



Monthly data collection on the current migration situation in the EU

June 2016 monthly report

1–31 May 2016

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Highlights: 1–31 May 2016

New arrivals

Some 100 Syrian and Iraqi refugees, including 44 children, arrive in Italy through a church-financed humanitarian corridor.

Arrivals in Italy double and include hundreds of children and many pregnant women. Several shipwrecks occurred and many dead were recovered. Arrivals to Greece remain stable, although the constant flow congests the hotspots on the Greek islands.

On average, 200 people are stopped daily from entering Hungary from Serbia. Push-back incidents and excessive use of force are reported.

No new arrivals take place in Croatia, few are reported from Slovenia. Arrivals to Germany continue to decrease.

A boat carrying asylum seekers trying to reach Sweden from Denmark capsized.

Many migrants are returned on a daily basis from France to Italy. Some reports claim that Austria sent several asylum seekers to Italy although they neither registered there nor travelled through the country.

Fewer than 600 persons have been relocated from Italy and some 1,140 from Greece to other Member States during the past eight months.

Criminal proceedings

In Bulgaria, migrants are punished for irregular border crossings. Seventeen Iraqi and Syrian nationals, who were apprehended when crossing the border, receive a suspended prison sentence ranging from five to six months as well as a fine.

In Italy, a person objecting to boarding a return flight protests against unfair treatment and is charged with obstructing return and damaging property.

Initial registration and processing

Some 8,500 people who arrived on the Greek islands since 20 March remain there without prospects for a solution.

Excessive use of force during registration and identification is increasingly reported from hotspots in Italy.

Applicants for international protection in Milan, Italy, are pre-screened for eligibility by a self-administered form which, depending on the answers provided, may lead to immediate expulsion.

Judges in Italy express concern about the increasing backlog of appeals against negative asylum decisions.

Asylum seekers entering Hungary through Serbia are almost automatically rejected unless they require urgent medical treatment.

In Germany, Syrians are increasingly granted subsidiary protection rather than refugee status. In March, only some 500 Syrians received subsidiary protection, a number which then increased to over 13,000 in April. Following recent legislative changes, subsidiary protection status holders are barred from bringing their family members to Germany for two years.

Germany also faces a significant shortage of interpreters for the asylum procedure, with video interpretation rarely being used. Interpreters are not required to have any special qualifications other than fluency in the language they work in.

In Sweden, people withdrawing their asylum application and leaving the country outnumber those applying for asylum.

Swedish police hires more staff to carry out immigration controls inside the country.

Reception conditions

Due to decreasing arrivals, (initial) reception centres remain sparsely occupied in Bulgaria, Croatia and Slovenia.

The informal site in Idomeni, Greece, was peacefully evacuated on 24 May. Some of the facilities in northern Greece to which people were brought are in very poor condition.

In Italy, hotspot facilities in Pozzallo and Lampedusa are critically overcrowded, with poor health conditions in Pozzallo, including many cases of scabies, a contagious skin infection. A tuberculosis case is reported at a reception centre in Imperia. A judicial inquiry is launched against the contractor of a facility in Bari for illegal profit making. A reception centre in Ventimiglia has been closed to prevent crossings to France.

Italy adopts a 'Good Reception Charter' outlining basic principles such as small-size facilities, cooperation between municipalities and prefectures, and promoting sustainable integration.

Data indicate that upon arrival, migrants are generally in good health, which then significantly deteriorates due to their living conditions and poor access to healthcare.

Italy will provide new arrivals in Lampedusa and Trapani with a health card valid across the EU, which will facilitate the monitoring of migrants' health conditions. The German Medical Assembly favours a country-wide use of the electronic health card, which so far only some federal states provide to every migrant, irrespective of their legal status.

Transit zones in Hungary along the Serbian border are inadequate. Access is restricted to 20-30 persons, while more than 100 people wait at the fences. Before entering the transit zone, people may have been forced to wait for up to one month without shelter or any facilities in the open air.

Accommodation centres in Sweden report an increase in incidents of violence and assaults.

Reception centres in Bulgaria report a shortage of medical supplies. As in Italy, the infectious skin disease scabies remains a major health problem.

Child protection

Fewer children disappear from transit facilities in Greece, while children disappearing remains common in Sweden and Slovenia. Some children are reported to be exploited in prostitution in Sweden.

