de/SharedDocs/Pressemitteilungen/DE/2016/20160301-008-presseeinladung-az-halberstadt.html.

¹⁶⁰ Pro Asyl; available at: www.tagesspiegel.de/politik/fluechtlinge-bundesamt-will-asylverfahren-demnaechst-in-48-stunden-schaffen/12929454.html.

¹⁶¹ Diakonie.

¹⁶² Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, Press release, 14 December 2016, available at: www.bmfsfj.de/BMFSFJ/kinder-und-jugend.did=222264.html.

The project consists of two main pillars: implementing child-friendly spaces and developing and implementing a concept of preventing violence (*Gewaltschutzkonzept*) at both first reception centres and accommodation centres.

UNICEF helps by coordinating the development of guidelines for women and children at accommodation centres, including specialised trainings for the staff. Their goal is to make such standards mandatory in Germany.

UNICEF also supports access to child-friendly spaces at as many accommodation centres as possible, including at least 100 facilities.¹⁶³ They want to guide the local service providers so that they can extend their skills and offer a place where children can learn and play. In addition, they provide expert trainings for early childhood development.¹⁶⁴

4.5.4 Healthcare

According to the *Asylpaket I (Asylverfahrensbeschleunigungsgesetz)* from 24 October 2015, federal states are invited to provide an electronic health card (*elektronische Gesundheitskarte*) for persons in need of international protection, thereby making access to healthcare easier for them during the asylum procedure. The scope of access to healthcare is not expanded (restricted to emergency cases and treatment of acute diseases). The health insurance companies are obliged to cooperate with the municipalities to enable access to the electronic health card. Since January 2016, it is technically possible to produce the electronic health cards in a way that the medical billing system can identify refugees. Until now, many issues concerning the cooperation between the health insurance companies and the municipalities remain highly controversial, including which health services are refundable. At the moment, in each Land and in each municipality the regulations are different.¹⁶⁵

Since the implementation of the electronic health card in Berlin in January 2016,¹⁶⁶ the availability and accessibility of healthcare improved. Due to the electronic health card, bureaucratic barriers are reduced and the medical billing system is simplified.¹⁶⁷

¹⁶³ Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, Press release, 22 March 2016, available at: www.bmfsfj.de/BMFSFJ/kinder-und-jugend,did=223926.html.

¹⁶⁴ UNICEF.

¹⁶⁵ Available at: www.faz.net/aktuell/politik/fluechtlingskrise/kommunen-blockieren-gesundheitskarte-fuer-fluechtlinge-13995271.html?printPagedArticle=true#pageIndex_2.

¹⁶⁶ Senate, Department of Health and Social Affairs, Press release, 16 December 2016, available at: www.berlin.de/sen/gessoz/presse/pressemitteilungen/2015/pressemitteilung.423518.php.

¹⁶⁷ Diakonie.

4.5.5 Immigration detention

So far, in spite of the increasing number of asylum seekers and the restrictions in asylum law, there is no significant increase in imprisonments of persons awaiting deportation.¹⁶⁸

4.6. Responses in law, policy and/or practice

On 13 April 2016, the Federal Government decided on the White Paper for a so-called Integration Act.¹⁶⁹ According to the act, an employment scheme for about 100,000 asylum seekers should be set up and financed by the Federal Government to integrate the new arrivals into the German labour market. Additional measures with the aim of simplifying access to the labour market are also part of the upcoming act. For example, the principle of checking for equally-trained German professionals will mostly be waived. Until now, it took up to fifteen months before asylum seekers were allowed to take on a job in cases where the employment agency came to the conclusion that the job could be performed by an equally trained German or another EU national. The paper also foresees a number of restrictions, namely introducing residence requirements even for refugees whose asylum claim and status has been confirmed, and sanctions when certain integration measures (language course, integration course) are not completed successfully. The draft act is envisaged to be concluded by the Federal Cabinet by the end of May.

The parliament discussed a draft¹⁷⁰ introduced by the Federal Government declaring Algeria, Morocco and Tunisia as safe countries of origin according to Art. 16a (3) of the Constitution as well as Art. 37 of EU Directive 2013/32/EU. The Federal Government aims to reduce the number of asylum seekers originating from these countries. In February 2016, the number of asylum seekers from these countries had already decreased.¹⁷¹ In March, only about 200 asylum seekers came from Morocco, about 200 from Algeria and 43 from Tunisia.¹⁷² The Bundesrat still needs to approve the draft.

North Rhine-Westphalia launched an app especially for refugees called 'Welcome to North Rhine-Westphalia'. The app contains information about life in North Rhine-Westphalia, particularly about the arrival and asylum procedure. Information is

¹⁶⁸ Pro Asyl.

¹⁶⁹ Outline of the future Integration Act.

¹⁷⁰ Draft of the Federal Government, available at: <http://dip21.bundestag.de/dip21/btd/18/080/1808039.pdf>.

¹⁷¹ See: www.spiegel.de/politik/deutschland/fluechtlinge-zahl-der-asylbewerber-aus-nordafrika-stark-zurueckgegangen-a-1089033.html.

¹⁷² Minutes of plenary proceedings, 14 April 2016, available at: <http://dipbt.bundestag.de/dip21/btp/18/18164.pdf>.

available in four languages (German, English, French and Arabic). Different columns of the app include LGBTI aspects.¹⁷³

4.7. Social response to the situation

In April 2016, the foundation Bertelsmann awarded enterprises for their social responsibility and commitment. One third of the submitted projects dealt with the integration of refugees.¹⁷⁴

4.8. Hate crime incidents

On 19 April 2016, the Federal Prosecutor's office (*Bundesanwaltschaft*) detained five offenders, who are suspected of having established a right-wing terrorist association called 'Gruppe Freital', with three other already detained offenders. The main aim of the association was to launch bomb attacks on accommodation centres for asylum seekers and on residential projects of politically left-orientated people. According to the present status of the investigations, the association was responsible for three bomb attacks in Freital and Dresden. Furthermore, the detained members of the association are partly suspected of having committed attempted murder, dangerous assault and damage to property.¹⁷⁵

On 19 April 2016, the District Court of Dresden opened a criminal trial against the co-founder of Pegida, Lutz Bachman, on the basis of incitement of people, as defined in Section 130 of the German Criminal Code.¹⁷⁶ The prosecution alleges that the accused published comments on his Facebook page hurling abuses against war refugees, calling them, among other things, 'vermin' and 'scumbags'.

During the reporting period,¹⁷⁷ Pro Asyl and the Amadeo Antonio Foundation recorded six arson attacks against reception and accommodation centres:

- One in Lower Saxony
- Four in North Rhine-Westphalia
- One in Saxony.

They also recorded 20 'other attacks' against reception and accommodation centres (e.g. damage of property):

- Three in Bavaria
- One in Berlin
- Two in Brandenburg
- Three in Mecklenburg-Western Pomerania

¹⁷³ Available at: <https://welcome-to.nrw/#dashboard>.

¹⁷⁴ Available at: www.bertelsmann-stiftung.de/de/themen/aktuelle-meldungen/2016/april/unternehmen-fuer-gesellschaftliches-engagement-ausgezeichnet/.

¹⁷⁵ Federal Prosecutor's office (*Bundesanwaltschaft*), available at: www.generalbundesanwalt.de/de/showpress.php?themenid=17&newsid=607.

¹⁷⁶ Country Court Dresden, 10 March 2016, Press release, February 2016: www.justiz.sachsen.de/agdd/content/1180.php.

¹⁷⁷ Status of the analysis 28 April 2016.

- One in Lower Saxony
- One in North Rhine-Westphalia
- Five in Saxony
- One in Schleswig-Holstein
- Three in Thuringia.

They recorded three hostile demonstrations against refugees:

- One in Mecklenburg-Western Pomerania
- One in North Rhine-Westphalia
- One in Saxony.

Finally, they noted 16 violent attacks directed against asylum seekers (22 injured persons):

- One in Berlin
- Three in Brandenburg
- One in Hesse
- One in Mecklenburg-Western Pomerania
- One in North Rhine-Westphalia
- Three in Saxony
- Four in Saxony-Anhalt.

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 National Defense (*Υπουργείο Εθνικής Άμυνας*);
- 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 (*Ύπατη Αρμοστέία του ΟΗΕ για τους Πρόσφυγες, γραφείο Ελλάδας*);
- Racist Violence Recording Network (*Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας*);
- Medecins Du Monde Greece-MDM Greece (*Γιατροί του Κόσμου, γραφείο Ελλάδας*);
- International Organization for Migration, IOM (*Διεθνής Οργανισμός Μετανάστευσης*);
- NGO PRAKSIS (*ΜΚΟ ΠΡΑΚΣΙΣ*).

5.2. Overview of the situation

Some 3,500 people arrived in Greece by sea in April 2016, including some 1,000 children, mostly from Syria (some 600), Iraq (some 130) and Afghanistan (nearly 200).¹⁷⁸

Lesbos was the main point of entry (some 1,400), followed by Chios (around 1,100), Samos (nearly 500), Kos (some 160), Rhodes (nearly 50), Leros (some 45), Kalamata (some 40), Alexandroupoli (nearly 40), Samothraki (around 30) and Kalymnos (15). New arrivals included mainly nationals from Iraq (some 2,600), Syria (some 1,100), Afghanistan (some 550) and Pakistan (460).¹⁷⁹

In April, there was an average of 119 daily arrivals to the Greek shores. This figure represents an 86 % decrease compared to the average daily arrivals in March of 870 people.¹⁸⁰

On 30 April 2016, some 10,200 persons were stranded in Idomeni.¹⁸¹

¹⁷⁸ Hellenic Coast Guard.

¹⁷⁹ *Ibid.*

¹⁸⁰ UNHCR.

¹⁸¹ Ministry for Migration Policy.

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.¹⁸²

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

During April 2016, the Greek authorities prosecuted five suspects allegedly involved in smuggling.¹⁸³

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

5.4.1 Registration and identification

During April 2016, the First Reception Service registered some 4,170 third-country nationals, including some 120 unaccompanied children.¹⁸⁴

People kept at the hotspots' closed facilities on the islands of Lesbos and Chios are gradually being released as they reach the maximum detention period of 25 days. However, this does not imply that asylum claims have been processed. In Lesbos, people can be accommodated at the open facility in Kara Tepe while awaiting the assessment of their asylum applications. In Chios, alternative open accommodation sites are overcrowded. UNHCR continues to collaborate with the authorities to promote alternatives to the restriction of liberty through the creation of new and/or the expansion of already existing open sites on the islands.¹⁸⁵

5.4.2 Asylum procedure

Nearly 880 people were relocated between 12 October 2015 and 1 May 2016, some 280 of them were relocated during April. The Asylum Service reported 1,062 relocation take-charge requests, which have not yet been confirmed by the destination Member State, and 1197 completed cases (some 380 of them completed in April). The Member States involved are Luxembourg, Finland, France,

¹⁸² Hellenic Police Headquarters.

¹⁸³ Hellenic Coast Guard.

¹⁸⁴ First Reception Service.

¹⁸⁵ UNHCR.

Germany, Lithuania, Portugal, Cyprus, Netherlands, Latvia, Romania, Ireland, Bulgaria, Poland, Malta, Czech Republic, Spain, Belgium, Slovenia, Sweden and Estonia. The total number of pledges till 8 May 2016 is around 3,900.¹⁸⁶

More than 3,000 people applied for asylum in April 2016,¹⁸⁷ including some 2,200 men, nearly 1,500 women and some 130 unaccompanied children. Applications were mainly registered in Attica (some 1,400), followed by Thessaloniki (some 1,000), Lesbos (some 400), Samos (some 180), South and North Evros (some 400), Rhodes (nearly 90), Leros (some 60), Amygdaleza (some 40), Chios (some 50) and Patra (40).¹⁸⁸ The majority of applicants were 18-34 years of age. They came from Syria (around 2,200), Pakistan (some 200) and Iraq (some 400), Iran (some 100) and Albania (some 100). 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 %.¹⁸⁹

5.4.3 Return procedure

In April 2016, some 760 persons registered for IOM's Assisted Voluntary Return and Reintegration programme. Around 600 people have been returned, including some 360 men, around 130 women and around 100 children. The majority of people returned were from Afghanistan (some 170), Iraq (some 130), Iran (some 100) and Morocco (nearly 100).¹⁹⁰

Some 560 persons were returned to Turkey under the EU-Turkey deal in April 2016, including some 390 people returned from the islands and some 170 people returned from Evros. The majority of people were from Pakistan (some 390), Afghanistan (some 50) and Bangladesh (some 40).¹⁹¹ 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

At Piraeus Port, efforts to decongest the port are on-going. People who were previously located at the E2 Gate were transferred. Refugees and migrants who did not move to the official sites established by the Greek authorities were

¹⁸⁶ Asylum Service.

¹⁸⁷ Asylum Service.

¹⁸⁸ The Asylum Service did not provide information on whether they were new arrivals.

¹⁸⁹ The Asylum Service provided the recognition rate statistics, based on data from decisions (at first instance) until 31 December 2015.

¹⁹⁰ IOM.

¹⁹¹ Ministry of National Defense.

transferred to the stone warehouse at the port. On 30 April 2016, the number of people remaining at the E1 Gate and the stone warehouse was around 2,190.¹⁹²

UNHCR supported the transfer of 53 people from the EKO gas station and 47 from the Idomeni informal site to the Lagkadikia accommodation site. The people on this site are mainly Syrian and Iraqi families with children.¹⁹³

Site assessments are ongoing on the mainland as there are many sites which are operational but need expansion work. Critical gaps remain in the provision of basic services at many of the sites.¹⁹⁴

Some 45,900 people were at the official sites in Greece by the end of April 2016. During the same period, the official sites throughout Greece had a capacity to host 32,610 people. The capacity of the sites on the islands was 7,450, while 7,969 people were accommodated there.¹⁹⁵

5.5.2 Vulnerable persons

In Idomeni, there are many people with disabilities, pregnant women, patients with chronic diseases and unaccompanied children.¹⁹⁶ The situation remains tense, and the number of cases of domestic violence are rising. Conflicts and security incidents occur frequently, especially in the distribution area concerning, for example, the distribution of baby milk.¹⁹⁷

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 to these shelters due to overcrowding.¹⁹⁸

5.5.4 Healthcare

A major change concerning medical activities in April has been the shift in attention to continuity of care and increased access to specialist care for patients with chronic health needs. Chronic diseases account for 43 % of the consultations conducted by Médecins du Monde in April. This constitutes a significant increase

¹⁹² Ministry for Migration Policy.

¹⁹³ UNHCR.

¹⁹⁴ NGO PRAKSIS.

¹⁹⁵ UNHCR.

¹⁹⁶ NGO PRAKSIS.

¹⁹⁷ Médecins du Monde, Greece.

¹⁹⁸ NGO PRAKSIS.

compared to previous months as the majority of adult consultations focus on chronic health complaints.¹⁹⁹

5.5.5 Immigration detention

The current capacity of pre-removal centres in Greece is 5,099. On 30 April 2016, the total number of detainees was 1,493 people, 455 of whom were asylum seekers. The total capacity of all pre-removal centres, screening centres and the first reception centre (Orestiada) is 5,856. On 30 April 2016, the total number of detainees was 2,350 people, which means a 40 % occupancy rate. Provision of food is currently limited and is covered mainly by the armed forces or through other ad hoc solutions.²⁰⁰

For April 2016, 46 unaccompanied children were placed in immigration detention, 46 of whom in the Special Centre for children at Amygdaleza's pre-removal centre, one in Petrou Ralli and two at the pre-removal centre Paranesti in Drama.²⁰¹

5.6. Responses in law, policy and/or practice

On 3 April 2016, law no 4375/2016²⁰² entered into force and was published in the Official Gazette. The law deals with the establishment of the Reception and Identification Service, the restructure of the Asylum Service, the establishment of an Appeals' Authority, new Regional Asylum Offices and the possibility to grant humanitarian status to asylum seekers with long-pending appeals. No mandatory declaration of Turkey as a safe third country has been included.²⁰³

5.7. Social response to the situation

On 22 April 2016, activists occupied a hotel which was out of service for several years in the Victoria area in the centre of Athens for the sake of housing of refugees and migrants stranded in Athens. The squat, named 'Refugee Accommodation and Solidarity Space City Plaza', can accommodate up to 700 people.²⁰⁴

¹⁹⁹ Médecins du Monde, Greece.

²⁰⁰ NGO PRAKSIS.

²⁰¹ Hellenic Police Headquarters.

²⁰² Law no. 4375/2016 ΦΕΚ 51 Α'/03-05-2016, available at: www.synigoros.gr/resources/docs/n-4375-2016.pdf

²⁰³ Ministry for Migration Policy.

²⁰⁴ Refugee Accommodation and Solidarity Space City Plaza Official Facebook page: www.facebook.com/sol2refugeesen; pictures available at: www.pri.org/stories/2016-05-09/photos-athens-abandoned-hotel-has-become-refuge-asylum-seekers.

5.8. Hate crime incidents

The Racist Violence Recording Network (RVRN) has not recorded any incident of racially motivated violence and hate crime, or any other related incident in the past month.²⁰⁵

In Chios, due to uncertainty and lack of clarity, tensions emerged on the island when 800 people left the vastly overcrowded facility and marched into town.²⁰⁶ In Samos, in the beginning of April, approximately 200 people left the hotspot and moved towards the centre of Samos where they congregated peacefully. No violence was reported.²⁰⁷

²⁰⁵ Racist Violence Recording Network.

²⁰⁶ UNHCR.

²⁰⁷ *Ibid.*

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.

6.2. Overview of the situation

In April, some 3,350 people crossed the border into Hungary.²⁰⁸ This shows a slight increase compared to the number of new arrivals in March (some 3,250). Most of the new arrivals crossed the border with Serbia. Very few people entered Hungary through the border with Romania.²⁰⁹ Of the 3,350 new arrivals, 87 % were men and 13 % were women. There were 229 people under 18 years old, 17 of them were registered as unaccompanied children.²¹⁰ The police do not keep statistics about the number of people with disabilities.²¹¹ Most of the new arrivals came from Afghanistan, Pakistan, Syria and Iraq. Among the new arrivals, the ratio of those coming from African countries (mostly from Somalia, Morocco and Algeria) significantly decreased in April (around 8 % of the new arrivals) compared to March (around 30 % of all new arrivals).²¹²

²⁰⁸ National Police Headquarters.

²⁰⁹ *Ibid.*

²¹⁰ *Ibid.*

²¹¹ *Ibid.*

²¹² *Ibid.*

In April, some 5,000 people applied for asylum.²¹³ Asylum seekers came mainly from Afghanistan (some 2,150), Syria (some 1,050), Pakistan (some 600), Iraq, Iran, Somalia, Algeria, and Morocco.²¹⁴ Some of the new applications submitted during the reporting period were not from new arrivals. Many people who were previously sentenced to an entry ban order after committing the crime of unauthorised border fence crossing, also applied for asylum, possibly to avoid deportation, as applicants cannot be expelled from the country during the asylum procedure. More than half of the asylum seekers applied for asylum in a police procedure (either after the criminal procedure had been initiated against them for committing the crime of unauthorised border fence crossing, or after they had been apprehended at the border as irregular migrants travelling without valid travel documents).²¹⁵ The Office of Immigration and Nationality made 34 positive decisions (accepting the asylum claims) and 306 negative decisions (rejecting the claims) in April. In 2,882 cases the Office terminated the process, as the applicants had left the country.²¹⁶

6.3. Criminal proceedings against migrants and people helping them

6.3.1 Criminal proceedings initiated against migrants and asylum seekers

Around 15 % of the new arrivals were apprehended by the police on charges of unauthorised border fence crossing, as they had climbed over, or ducked under the fences installed at the Hungarian-Serbian border. Criminal proceedings were initiated by the police against 495 of them in April, which is a significantly smaller number than in March, when 848 new procedures were initiated.²¹⁷ It seems that more and more refugees and asylum seekers are aware of the fact that Hungary criminalises unauthorised border fence crossings. In addition, the authorities increased the protection of the border fences last month (doubling the number of soldiers and police officers guarding the fences, and using helicopters in the area)²¹⁸. From 22 April 2016, the police started to regularly publish on their

²¹³ Office of Immigration and Nationality.

²¹⁴ *Ibid.*

²¹⁵ National Police Headquarters.

²¹⁶ Office of Immigration and Nationality.

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

²¹⁸ 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 (41/2016. (III. 9.)), available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A1600041.KOR.

website the number of irregular migrants they had prevented from crossing the border fences and entering into the country. The number is around 150–200 per day.²¹⁹

The District Court of Szeged held 205 criminal trials during the reporting period. All 205 people involved in these trials were sentenced to expulsion. Defendants were mainly from Afghanistan, Somalia and Pakistan. 69 people received a one-year entry ban; 133 a two-year entry ban; two people a three-year entry ban; and one person a four-year entry ban. The number of years mostly depends on how many times the person tried to enter the country in an unauthorised manner. None of the defendants appealed against the decisions, and nobody requested the translation of the court's verdict in writing.²²⁰

The court trial of the 10 refugees, who are accused of participating in a riot, continued in Szeged in April. The defendants were among the crowd on 16 September 2015, when a few hundred refugees demolished the fences at Röszke (Hungarian-Serbian borderline) and attacked the policemen guarding the borders. Among the defendants, there is an old woman who is very sick, a disabled man in a wheelchair, a blind man, and a man who can only walk with the help of a stick.²²¹ It turned out that the written testimony of one of the defendants was intentionally mistranslated, and the Hungarian version added new parts to the original testimony, and changed crucial parts of it. The defendant and his lawyer do not plan to press charges related to this incident.²²² Another trial is ongoing against a Syrian man who is charged with committing acts of terrorism. He spoke in a megaphone on the day of the riots in Röszke, and gave an ultimatum to the police that the crowd would attack them unless they opened the borders. The press found that the judge acted in a very hostile manner towards the defendant, who claimed that the only reason he spoke that day was because he had been chosen as a good English speaker. The defendant is a Syrian man with a residence permit in Cyprus, and he was in the crowd trying to help his family to get to the European Union.²²³

During the reporting period, the police initiated criminal procedures against 42 people who were suspected of having committed the crime of forging public documents when they tried to enter Hungary.²²⁴

²¹⁹ National Police Headquarters.

²²⁰ County Court of Szeged.

²²¹ Syrian refugees: one half-blind, one disabled, on trial in Hungary, available at: www.youtube.com/watch?v=x1KbENKtkDg.

²²² Röszke trial: Why the ten of them?, available at: http://index.hu/belfold/2016/04/28/roszkei_osszecsapas_rendor_tanuk_a_szegedi_migrans_perben/.

²²³ A bad start for the prosecution's alleged Röszke terrorist, available at: http://index.hu/belfold/2016/04/25/roszkei_osszecsapas_terrorista_vad_a_szir_migrans_ellen_elkezdodot_t_a_per/.

²²⁴ National Police Headquarters.

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

The police apprehended and initiated new criminal procedures against 21 people, who were accused of human smuggling.²²⁵ The perpetrators were nationals of Hungary, Serbia, Croatia, and the United Kingdom. All of them are waiting for their trials in pre-trial detention.²²⁶

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.²²⁷

In the transit zones of Röszke and Tompa (Serbian borders), civil society organisations experienced that the authorities accept new arrivals randomly, and they do not always grant priority to vulnerable groups. The NGOs could not find a pattern regarding why the authorities grant certain people entrance to the transit zones and keep others out, especially since in several cases pregnant women and sick people were left to spend the night on the other side of the fences.²²⁸ The authorities, however, claim that they systematically interview new arrivals in order to identify vulnerable groups (children, disabled persons, and 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 state that they did not limit the number of new arrivals in the transit zones, and the volume of admission may depend on how fast they can process the claims of those already there.²²⁹

Families, women and children are transferred into the open reception centres almost immediately after being registered in the transit zones; however, single male adults have to stay in the transit zones for several weeks.²³⁰ The authorities claim that single male adults do not belong to any vulnerable groups, therefore, they have to stay in the transit zones for the duration of their asylum procedure. They are only transferred to an open reception centre if their asylum procedure is not finalised in four weeks after submission.²³¹

²²⁵ National Police Headquarters.

²²⁶ General Attorney's Office.

²²⁷ National Police Headquarters.

²²⁸ UNHCR Hungary.

²²⁹ Office of Immigration and Nationality.

²³⁰ UNHCR Hungary.

²³¹ Office of Immigration and Nationality.

6.4.2 Asylum procedure

It is still a common practice that asylum seekers entering through Serbia are systematically rejected on the grounds of inadmissibility, as Serbia is considered a safe third country under Hungarian law.²³² Civil society organisations believe that it is practically impossible to obtain protection status for single male adults in the transit zones. As soon as the Office of Immigration and Nationality interviews them, their claims are typically rejected based on the safe third country rule.²³³

In April, the Administrative and Labour Court of Szeged received 112 review claims that challenged the negative decisions (rejected asylum applications) of the Office of Immigration and Nationality. In 10 of the ongoing cases, the court rejected the claims and upheld the office's decisions. In 88 cases, the court repealed the office's decisions and sent the cases back to the Office of Immigration and Nationality to look at the facts more precisely instead of automatically applying the safe third country rule. In seven cases, the court had to terminate the process as the claimants had left the country. All other appeals have not yet been decided.²³⁴

6.4.3 Return procedure

The vast majority of the new arrivals arrived at the border with Serbia in April.²³⁵ As Serbia still readmits almost exclusively its own nationals, the readmission procedures remain very long and uncertain for most people in detention.²³⁶

During the reporting period, 151 people were expelled. Statistics concerning the target countries are recorded when the Hungarian police execute the entry ban ordered by the court and expel the persons concerned. In April, the police executed the expulsion of 92 persons to the following countries: Romania (43), Ukraine (31), Serbia (14), Croatia (two), Slovakia (one), and Moldova (one).²³⁷ There is no information about the nationality of these people.

²³² UNHCR Hungary.

²³³ Hungarian Helsinki Committee.

²³⁴ County Court of Szeged.

²³⁵ National Police Headquarters.

²³⁶ Hungarian Helsinki Committee; UNHCR Hungary.

²³⁷ National Police Headquarters.

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 border (Letenye and Beremend) did not host any refugees or asylum seekers during the reporting period, while the transit zones along the Serbian border (Röszke and Tompa) were hosting around 100 refugees or asylum seekers per day.²³⁸ Civil society organisations criticise that, while the Hungarian government advertises that asylum seekers should enter through the transit zones and their claims will be decided in a fair procedure there, the authorities fail to make the conditions humane for those trying to enter Hungary at one of the transit zones along the Serbian border. There were days when more than a 100 people got stuck in front of the fences, and the authorities only admitted a few people in the transit zones. Those who are left outside the transit zones have to spend the nights – sometimes for several weeks – in the open air, as there are no facilities outside the fences, even though the territory still belongs to Hungary. NGOs found that only a water well was installed, and no accommodation, toilet, showers or sanitary facilities are available. Asylum seekers stay there in a pile of rubbish or burn the rubbish to keep themselves warm. The authorities do not give them rubbish bags to clean the area. Moreover, civil society organisations found that people left outside the transit zones do not get enough food, and they have no access to medical assistance. The authorities make it very difficult for civil society organisations to distribute food among the refugees. In one case, staff members of an NGO were not allowed to cross the fences, and they had to throw the food over the fences to deliver it to the refugees.²³⁹ The authorities claim that they provide food three times a day, even to those who are stuck outside the fences, and they provide medical assistance in case someone requires it.²⁴⁰

At the open reception centres, reception conditions were adequate, and asylum seekers had access to food, potable water and heating during the reporting period.²⁴¹

The Office of Immigration and Nationality ordered asylum detention of 243 persons during the reporting period.²⁴² The office may order asylum detention to ensure that the applicant does not leave Hungary during the asylum procedure.²⁴³ Therefore, mostly men are put in asylum detention. On 27 April 2016, only two

²³⁸ Hungarian Helsinki Committee.

²³⁹ Hungarian Helsinki Committee; UNHCR Hungary.

²⁴⁰ Office of Immigration and Nationality.

²⁴¹ *Ibid.*

²⁴² *Ibid.*

²⁴³ 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.

women and one child were in asylum detention to keep the family together.²⁴⁴ Civil society organisations regularly visit the asylum detention facilities to identify vulnerable groups, and to provide legal and psychological counselling to people.²⁴⁵

Alien police detention was ordered by both the Office of Immigration and Nationality and the police of 127 and 65 people, respectively. Alien police detention is ordered in cases where a person is about to be deported.²⁴⁶ Civil society organisations are still experiencing that while there are no complaints about food and water, people in alien police detention get very little information about the length of the readmission procedures and expulsions.²⁴⁷

6.5.2 Vulnerable persons

In the transit zones of Röszke and Tompa, civil society organisations found that the authorities do not systematically identify vulnerable groups, and do not grant priority access to disabled, sick people and pregnant women, leaving them to spend several nights in the area in front of the fences, without access to facilities (accommodation, medical assistance).²⁴⁸ Civil society organisations also do not find the reception conditions to be adequate for disabled people at the detention centres, since in most facilities they have to climb stairs to move freely inside, and no elevators or ramps are available.²⁴⁹

6.5.3 Child protection

Since the authorities randomly accept people into the transit zones, civil society organisations found that several unaccompanied children were also left outside the fences, and they had to stay there for days without accommodation. NGOs also experienced a case when the authorities divided a family, granting admission to the mother and two of her children, while two other children were left to wait outside the fences for another day.²⁵⁰ The authorities transport children arriving with families to the open reception centres and unaccompanied children to the children's homes almost immediately after registration in the transit zones.²⁵¹

²⁴⁴ Office of Immigration and Nationality.

²⁴⁵ UNHCR Hungary; Hungarian Helsinki Committee.

²⁴⁶ Article 54 of Act II of 2007 on the admission and stay of third country nationals, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0700002.TV (2 February 2016).

²⁴⁷ UNHCR Hungary.

²⁴⁸ *Ibid.*

²⁴⁹ Hungarian Helsinki Committee.

²⁵⁰ *Ibid.*

²⁵¹ Office of Immigration and Nationality.

6.5.4 Healthcare

Medical assistance is not granted to people who are waiting for admission in front of the transit zones. Civil society organisations found a seriously ill man, whose admission had also been rejected. He had to spend a week in a tent outside the fences without access to assistance and medication before he could submit his asylum claim.²⁵²

6.5.5 Immigration detention

During the reporting period, the police held around 150 people in detention pending their removal.²⁵³ Around 480 people, mostly men, were held in asylum detention. Only two women and one child were in asylum detention on 27 April 2016.²⁵⁴ The office orders asylum detention of the claimants if it needs to clear the identity of the claimant, or it would like to prevent the claimant from leaving the country before the asylum request is adjudicated. Civil society organisations still experience that the detention facilities of the Office of Immigration and Nationality, where people in asylum detention are accommodated, have better conditions than the penal institutions where people are kept in alien police detention. The lack of proper information about their procedural rights and obligations, and the prospective date of their expulsion often result in misunderstandings and frustration.²⁵⁵

6.6. Responses in law, policy and/or practice

As a response to the terrorist threats and attacks that occurred in the first months of 2016 in Europe, the government submitted a proposal to amend the Fundamental Law of Hungary on 26 April 2016. The proposal would grant power to the government to establish a special legal order in case of terrorist threats or terrorist attacks. In a terror emergency situation, the government could suspend the application of certain acts (even those granting and regulating fundamental rights), and order the deployment of the army if the national security services could not guarantee the safety of the country. The reasoning behind the proposal is that the situation in Europe has substantially changed, therefore, the country needs a more immediate and efficient response to protect itself against unconventional forms of attacks. The government declared the proposal and the reasoning behind it to be classified for 30 years, so the preparatory stage of the proposal could remain secret; however, it was leaked to the press, and because of the criticism, it got declassified soon after.²⁵⁶

²⁵² UNHCR Hungary.

²⁵³ National Police Headquarters.

²⁵⁴ Office of Immigration and Nationality.

²⁵⁵ UNHCR Hungary.

²⁵⁶ Proposal on the Sixth Amendment to the Fundamental Law of Hungary, available at: <http://nol.hu/data/agostonz/hatteranyag-AT20160112.pdf>.

6.7. Social response to the situation

Civil society organisations started to focus on the transit zones in April. Since typically around a 100 people per day gather and wait for admission to the transit zones in Röszke and Tompa without access to facilities outside the fences, the organisations try to supply them with food and blankets. However, civil society organisations complain that the authorities make their work more difficult, as in some cases they do not let them cross the fences. Only staff members of UNHCR are allowed to enter this territory without restrictions.²⁵⁷

6.8. Hate crime incidents

There were no reports of attacks and incidents against refugee camps and transit zones during the reporting period.²⁵⁸

²⁵⁷ Hungarian Helsinki Committee; UNHCR Hungary; Migration Aid.

²⁵⁸ National Police Headquarters.

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);
- 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 overall number of arrivals during the reporting period is about 9,150 people. There were some 60 disembarkation operations.²⁵⁹

On 1 April 2016, 545 people were disembarked in Salerno (Campania) by the Frontex-deployed Norwegian ship 'Siem Pilot'.²⁶⁰ According to the information provided by the Prefecture of Salerno, among these people were 356 men, 148 women, and 41 children. Siem Pilot crew declared that four women are pregnant.²⁶¹

On 7 April 2016, the Italian Coast Guard vessel 'Dattilo' rescued around 300 people and disembarked them in Crotona (Calabria).²⁶² Among them were about 150 men,

²⁵⁹ Information provided by the Ministry of the Interior.

²⁶⁰ Information available on the Twitter accounts of the Italian Navy (@ItalianNavy), the Italian Coast Guard (@guardiacostiera), and the Norwegian police (@kripos), as well as at: www.0766news.it/tag/guardia-costiera.

²⁶¹ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SI55130.TIF&subcod=20160401&numPag=1&>.

²⁶² Information available on the Twitter accounts of the Italian Coast Guard (@guardiacostiera) and Frontex (@Frontex).

50 women, and 100 children.²⁶³ All of them came from sub-Saharan countries. Healthcare assistance was provided by the emergency ambulance service, and around 200 migrants were immediately transferred to the hotspot of Taranto (Apulia). A child was examined at the local hospital. According to the Ministry of the Interior, four children had to be expelled immediately and 18 of them were heard by police officers.²⁶⁴

On 9 April 2016, the Frontex-Norwegian ship 'Siem Pilot' disembarked nearly 300 people in Taranto.

On 12 April 2016, the Italian Coast Guard, responsible for the coordination of 17 rescue operations, rescued over 2,150 people.²⁶⁵ Among them, one migrant was diagnosed with peritonitis and consequently underwent a surgical operation on board of a ship under operation 'Sophia' (Eunavfor MED).²⁶⁶ During the next couple of days, 740 people (180 women and 55 children) were disembarked in Trapani (Sicily) by the Italian Coast Guard ship 'Dattilo'.²⁶⁷ On 14 April 2016, 558 people, including some 140 children, were disembarked in Reggio Calabria (Calabria) by the Italian Navy ship 'Cigala Fulgosi'.²⁶⁸ Almost 900 people (including 224 children and 24 women) were disembarked in Palermo (Sicily) by the Norwegian ship 'Siem Pilot'.²⁶⁹

On 16 April 2016, a Panamanian commercial vessel rescued over 120 people under the coordination of the Italian Coast Guard.²⁷⁰

On 16 and 17 April 2016, the ship 'Aquarius' of the association 'Sos Méditerranée' carried out two rescue operations. On the first day, nearly 120 people (including 20 women and one child) were rescued. On 17 April 2016, the ship carried out a dramatic rescue operation, saving around 100 people; six corpses were found on board the dinghy, and two other men died during the rescue operation. According to some sources, at least 135 people had left from Sabratha (Libya), and consequently several people were no longer on board when the boat was rescued.

²⁶³ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIG5008.TIF&subcod=20160408&numPag=1&>.

²⁶⁴ Information available at: www.interno.gov.it/it/notizie/sbarcati-crotone-314-migranti-soccorsi-dalla-guardia-costiera.

²⁶⁵ Information available on the Twitter accounts of Eunavfor MED (@gEUNAVFORMED_OHQ), Frontex (@Frontex), and the Italian Coast Guard (@guardiacostiera), as well as in the Italian Coast Guard's press release (www.0766news.it/guardia-costiera-continuano-gli-interventi-nel-canale-sicilia/).

²⁶⁶ Information available at: www.eeas.europa.eu/csdp/missions-and-operations/eunavfor-med/news/20160412_01_en.htm.

²⁶⁷ Information available at: www.nuovosud.it/38134-cronaca-trapani/trapani-sbarcati-740-migranti-soccorsi-ieri-da-nave-diciotti.

²⁶⁸ Information available on the Twitter account of the Italian Navy (@ItalianNavy).

²⁶⁹ Information available on the Twitter accounts of Frontex (@Frontex) and the Norwegian police (@kripos), as well as on the latter's Facebook page: www.facebook.com/KriposNCIS/videos/1021860971218190/.

²⁷⁰ Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera).

Several people (including two children) had bullet wounds.²⁷¹ People were then disembarked on the island of Lampedusa (Sicily).²⁷²

On 17 April 2016, over 460 people (including around 40 women and 14 children) were disembarked in Augusta (Sicily) by the Italian Navy ship 'Orione'.²⁷³ On the same day, 33 people (13 men, 10 women, and 10 children) were rescued by the Italian Coast Guard on the small island of Vindicari, located in front of Noto (Sicily).²⁷⁴

On 25 April 2016, the MSF Italia ship 'Dignity I' disembarked more than 300 people (including some 90 women and 70 children) in Pozzallo (Sicily) who had been rescued by the Italian Navy ship 'Scirocco' and then transferred to the MSF Italia ship. Migrants came mainly from Eritrea, Ethiopia, Somalia, and Morocco. This was the first search and rescue operation of MSF Italia; a few days earlier the NGO had declared that search and rescue activities would be resumed in the Mediterranean Sea thanks to Dignity I. This ship will be patrolling the northern costs of Libya.²⁷⁵

On the same day, the Italian Coast Guard ship 'Dattilo' disembarked about 380 people in Augusta (including some 140 women and 60 children); all of them were from sub-Saharan countries. A day later, the Italian Navy ship 'Spica' disembarked over 240 people in Reggio Calabria who had been rescued on 24 April 2016 by the ship 'Aquarius' and other units of the Italian Navy.²⁷⁶ All operations since 24 April 2016 had been difficult due to bad weather conditions.

On 26 April 2016, some 300 people (including 90 children) were disembarked by the Panamanian commercial vessel 'Hamburg Bridge' in Taranto and then transferred to the hotspot for identification procedures.²⁷⁷

On 27 April 2016, the Italian Navy ship 'Aviere' disembarked about 240 people in Lampedusa. On 30 April 2016, Eunavformed ship 'Frankfurt' disembarked nearly 360 people in Catania, who had been rescued by the Italian and Spanish Navy. On the same day, the Eunavformed ship 'Karlsruhe' disembarked 245 people in

²⁷¹ Information available on the Twitter account of Sos Méditerranée and on its website: www.sosmediterranee.fr/journal-de-bord/sauvetage-tragique-photos.

²⁷² Information available on the Facebook account of Mediterranean Hope (www.facebook.com/Mediterranean-hope-252231521632595/?fref=ts).

²⁷³ Information available on the Twitter account of the Italian Navy (@ItalianNavy).

²⁷⁴ Information available in the Italian Coast Guard's press release (www.0766news.it/guardia-costiera-5/).

²⁷⁵ Information available on the Twitter accounts of the Italian Navy (@ItalianNavy) and MSF (@MSF_Sea), as well as in MSF Italia's press release (www.medicisenzafrontiere.it/notizie/news/riprese-le-operazioni-di-ricerca-e-soccorso-nel-mediterraneo-centrale). See also: http://palermo.repubblica.it/cronaca/2016/04/25/news/migranti_canale_di_sicilia_sbarchi_childi_soccorsi-138434185/.

²⁷⁶ Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera) and at: http://palermo.repubblica.it/cronaca/2016/04/25/news/migranti_canale_di_sicilia_sbarchi_childi_soccorsi-138434185/.

²⁷⁷ Information available at: www.interno.gov.it/it/notizie/307-migranti-sbarcati-taranto.

Trapani²⁷⁸, while two Italian Coast Guard units disembarked 26 people rescued the day before by an Italian commercial vessel, four miles from the Libyan coast. According to the information collected, these people were on a dingy boat with about 100 other people. About 70 people seem to have drowned.²⁷⁹

On 1 May, the Frontex-Norwegian ship 'Siem Pilot' disembarked around 460 people and two corpses in Pozzallo after carrying out several rescue operations on 29 and 30 April. Among them were at least 72 children and two pregnant women. A couple of men had bullet wounds. Siem Pilot had also taken on board people rescued by other vessels (a commercial vessel and an EU Navformed unit) after a shipwreck. It appears that about 20-30 people had drowned.²⁸⁰

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

According to the information provided by the National Anti-Mafia and Anti-Terrorism Prosecutor (*Procuratore nazionale antimafia e antiterrorismo*), 530 smugglers and 45 human traffickers have been arrested in Italy since the beginning of 2015.²⁸¹

On 19 April 2016, six Egyptian citizens were arrested in Pozzallo and charged with smuggling the 208 people who had been disembarked there a day earlier. Among the arrested was a child who is allegedly responsible for the children travelling to Italy.²⁸²

²⁷⁸ Information available on the Twitter account of Italian navy (@Italian_navy) and of Eunavfor MED (@gEUNAVFORMED_OHQ), as well as in the Italian Coast Guard's press release: www.0766news.it/guardia-costiera-6/.

²⁷⁹ Information available on: Italian Coast Guard's press release www.0766news.it/40141-2/ and www.ansa.it/sito/notizie/cronaca/2016/04/29/migrantinaufragio-davanti-libia-si-temono-70-dispersi_b520f2b6-dbf1-44be-9f87-69baf6c088d9.html.

²⁸⁰ Information available on the Twitter account of Italian navy (@Italian_navy), of Italian Coast Guard (@guardiacostiera), of Eunavfor MED (@gEUNAVFORMED_OHQ) of the Norwegian police (@kripos) and of Frontex (@Frontex).

²⁸¹ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIB4119.TIF&subcod=20160414&numPag=1&>.

²⁸² Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIF3356.TIF&subcod=20160420&numPag=1&>.

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

7.4.1 Registration and identification

One of the main issues that have emerged during the last month is the construction of a fence at the border with Austria, at the Brenner Pass in northern Italy. This decision, aimed at preventing irregular migrants and asylum seekers from crossing the border and leaving Italy to travel to northern Europe, has triggered much criticism and demonstrations. Italian associations, political groups, and asylum seekers living on the Italian side of the border have demonstrated against the construction of the fence, and many have been arrested by police officers.²⁸³ According to MSF Italia, the main consequence of this policy measure will be that southern Member States – such as Italy – will become open-air refugee encampments, with a massive increase in informal encampments scattered near the borders, as well as with a significant deterioration of health conditions.²⁸⁴ Considering these critical aspects, a public plea has been made to protest against this measure: ASGI is one of the organisations that decided to sign this plea, and so did CIR.²⁸⁵ The first effects of the Austrian border control policy have already emerged, with an increase in the number of migrants identified and registered in Tarvisio (Friuli-Venezia Giulia) after being turned away by Austria and Germany. In 2015, some 3,140 migrants were identified and registered in Tarvisio after having crossed the border from Austria to Italy, while in the first four months of 2016 (January-April) some 2,050 had crossed this border. This already constitutes 65 % of the yearly numbers for 2015.²⁸⁶ The Italian Ministry of the Interior has declared that, in order to cope with the increasing number of irregular migrants sent back from Austria to Italy, second-level hotspots might be introduced in the Italian immigration system: these facilities should function as closed centres where irregular migrants waiting to be repatriated will be gathered.²⁸⁷ To cope with this situation, one of the police officers' trade union, SAP (*Sindacato autonomo di Polizia*), has proposed creating an additional hotspot facility in Tarvisio, near to the

²⁸³ Information concerning the demonstrations is available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB51016.TIF&subcod=20160404&numPag=2&>, <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIQ1484.TIF&subcod=20160404&numPag=1&>, and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIX1545.TIF&subcod=20160404&numPag=1&>.

²⁸⁴ Information available at: www.redattoresociale.it/Notiziario/Articolo/505363/Migranti-barriera-al-Brennero-L-Italia-sara-un-campo-profughi-a-cielo-aperto.

²⁸⁵ The text of the plea is available at: www.progressi.org/brennero.

²⁸⁶ Information available at: www.corriere.it/esteri/16_aprile_28/austria-esporta-piu-migranti-59548484-0cb9-11e6-a4db-66a817deaada.shtml

²⁸⁷ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIB5039.TIF&subcod=20160429&numPag=1&>.

border with Austria, in order to promptly identify and register those migrants who are sent back from Austria.²⁸⁸

Another crucial issue concerns the recently opened hotspot in Taranto: though its capacity is 300 people, it is currently hosting many more people who are waiting to be identified, registered, and channelled to the different procedures depending on whether they are eligible for relocation or are international protection applicants or economic migrants. Many people hosted at the centre are absconding.²⁸⁹ Local associations and civil society organisations have organised a campaign ('Welcome Taranto') to protest against the hotspot in Taranto. Promoters criticise the identification procedures; the lack of legal and humanitarian information, which should be provided to migrants also in relation to international protection procedures; and inadequate reception conditions (food and healthcare).²⁹⁰ Given this critical situation, two parliamentary questions were asked to the government (on 19 and 22 April 2016; the second one with an urgent procedure) concerning reception conditions at the hotspot (lack of adequate services, cultural mediators and professionals envisaged by the government's roadmap from October 2015) and identification procedures. As for this latter issue, the questions aim at stressing various aspects: the unconstitutionality of the hotspot system; the enduring lack of information provided to migrants concerning their rights and the possibility to apply for international protection; the policy of delayed removal orders against migrants coming from countries that are not considered eligible for asylum; and the immediate 'classification' of migrants hosted at the hotspot on the basis of the 'news sheet' (*foglio notizie*). The undersecretary to the Ministry of the Interior replied to the urgent parliamentary question on 29 April. The representative of the government affirmed that there were no violations of the right to information and the right to asylum. His answer did not satisfy the Member of Parliament who raised the issue.²⁹¹

7.4.2 Asylum procedure

The humanitarian corridor created through the voluntary action of Italian Christian groups (the Community of Sant'Egidio, the Federation of Evangelical Churches in Italy, and the Waldensian Evangelical Church), in cooperation with the Ministries

²⁸⁸ Information available at: <http://messengeroveneto.gelocal.it/udine/cronaca/2016/04/24/news/i-sindacati-di-polizia-al-questore-serve-un-centro-di-identificazione-1.13355159>.

²⁸⁹ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIX5041.TIF&subcod=20160415&numPag=1&>.

²⁹⁰ The campaign manifesto is available at: www.meltingpot.org/No-all-Hotspot-fabbrica-di-clandestinita.html#.VyB1SzCLOdV.

²⁹¹ The parliamentary questions are available at: <http://aic.camera.it/aic/scheda.html?core=aic&numero=4/12896&ramo=CAMERA&leg=17&testo=immigrazione> and <http://aic.camera.it/aic/scheda.html?core=aic&numero=2/01354&ramo=CAMERA&leg=17&testo=rifugiati>. The Undersecretary's answer is available at: www.camera.it/leg17/410?idSeduta=0616&tipo=stenografico#sed0616.stenografico.tit00030.sub00020.

of Foreign Affairs and of the Interior, is carrying out its activity: by the end of April 2016, a further 150 asylum-seeking Syrians legally crossed the Italian border and applied for international protection in Italy.²⁹²

7.4.3 Return procedure

On 12 April 2016, ASGI and Amnesty International Italia issued an official press release to express their concern about past instances of *refoulement*. The two organisations stressed the serious consequences of this practice – implemented in the past – consisting of pushing back ships to Libya that were trying to reach the Italian shores. The two associations are calling upon the Italian government to issue humanitarian residence permits to those who were travelling from Libya and trying to reach Italy in 2009 and 2010, but were pushed back by Italian authorities at that time.²⁹³

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

7.5.1 Reception conditions and capacity

In April 2016, MSF Italia published a report on the reception system in Italy, entitled *Fuori campo*. The report provides one of the first mappings of informal reception facilities existing on Italian territory, as well as a critical overview of the conditions of segregation and marginalisation that asylum seekers are forced to experience. MSF Italia issued recommendations for national and local institutional stakeholders: a) guaranteeing migrants, refugees, and asylum seekers access to basic fundamental rights, in particular the right to healthcare; b) implementing procedures to guarantee asylum seekers and refugees the chance to fully enrol in the national healthcare system and the possibility to avail themselves of their own general practitioner, as Italian citizens may do; c) strengthening healthcare, including cultural mediation services and training activities for those professionals who get in contact with asylum seekers and refugees; d) extending the capacity of the Italian reception system in cooperation with municipalities; e) implementing a system to monitor informal reception facilities with a view to ensure proper assistance, especially for vulnerable people.²⁹⁴

²⁹² Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIB2279.TIF&subcod=20160405&numPag=1&>.

²⁹³ Information available at: www.asgi.it/allontamento-espulsione/23776/ and www.asgi.it/allontamento-espulsione/23718/.

²⁹⁴ The report is available at: http://archivio.medicisenzafrontiere.it/pdf/report%20MSF%20FUORI%20CAMPO_embargo%2012%20aprile%20ore%2012.pdf. A comment on the report is available at: www.medicisenzafrontiere.it/notizie/news/fuori-campo-mappa-dell%E2%80%99accoglienza-che-esclude.

The Prefect of Cagliari (Sardinia) has ordered the closure of two reception facilities located on the territory because they did not guarantee adequate healthcare and living conditions. Asylum seekers living in the facilities have been transferred to other reception structures in the same region.²⁹⁵

The NGO MEDU (Doctors for Human Rights – *Medici per i diritti umani*) has published a report on reception conditions in the CAS (Exceptional Reception Centres – *Centri di accoglienza straordinaria*), which are facilities run by local Prefectures for asylum seekers who are waiting for the Territorial Commission to adjudicate their international protection applications. Conditions in the CAS are normally not comparable with the SPRAR facilities, which are managed by the Ministry of the Interior in cooperation with municipalities. The CAS often offers few services, in contrast with the SPRAR, where training, labour integration, and language courses are offered together with healthcare assistance.²⁹⁶ The MEDU report is the result of a 14-month monitoring of CAS facilities in Ragusa where the NGO was directly involved in assisting asylum seekers who recently arrived to Sicily by sea. The report highlights the inadequate reception conditions, limited skills and knowledge of staff working there; the healthcare and psychological assistance provided; legal counselling and cultural and linguistic mediation; and insufficient professional training.²⁹⁷

7.5.2 Vulnerable persons

Nothing new to report.

7.5.3 Child protection

On 10 April 2016, Save the Children Italia launched a warning concerning the condition of unaccompanied children in Sicily. According to them, 2,800 children reached Italy in 2016 by sea (until early April), and Sicily is the region that has the highest number of arrivals. In 2015, some 6,000 unaccompanied children are thought to have disappeared from the reception system: most of them are believed to have left Italy to reach their families in northern Member States, some with the help of smugglers who may end up exploiting them. The NGO calls for the

²⁹⁵ Information available at: www.interno.gov.it/it/notizie/chiusi-due-centri-accoglienza-migranti-provincia-cagliari.

²⁹⁶ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIB1475.TIF&subcod=20160502&numPag=1&>.

²⁹⁷ A summary of the report is available at: www.meltingpot.org/IMG/pdf/medu_rapporto_cas_26_aprile_sintesi.pdf. The complete report is available at: www.meltingpot.org/IMG/pdf/medu_rapporto_cas_26_aprile_finale.pdf.

development of effective procedures to assess the age of children upon arrival and to appoint a guardian as soon as possible.²⁹⁸

Considering this alarming scenario, a parliamentary question was asked to the Italian government on 5 April 2016. The proponents called upon the government to adopt urgent measures to track unaccompanied children missing from the reception system, as well as to carry out an investigation aimed at detecting criminal organisations that exploit unaccompanied children on Italian territory.²⁹⁹

On 22 April 2016, the Ministry of the Interior launched a call for tender to award the resources earmarked for the improvement of the reception system targeted at unaccompanied children, at both the first level of reception (at the moment of arrival) and the second one (once they have been identified and transferred from the port or place of first arrival). The total amount to be awarded is EUR 162,091,800.³⁰⁰

7.5.4 Healthcare

The National Institute of Health (*Istituto Superiore della Sanità*, ISS), in cooperation with the Ministry of Public Health, has recently published a practical guidebook concerning access to healthcare for foreigners, including migrants, irregular migrants, refugees, and asylum seekers. The guidebook includes the following thematic areas: access to healthcare for regular and irregular migrants; access to healthcare according to bilateral agreements in force between Italy and third countries; access to healthcare for EU citizens; prohibition of expulsion and rules on international protection; and administrative procedures.³⁰¹

On 4 April 2016, MSF Italia opened a rehabilitation centre for survivors of torture and inhuman treatment. The centre is supposed to offer healthcare and social, legal, and psychological assistance to victims. The staff working at the centre includes a doctor, a psychiatrist, a psychologist, a coroner, a physiotherapist, two social workers, two legal counsellors, and 12 cultural mediators working together as a team in order to meet different needs.³⁰²

On 10 April 2016, the 'Paediatricians on the move' (*'Pediatri in movimento'*) project was kicked off in Lampedusa. A team of professional paediatricians working in the hospital of Catanzaro (Calabria) decided to spend some time on the Sicilian island and cooperate with local healthcare staff in providing professional training aimed

²⁹⁸ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIH1179.TIF&subcod=20160411&numPag=1&>.

²⁹⁹ The full text of the parliamentary question is available at: <http://aic.camera.it/aic/scheda.html?core=aic&numero=1/00552&ramo=SENATO&leg=17&testo=rifugiati>.

³⁰⁰ Information available at: www.interno.gov.it/it/notizie/childi-stranieri-non-accompagnati-pubblicati-due-avvisi-realizzazione-progetti-territoriali.

³⁰¹ The guidebook is available at: www.iss.it/binary/publ/cont/GUIDA_MIGRANTI_2_ed..pdf.

³⁰² Information available at: www.medicisenzafrontiere.it/notizie/news/roma-msf-apre-un-centro-di-riabilitazione-sopravvissuti-tortura-e-trattamenti-inumani-e.

at meeting newly arrived children's health needs, as well as technical equipment. The project has been financed by ISS.³⁰³

The Prefect of Pordenone (Friuli-Venezia Giulia) has informed the Local Health Authority (*Azienda sanitaria locale*, ASL) about the necessity to devote more time to healthcare assistance for asylum seekers living in local reception facilities. As a result, since 12 April 2016, the weekly number of people due to be examined has been increased (from 20 to 40), and an additional day of medical examinations has been introduced.³⁰⁴ Improved healthcare assistance will be provided by ASL at the reception centre of Ventimiglia (Liguria) as well. The decision was made after the mayor of the town, located at the border with France, had expressed concerns about the possibility of the spread of infectious diseases due to poor health conditions experienced at the reception centre.³⁰⁵

7.5.5 Immigration detention

Nothing new to report.

7.6. Responses in law, policy and/or practice

The Ministry of Justice has drafted a legislative proposal aimed at reforming the appeal system against denials of international protection, with the intent of speeding up the adoption of decisions by courts. The proposal has to be approved by the Italian government and will then be debated in the parliament. According to the draft, the decision has to be made by the ordinary court through a simplified procedure, on the basis of the documents already submitted to the international protection commission, as well as of the video recording of the oral interview of the asylum seeker before the commission.³⁰⁶

On 15 April 2016, the Italian Prime Minister sent a letter to the European Commission, proposing a common EU policy for the management of migration inflows towards the EU. This proposal uses the agreement between the EU and Turkey as a model and is based on the multiplication of bilateral agreements between the EU and the migrants' countries of origin. Through this kind of agreement, the EU offers financial and operational support, and the third country

303 Information available at:
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIE1105.TIF&subcod=20160411&numPag=1&>.

304 Information available at:
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIF2331.TIF&subcod=20160412&numPag=2&>.

305 Information available at:
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIM5189.TIF&subcod=20160415&numPag=1&>.

306 Information available at:
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SI51017.TIF&subcod=20160418&numPag=1&>.

assures its serious commitment in the following fields: control of external borders; fight against irregular migration; cooperation in expulsion and repatriation procedures; and combating of human smuggling and trafficking. Moreover, the Italian Prime Minister suggested developing an EU funding procedure for this type of migration system.³⁰⁷ The proposal, currently known as *Migration compact*, was presented during the meeting between the Italian Minister of the Interior and his German counterpart, which took place on 20 April 2016. During the meeting, the Ministries of the Interior of the two countries stressed the importance of developing a common strategy to prevent terrorism and the increase in the number of foreign fighters, as well as a common EU migration and asylum policy.³⁰⁸ The same strategy was presented by the Italian Minister of the Interior to the *Financial Times*.³⁰⁹ Strong criticisms have been expressed by some NGOs. According to Amref, for example, the *Migration Compact* will shift cooperation funds towards African countries which are crucial for the prevention of irregular flows of immigrants and not towards the ones who need it the most.³¹⁰

The Italian Parliament approved Law No. 45 of 21 March 2016, Establishment of the National Day of Commemoration of Migration Victims (*Legge 21 marzo 2016, n. 45, Istituzione della Giornata nazionale in memoria delle vittime dell'immigrazione*), which entered into force on 16 April 2016. This law sets out that such a day is celebrated on 3 October. This commemoration has been introduced to honour all those people who lost their lives in an attempt to emigrate to Italy to escape war, persecution, and violence.³¹¹

On 27 April, the Italian Minister of the Interior met the Greek Minister of Migration Policy in Rome. During this bilateral meeting, the Italian Ministry of the Interior announced two crucial proposals concerning identification procedures. The first one, is the creation of 'hotspots at sea', that is the possibility to use search and rescue vessels, currently operating in the Mediterranean Sea, to start identifying and registering incoming immigrants directly at sea in order to reduce the amount of work to be done in hotspot facilities. The Italian Ministry of the Interior also publicly inaugurated the EU Regional Taskforce (EURTF) office in Catania (Sicily), which was attended by members of the Italian government, FRONTEX, EASO, Europol, and Eurojust.³¹²

³⁰⁷ The text of the letter is available at: www.governo.it/sites/governo.it/files/LetteraRenzi.pdf.

³⁰⁸ Information available at: www.interno.gov.it/it/notizie/immigrazione-cooperazione-piu-stretta-procedure-comuni-sullasilo.

³⁰⁹ Interview available at: <https://next.ft.com/content/664e52c8-fa4e-11e5-8e04-8600cef2ca75>.

³¹⁰ Information available at: www.repubblica.it/solidarieta/immigrazione/2016/04/28/news/ue_il_migration_compact_proposto_dall_italia_non_convince_il_terzo_settore_il_risultato_saranno_altri_muri_-138637609/.

³¹¹ Information available at: www.interno.gov.it/it/notizie/3-ottobre-e-giornata-nazionale-memoria-vittime-dellimmigrazione.

³¹² Information available at: www.interno.gov.it/it/notizie/catania-nuova-sede-task-force-dellue-alfano-apertura-frontex-sicilia-successo-nostro-paese;
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SB54013.TIF&subcod=20160428&numPag=1&>;
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIB4022.TIF&subcod=2016>

7.7. Social response to the situation

In Bologna (Emilia-Romagna) on 3 April 2016, the Italian Cricket Federation, in cooperation with UNHCR and the Italian National Olympic Committee (*Comitato Olimpico Nazionale Italiano*, CONI), organised a one-day cricket match for refugees and asylum seekers. This initiative was aimed at meeting the request for leisure activities, of asylum seekers living in reception centres located in the surrounding areas.³¹³

The University of Bologna has approved an internal regulation that allows asylum seekers waiting for their residence permit to be issued, to enrol in single courses and enjoy full exemption from university tuition fees, as requested by the European Commission. Twenty people have decided to take part in the initiative: five of them will be granted a scholarship to enrol at university in the following academic year.³¹⁴

7.8. Hate crime incidents

In Rome, on 29 March 2016, a British citizen of Eritrean origin, who was on board a flight to London, was forced to get off after the other passengers had indicated that he could be a terrorist. The airport police, called by the captain, forced him to leave the airplane, which was about to take off, to undergo security checks. The person was allowed to leave 15 hours later.³¹⁵

On 25 April, the COISP (*Coordinamento per l'indipendenza sindacale delle forze di polizia*) – one of the Italian police officers' trade unions – published a racist and derogatory tweet concerning the arrival of immigrants by sea through the official account of the organisation. The trade union has been affected by similar events before.³¹⁶

[0428&numPag=1&; www.askanews.it/regioni/sicilia/migranti-alfano-proposta-hotspot-in-mare-per-fotosegnalamento_711796608.htm](http://www.askanews.it/regioni/sicilia/migranti-alfano-proposta-hotspot-in-mare-per-fotosegnalamento_711796608.htm); www.thelocal.it/20160428/italy-to-start-fingerprinting-migrants-at-sea; www.rainews.it/dl/rainews/articoli/Migranti-Alfano-Con-Ue-attivare-hotspot-in-mare-Avramopoulos-Tesi-interessante-a47516bc-78c6-469e-a810-e23b6797dd96.html?refresh_ce.

³¹³ Information available at: www.redattoresociale.it/Notiziario/Articolo/504597/Giornata-del-cricket-per-profughi-e-migranti-un-occasione-di-integrazione.

³¹⁴ Information available at: www.redattoresociale.it/Notiziario/Articolo/505336/In-attesa-del-permesso-di-soggiorno-chi-sono-i-migranti-iscritti-all-Universita.

³¹⁵ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIB5131.TIF&subcod=20160408&numPag=2&>.

³¹⁶ Information available at: www.repubblica.it/esteri/2016/04/26/news/migranti_tweet_su_profilo_coisp_ci_prendono_in_giro_-138492685/?ref=search.

8. Slovenia

8.1. Stakeholders contacted

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

- Ministry of Health (*Ministrstvo za zdravje*);
- Caritas Slovenia (*Slovenska karitas*);
- Slovenian Philanthropy (*Slovenska filantropija*);
- Legal Information Centre of NGOs (*Pravno informacijski center nevladnih organizacij, PIC*);
- Administration of the Republic of Slovenia for Civil Protection and Disaster Relief (*Uprava Republike Slovenije za zaščito in reševanje*);
- Directorate for Internal Administrative Affairs, Migration, and Naturalisation (*Direktorat za upravne notranje zadeve, migracije in naturalizacijo*) at the Ministry of the Interior (*Ministrstvo za notranje zadeve*);
- Migration Policy and Legislation Division (*Sektor za migracijsko politiko in zakonodajo*) of Internal Administrative Affairs, Migration and 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 17 people entered Slovenia irregularly during the period from 1 April until 30 April. They all arrived from Croatia by foot.³¹⁷ 27 people requested international protection from 1 April to 28 April.³¹⁸

³¹⁷ General Police Directorate; Uniformed Police Directorate; Border Police Division.

³¹⁸ Asylum Home.

8.3. Criminal proceedings against migrants and people helping them

8.3.1 Criminal proceedings initiated against migrants and asylum seekers

Irregular border crossing is not a crime, but it is a misdemeanour.³¹⁹

Several instances of misdemeanour proceedings have been initiated (fines issued) against aliens under the State Border Control Act³²⁰ and the Aliens Act.³²¹

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

Facilitating irregular entry or stay is punishable under Article 308, para 3 of the Criminal Code (*Kazenski zakonik*).³²² The Criminal Code does not specify whether payment for facilitation of irregular entry or stay is a criterion for prosecution, however, no consistent jurisprudence has been established in this field yet. The State Prosecutor's Office has not yet dealt with (prosecuted) 'a case where such activities were provided for humanitarian reasons and thus has not yet adopted an official position' on the matter whether facilitating irregular entry or stay for humanitarian reasons is a crime.³²³

In the two cases mentioned in the March report, criminal proceedings have been initiated (indictment filed), and according to the State Prosecutor's Office, facilitation was done for profit in both cases.³²⁴

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.

³¹⁹ As stipulated in Articles 142 to 147 of the Aliens Act, 27 June 2011, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761.

³²⁰ Slovenia, State Border Control Act, 20 April 2010, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5964.

³²¹ General Police Directorate, Uniformed Police Directorate, Border Police Division.

³²² Office of the State Prosecutor General of the Republic of Slovenia.

³²³ *Ibid.*

³²⁴ *Ibid.*

All individuals over the age of 14 requesting international protection during the reported period have been registered in EURODAC.³²⁵

8.4.2 Asylum procedure

Requests for international protection have drastically decreased. Between 1 April and 28 April, less than 30 requests for international protection were filed, including by nationals from Afghanistan, Syria, Iraq, Kosovo*, Serbia, Morocco, Russia and Tunisia. Among them there were 24 men, three women and eight children.³²⁶

The Asylum Home reports that there were no rejections of requests for international protection based on the safe third country principle.³²⁷

Under the Dublin III Regulation procedure, 14 people were returned back to Slovenia.³²⁸ Slovenia did not return anybody on the basis of the Dublin III Regulation procedure.³²⁹

Between 1 April and 28 April, one asylum seeker had his movement limited and was detained at the Centre for Foreigners (*Center za tujce*).³³⁰

8.4.3 Return procedure

The police (*Policija*) reports that 251 people were denied entry into the country between 1 April and 30 April. Around 40 people were returned on the basis of a bilateral agreement via the procedure of informal announcement to neighbouring law enforcement authorities. No one was returned according to the procedure of formal announcement.³³¹ One person was returned to his country of origin.³³²

During the period from 1 April to 28 April, there were 26 new people accommodated at the Centre for Foreigners (*Center za tujce*). They are either in the process of removal from the country or establishing identity: 18 from Syria (including two women and eight children), two from Iran, two from Kosovo*, two from Serbia, one from Bosnia and Herzegovina, and one from Morocco. 23 people were forcibly returned after being accommodated at the Centre for Foreigners (*Center za tujce*): nine from Afghanistan, three from Iran, four from Iraq (including one woman and two children), two from Kosovo* and one from Bosnia and Herzegovina.³³³

³²⁵ Asylum Home.

³²⁶ *Ibid.*

³²⁷ *Ibid.*

³²⁸ *Ibid.*

³²⁹ *Ibid.*

³³⁰ *Ibid.*

³³¹ General Police Directorate; Uniformed Police Directorate; Border Police Division.

³³² *Ibid.*

³³³ *Ibid.*

There have been no changes in law nor practice regarding the abovementioned issues.

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

8.5.1 Reception conditions and capacity

Because there have been no new arrivals in the past two months, reception and registration facilities remain closed. Centres, which are still open, operate in Vrhnika, Dobova, Lendava, Šentilj, Črni les, Logatec, Kotnikova. Together with the Asylum Home (*Azilni dom*) and the Centre for Foreigners (*Center za tujce*), they have a combined capacity of 5,130 people.³³⁴ At no point were any of the reception or accommodation centres overcrowded,³³⁵ nor were asylum seekers accommodated together with persons in return procedures.³³⁶

As noted in the previous report, all migrants are still accommodated either at the Centre for Foreigners or at the Asylum Home, which continue to operate in three locations: the central building in Ljubljana Vič, accommodating all categories of refugees (with separate departments for single women and unaccompanied children), an external unit in Ljubljana Kotnikova accommodating single men, and an external unit in Logatec accommodating families.

8.5.2 Vulnerable persons

Nothing new to report.

8.5.3 Child protection

Nothing new to report. Children continue to be included in the educational process across the country.³³⁷

³³⁴ Administration of the Republic of Slovenia for Civil Protection and Disaster Relief.

³³⁵ *Ibid.*

³³⁶ Slovenian Philanthropy.

³³⁷ Slovenian Philanthropy, Article on the web news portal RTVSLO, 'First school day for children in Logatec', 4 April 2016, available at: www.rtvsllo.si/begunska-kriza/prvi-solski-dan-za-begunske-otroke-ki-bivajo-v-logatcu/389777.

8.5.4 Healthcare

Slovenian Philanthropy (*Slovenska filantropija*) has launched a medical unit that is present on a weekly basis in the three units of the Asylum Home (*Azilni dom*)³³⁸, where a psychiatrist is also available now.³³⁹

There have been some reports indicating that diseases relating to poor nutrition are becoming more prevalent among asylum seekers.³⁴⁰

8.5.5 Immigration detention

There is nothing new to report on these issues.

There were 26 new persons detained at the Centre for Foreigners (*Center za tujce*) (closed detention facility).³⁴¹

8.6. Responses in law, policy and/or practice

An amendment of the International Protection Act (*Zakon o mednarodni zaščiti, ZMZ-1*)³⁴² has come into effect.³⁴³ Authorities' focus has shifted to efforts related to the relocation of refugees.³⁴⁴ The government has therefore issued a call for people to offer private lodging for relocated asylum seekers. However, the response has been less than satisfactory as only 11 individuals offered their properties during the first eight days.³⁴⁵

8.7. Social response to the situation

Nothing new to report.

³³⁸ Slovenian Philanthropy.

³³⁹ Legal Information Centre of NGOs.

³⁴⁰ Slovenian Philanthropy.

³⁴¹ See 8.4.3.

³⁴² Adopted on 4 March 2016, in force since 24 April 2016, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7103.

³⁴³ Article on the web news portal RTVSLO, 'The slightly restrictive amendments to the asylum law are now in effect', 24 April 2016, available at: www.rtv slo.si/begunska-kriza/veljati-je-zacela-nova-rahlo-zaostrena-azilna-zakonodaja/391454.

³⁴⁴ Article on the web news portal RTVSLO, 'First 10 asylum seekers to be relocated to Slovenia in the coming days', 13 April 2016, available at: www.rtv slo.si/begunska-kriza/prvih-10-prosilcev-za-azil-bo-v-slovenijo-premescenih-v-prihodnjih-dneh/390496.

³⁴⁵ Article on the web news portal 24ur, 'Between a welcome, in principle, and practice: poor response of Slovenes to the Government's call, which is seeking lodging for refugees', 9 April 2016, available at: www.24ur.com/novice/slovenija/med-nacelno-dobrodoslico-in-prakso-boren-odziv-slovencev-na-poziv-drzave-ki-beguncem-isce-stanovanja.html.

8.8. Hate crime incidents

The Slovenian hotline for reporting hate speech incidents on the internet, 'Web eye' (*Spletno oko*), received 94 reports of alleged hate speech. One report was referred to the police as it was deemed to be punishable according to Article 297 ('Public incitement to hatred, violence or intolerance') of the Criminal Code.³⁴⁶ Persons of the Muslim faith were the targets of the hate speech.

Regarding the criminal offence 'Public incitement to hatred, violence or intolerance', punishable under Art. 297 of the Criminal Code, the State Prosecutor's Office received one criminal report from the police (act committed in April 2016). During this reporting period, one indictment for such an offence was filed³⁴⁷, committed in November 2016 (awaiting confirmation that it is related to migrants).³⁴⁸

The police initiated misdemeanour proceedings (fines issued) against two persons for 'inciting intolerance'³⁴⁹ under Art. 20 of the Protection of Public Order Act.³⁵⁰

Social media continues to be a medium for spreading hostile propaganda against migrants. There are several Facebook groups who are against migrants, e.g. STOP to migrants in Slovenia (*STOP migrantom v Slovenijo*),³⁵¹ Slovenia protect borders (*Slovenija zavaruj meje*),³⁵² Gorenjska region is against the migrant centre (*Gorenjska je proti migrantskemu centru*),³⁵³ Against the migrant centre Kidričevo (*Proti migrantskemu centru Kidričevo*),³⁵⁴ Slovenia first,³⁵⁵ Ljubljana is against the migrant centre (*Ljubljana je proti migrantskemu centru*),³⁵⁶ and Against migrant centres on Slovenian soil (*Proti migrantskim centrom na slovenskih tleh*).³⁵⁷

³⁴⁶ Hotline for reporting hate speech on the internet 'Web eye', project coordinator.

³⁴⁷ The offence included 'coercion, maltreatment, endangering of security, desecration of national, ethnic or religious symbols, damaging the movable property of another, desecration of monuments or memorial stones or graves', punishable under Art. 297 para 4.

³⁴⁸ The Office of the State Prosecutor General.

³⁴⁹ The General Police, Uniformed Police Directorate, Border Police Division.

³⁵⁰ Slovenia, The Protection of Public Order Act, 22 June 2006 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3891.

³⁵¹ Facebook page, available at: www.facebook.com/STOPbeguncem/.

³⁵² Facebook page, available at: www.facebook.com/SlovenijaZavarujMeje/?fref=ts.

³⁵³ Facebook page, available at: www.facebook.com/Gorenjska-je-PROTI-migrantskemu-centru-829469527176415/?fref=ts.

³⁵⁴ Facebook page, available at: www.facebook.com/Proti-migrantskemu-centru-Kidričevo-1683679855222127/?fref=ts.

³⁵⁵ Facebook page, available at: www.facebook.com/SloveniaFirst/?fref=ts.

³⁵⁶ Facebook page, available at: www.facebook.com/Ljubljana-je-PROTI-migrantskemu-centru-216220135394916/?fref=ts.

³⁵⁷ Facebook page, available at: www.facebook.com/protimigrantskimcentrom/?fref=ts.

9. Sweden

9.1. Stakeholders contacted

For this report, the following stakeholders were contacted:

Authorities:

- Swedish Migration Agency (*Migrationsverket*);
- Swedish Police (*Polisen*);
- National Board of Health and Welfare (*Socialstyrelsen*);
- National Board of Education (*Skolverket*);
- National Coordinator Against Prostitution and Trafficking of Human Beings at the County Administrative Board Stockholm (*Nationell samordnare mot prostitution och människohandel, Länsstyrelsen Stockholm*);
- Swedish National Council for Crime Prevention (*Brottsförebyggande rådet, Brå*);
- Swedish Health and Social Care Inspectorate (*Inspektionen för vård och omsorg*);
- Public Health Agency of Sweden (*Folkhälsomyndigheten*);
- Swedish Authority for Youth and Civil Society (*Myndigheten för ungdoms- och samhällsfrågor*);
- Public Health Agency of Sweden (*Folkhälsomyndigheten*);
- Regional Public Prosecutor's Office (*Åklagarmyndigheten*);

Civil Society Organizations:

- Amnesty International Sweden;
- Save the Children Sweden (*Rädda Barnen Sverige*);
- Red Cross Sweden (*Röda Korset Sverige*);
- Platform Swedish civil society against the trafficking of human beings (*Plattformen civila Sverige mot människohandel*);³⁵⁸

Other:

- Swedish Association of Local Authorities and Regions (*Sveriges kommuner och landsting, SKL*).

³⁵⁸ At the moment, the Platform consists of 20 civil society actors, both small and large. The aim is to strengthen both the common work against human trafficking and improve the assistance to victims carried out by individual organisations. Webpage available at: <https://manniskohandel.se/plattformen-civila-sverige-mot-manniskohandel/dokument/>.

9.2. Overview of the situation

During the period of 1 April – 30 April 2016, Sweden received some 2,050 asylum applications, a further decrease compared to March (some 2,250) and February (some 2,750).³⁵⁹ 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 7 May 2016.³⁶⁰

The main third countries of origin of the asylum applicants were Syria (360), Iraq (351), and Somalia (255).³⁶¹ Some 1,300 asylum seekers were men and some 750 were women. Almost 700 were children (the number includes both unaccompanied children and children arriving with their families). 145 asylum seekers were unaccompanied children, a slight increase from March (121) but still lower than in February (187). The unaccompanied children that arrived during the first four months of 2016 are predominately boys (85 %).³⁶²

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 border crossings.

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

94 reports concerning facilitation of irregular entry have been registered by the police during the first four months of 2016. According to the police, since all cases deal with the facilitation of irregular entry from Denmark to Sweden, and Denmark must be considered a state where the rule of law applies, there are no humanitarian reasons for facilitating entry into Sweden.³⁶³ As a consequence, the preliminary investigations perceive such acts as offences against the state in accordance with the Aliens Act (*Utlänningslag 2005: 716*). According to the police, several suspects claim to have helped others in vulnerable situations. However,

³⁵⁹ Swedish Migration Agency.

³⁶⁰ Sweden, Government Offices, Press release, 'The Government decides to extend border control at the inner borders', available at: www.regeringen.se/pressmeddelanden/2016/04/regeringen-beslutar-att-ytterligare-forlanga-granskontroll-vid-inre-grans/.

³⁶¹ Swedish Migration Agency.

³⁶² *Ibid.*

³⁶³ Swedish Police.

several of these cases are related to organised crime.³⁶⁴ The public prosecutors have brought charges in 37 cases.

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 as such.³⁶⁵ Currently, Sweden is investigating how an Advance Passenger Information system (API) could be introduced at border control points in Sweden.³⁶⁶

9.4.2 Asylum procedure

Ferry companies have discovered several asylum seekers trying to enter Sweden by hiding under the trucks travelling by ferries from Elsinore (Helsingör), Denmark to Sweden during the last two weeks. The ferry companies ask their staff to be extra attentive, since this is potentially a very dangerous way to cross the borders.³⁶⁷

People arriving in Sweden are received at the inner border controls by the Swedish border controls. They access the asylum procedure by asking for asylum or protection, in which case the police will take them to the Migration Agency's reception centre in the vicinity. No rejections of asylum claims are made at the borders.³⁶⁸

Asylum decisions rose from some 7,650 in March to some 7,850 in April. About 43 % of the applications have been granted residence permits. The rest are either Dublin cases or written off. The average processing time was 311 days.³⁶⁹ The majority of asylum seekers (over 153,000) are waiting for an appointment to present their cases to the Migration Agency. The processing time for their cases is

³⁶⁴ Swedish Police.

³⁶⁵ Swedish Migration Agency.

³⁶⁶ Swedish Migration Agency. For more information, see www.government.se/information-material/2015/10/measures-to-tackle-the-refugee-crisis/.

³⁶⁷ Clintö, C. (2016), 'Alert: refugees are hanging under the car', *Göteborgs-Posten*, 30 April 2016.

³⁶⁸ Swedish Migration Agency; Swedish Police; Amnesty International; Save the Children Sweden; and Red Cross Sweden.

³⁶⁹ Swedish Migration Agency.

estimated to be around 20 months.³⁷⁰ There are no reports of applications being rejected based on the safe third country principle.

9.4.3 Return procedure

The Swedish Migration Agency prioritises manifestly unfounded asylum applications to reduce the processing times for these applicants.³⁷¹ The return cooperation with the embassies of the Western Balkan countries functions smoothly and returns are being carried out as swiftly as possible. The number of asylum seekers from Western Balkan countries has increased despite efforts to accelerate returns.³⁷²

The police is in charge of the deportations of people who were denied asylum.³⁷³ The regional sections of the police have received substantial increases in staff that will carry out a so-called internal immigration control.³⁷⁴ For instance, the Region South of the Police (one of the five regional sections of the Swedish Police) has received an increase of staff that has raised the number of police officers working with such controls from 90 to 400, during the first months of 2016.³⁷⁵ According to the Swedish Police Region South, the immigration controls are now increasingly being carried out in smaller municipalities as well as in the larger cities.³⁷⁶ The Police in Region South estimates that the authority will execute approximately 15,000 deportations during 2016, as compared to 4,000 deportations carried out in the whole of Sweden during 2015.³⁷⁷

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.³⁷⁸ An unaccompanied child is only allowed to be detained if there are exceptional grounds for doing so.³⁷⁹ There are no reports of any transgressions of these regulations.³⁸⁰

³⁷⁰ Swedish Migration Agency.

³⁷¹ *Ibid.*

³⁷² *Ibid.*

³⁷³ Swedish Migration Agency; Swedish Police.

³⁷⁴ Swedish Police.

³⁷⁵ *Ibid.*

³⁷⁶ *Ibid.*

³⁷⁷ *Ibid.*

³⁷⁸ Swedish Migration Agency.

³⁷⁹ Sweden, Aliens Act, chapter 10, paragraph 3, section 1, available at: www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Utlanningslag-2005716_sfs-2005-716/.

³⁸⁰ Save the Children; Amnesty International; Red Cross.

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

9.5.1 Reception conditions and capacity

On 1 May 2016, almost 170,000 people 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. Around 52 % lived at the asylum accommodation centres for adults and families, 29 % stayed with relatives or friends and 29 % stayed in the specially designated accommodations for unaccompanied children.

9.5.2 Vulnerable persons

The Swedish Migration Agency is currently developing a new process for handling asylum cases. The aim is that a larger part of the asylum interview will be done initially, taking into account particular needs in individual cases at an early stage to facilitate further processing.³⁸¹ Single adults and families have so far been placed wherever accommodation centres have been established. Unaccompanied children are placed at specially designated accommodation centres and the responsibility for their welfare is the duty of the assigned municipalities.³⁸² 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 a more suitable accommodation or support for the person in question.³⁸³ Amnesty receives an increasing number of calls from Christian asylum seekers, who feel unsafe in asylum accommodations, and also from single women. Both groups feel that they have no place to turn to since they cannot leave the accommodation centres on their own accord because of their remote geographical location.³⁸⁴

9.5.3 Child protection

Swedish municipalities are increasingly moving the unaccompanied children assigned to them to specially designated accommodation centres within their own territory.³⁸⁵ For the assigned municipalities, the relocation is a way for them to end

³⁸¹ Swedish Migration Agency.

³⁸² *Ibid.*

³⁸³ *Ibid.*

³⁸⁴ Amnesty International.

³⁸⁵ Swedish Migration Agency.

the rental of expensive placements in other municipalities. The move makes sense from an administrative perspective since the assigned municipalities are responsible for the wellbeing and care of each individual child, even if the municipalities where the children reside at the moment are responsible for arranging necessary schooling, social care and welfare, and certain health care services.³⁸⁶ For the children, the relocation after five to six months in one municipality makes less sense and is often opposed, both by the children themselves, and their guardians *ad litem*. A relocation means that they have to start new schools, find new friends and relate to new adults in social services, accommodation centres, and also deal with a change of guardians *ad litem*.³⁸⁷ Several unaccompanied children and their guardians *ad litem* oppose the relocations, arguing that this is not in the best interests of the children in question.

9.5.4 Healthcare

The Swedish Health and Social Care Inspectorate is concerned with the mental health of the unaccompanied children. According to a risk analysis made by the Inspectorate, 20–30 % of the unaccompanied children display signs of mental health problems and/or mental illnesses. The risk analysis is based on inspections and other contacts with the healthcare centres and hospitals. The inspectorate urges the relevant actors to focus on preventive measures that were down-prioritised during the autumn of 2015 to make room for more acute tasks.³⁸⁸

9.5.5 Immigration detention

There are no separate detention facilities for families and/or unaccompanied children only. All facilities have sections that can be separated from the main areas. These sections can be used for children, women, families and other aliens, who for other reasons are particularly vulnerable.³⁸⁹ An unaccompanied child is only detained if there are exceptional grounds for doing so.³⁹⁰ There are no reports of any transgressions of these regulations.³⁹¹

³⁸⁶ Swedish Association of Local Authorities and Regions; National Board of Education; Public Health Agency of Sweden; Swedish Migration Agency.

³⁸⁷ *Ibid.*

³⁸⁸ Swedish Health and Social Care Inspectorate.

³⁸⁹ Swedish Migration Agency.

³⁹⁰ *Ibid.*

³⁹¹ Save the Children; Amnesty International; the Red Cross.

9.6. Responses in law, policy and/or practice

On 7 April 2016, the government decided to extend border controls at internal borders from 9 April to 8 May 2016.³⁹² The Migration Agency has presented a new forecast, which includes three scenarios on 40,000, 60,000 and 100,000 asylum seekers. The main planning scenario is that of 60,000 asylum seekers. The cost of migration is also predicted to be lower than previously estimated, since fewer people are assumed to apply for asylum in Sweden in 2016.

Furthermore, the government presented a bill to the Swedish parliament on 28 April 2016 proposing that the Swedish asylum rules shall be adjusted to the minimum level under EU law and international conventions through the introduction of a temporary law that will apply for three years. The government bill proposes that the temporary law will contain provisions on temporary residence permits for convention refugees, with the exception of quota refugees. Furthermore, there will be limited opportunities for family reunification for all persons that have been granted temporary residence permits, persons in need of subsidiary protection and tougher maintenance requirements for family members. Persons granted subsidiary protection shall only get a limited residence permit, valid for 13 months (Article 5 of the proposed law). It is also proposed that residence permits (neither permanent nor temporary) should not be granted to persons in need of subsidiary protection. Residence permits based on exceptionally or particularly distressing circumstances should only be granted if it would be contrary to a Swedish convention commitment to refuse entry or expel the alien in question. It is further proposed that permanent residence permits may be granted to aliens, who at the time of the extension of a temporary residence permit are able to support themselves through employment or business activities. Permanent residence permits may also be granted to children with a permanently impaired health in certain cases.³⁹³ If the bill is accepted by the Swedish parliament, the temporary law will enter into force on 20 July 2016.³⁹⁴ The government bill was tested through the presentation of a referral memorandum, regarding a draft proposal of a temporary law, later to be considered by the Council on Legislation on 11 February 2016.³⁹⁵ The memorandum received heavy criticism

392 Sweden, Government webpage: www.regeringen.se/artiklar/2016/02/regeringen-beslutar-att-ytterligare-forlanga-granskontroll-vid-inre-grans/.

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

394 *Ibid.*

395 Sweden, Ministry of Justice, 'Limitations of the opportunity to obtain a residence permit in Sweden' draft proposal for consideration by the Council of Legislation, available at: www.regeringen.se/contentassets/6c532e0c5ef2406b9097ba9d93e43ce1/utkast-till-lagratsremiss-om-begransningar-av-mojligheten-att-fa-uppehallstillstand-i-sverige.pdf.

from a total of 53 instances, around 20 of them courts and national authorities and the rest unions and other civil society organisations.³⁹⁶ The criticism focused on three areas; 1) the offhanded 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 reunification.³⁹⁷ The new bill tries to address the criticism mainly by 1) making legal room for family reunification in cases where it would be a violation of international law to refuse it; 2) changing the time periods for temporary residence permits from 12 to 13 months to enable the persons to be registered for social security and welfare reasons. The government bill is sent to the Council of Legislation for a final referral.³⁹⁸ The final decision lies with the Swedish parliament.

9.7. Social response to the situation

During the large inflows in 2015, civil society organisations were quick to respond to the needs of asylum seekers, which the authorities, for various reasons, were not able to address. To learn from these experiences and to systemise the lessons learnt, the government instructed the Swedish Agency for Youth and Civil Society to develop a guide called 'Join forces'.³⁹⁹ The report addresses the success factors and describes what civil society organisations and local authorities can do to support the effectiveness of the reception of new arrivals. The government tasked the Agency for Youth and Civil Society with distributing an additional SEK 200 mill (EUR 21.7 mill) of government funding to civil society organisations for their work with asylum seekers and new arrivals.⁴⁰⁰ Activities aimed at unaccompanied children, mentoring, and Swedish language activities are to be prioritised.⁴⁰¹

9.8. Hate crime incidents

During a commotion at an asylum accommodation centre in the municipality of Emmaboda, a man was removed from the place by a couple of police officers. They took him to an empty place and allegedly physically assaulted him. They verbally

³⁹⁶ 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/.

³⁹⁷ *Ibid.*

³⁹⁸ Sweden, Government Offices, 'Temporary restrictions of the possibility to be granted a residence permit', webpage, available at: www.regeringen.se/rattsdokument/lagratsremiss/2016/04/tillfalliga-begransningar-av-mojligheten-att-fa-uppehallstillstand-i-sverige/.

³⁹⁹ Swedish Agency for Youth and Civil society. The report *Joined Forces* was published on 2 May 2016, available online at: www.mucl.se/vagledning-samverkan-kring-mottagandet-av-nyanlanda.

⁴⁰⁰ Swedish Migration Agency and Swedish Agency for Youth and Civil society.

⁴⁰¹ *Ibid.*

abused him, using very strong language, and the sound was recorded by the victim's mobile phone. According to the police, an officer has been removed from public duty and a preliminary investigation has been initiated for assault and insult.⁴⁰²

402 Sweden, Ahlgren, Karin (2016), 'A police officer calls Ahad "Arab bastard" on an audio file', *SVT Nyheter*, 27 April 2016, available at: www.svt.se/nyheter/lokalt/smaland/polis-kallar-ahad-for-arabjavel-i-ljudinspelning.