In Italy and Greece, many unaccompanied children continue to be accommodated in inadequate hotspot facilities for weeks pending their transfer to other facilities.

Identification of children and families takes a long time in transit zones in Hungary. Some unaccompanied children are left waiting outside the transit zones for days without any care or facilities.

United Nations International Children's Emergency Fund (UNICEF) and civil society criticised facilities for unaccompanied children in Slovenia and considered them unsuitable.

The German government and federal states' governments, as well as welfare organisations, discuss a reduction of child welfare services for unaccompanied children. Child welfare organisations, nevertheless, insist on uniform quality standards of childcare.

Legal, social and policy responses

Italy proposes identification at sea on board of vessels as 'floating hotspots', but civil society criticised the proposal for a lack of adequate procedural safeguards and for healthcare reasons.

Three out of four enterprises in Germany are involved in refugee aid since most businesses consider immigration as an opportunity for the German labour market, according to a recent Bertelsmann Foundation study.

In Germany, the draft Integration Act proposes deeming asylum requests inadmissible if a third country agrees to take back the person concerned, subsequently circumventing standards for considering a third country as safe.

Public and political debates in Germany increasingly discuss violence against Christians at reception centres despite a lack of reliable data and of similar attention to violence against Muslim refugees.

Germany and Sweden further extend the duration of border controls within the Schengen area, which also continue in Austria.

Sweden launches an 'effective return process' initiative aimed at accelerating asylum decisions and returns, increasing detention capacity and deploying increasing numbers of liaison officers to countries of return.

Hate speech

Attacks on reception centres in Germany increased fivefold in 2015 compared with 2014, according to police statistics. Violence against refugees further increased in the first quarter of 2016, despite the significant decrease in new arrivals.

Repeated incidents of hate speech against Muslim asylum seekers and homosexual asylum seekers occur in Umeå, Sweden.

Thematic focus: Gender-based violence

There is increasing evidence that gender-based violence is a major issue for migrant women and girls. A recent field assessment of risks for refugee and migrant women and girls identified instances of sexual and gender-based violence, including early and forced marriage, transactional sex, domestic violence, rape, sexual harassment and physical assault in the country of origin and during the journey to Europe. The United Nations Refugee Agency (UNHCR), United Nations Population Fund (UNFPA) and the Women's Refugee Commission (WRC) in Greece and the former Yugoslav Republic of Macedonia carried out this field assessment and published their initial report on [Protection risks for women and girls in the European refugee and migrant crisis Greece and the former Yugoslav Republic of Macedonia](#).

Sexual and gender-based violence is identified as both a reason why refugees and migrants are leaving countries of origin and first asylum, and a reality for women and girls along the refugee and migration route. The report concludes that *'as the response to the European refugee and migrant crisis is currently not able to prevent or respond to survivors of sexual and gender-based violence in any meaningful way'*.

The European Women's Lobby (EWL) also published a report indicating that *'women and girls fleeing conflicts and travelling to or settling in Europe are at higher risk of suffering from male violence'*. The report calls for gender-sensitive asylum policies and procedures to help women and girls to escape or denounce male violence and access to their full human rights.¹

Despite this evidence, there is an alarming lack of data at the national level on the extent of violence against women and girls who newly arrived or are in need of international protection. This lack of data may fuel the perception that violence against women is not a major feature of this crisis.

The findings of this thematic focus suggest that a number of factors contribute to women not being in a position to report abuse, including:

- a lack of information on how to report such incidents;
- a lack of effective procedures to identify cases;
- insufficient training of staff in charge of recognising gender-based violence.

These shortcomings result not only in an underestimation of this phenomenon but also prevent a coordinated and comprehensive response addressing victims' needs. In addition, as the UNHCR, UNFPA and WRC report underlines, women and girls are also vulnerable to gender-based violence at reception centres and other facilities once they arrive in the EU. While governments, humanitarian actors, EU institutions and agencies as well as civil society organisations make efforts to address these issues, FRA's findings indicate that far more could be done to prevent and address continuing abuses against women and girls.

¹ European Women's Lobby (EWL) (2016), [From conflict to peace? Women's voices - Recommendations on preventing and combating violence against refugee women and girls on the move](#), Brussels, EWL.

Occurrence of gender-based violence

Gender-based violence can occur in the context of conflict, during the migration journey, and in host EU Member States (for example, in reception and/or detention facilities).

In the current report, gender-based violence – focusing on women and girls' experiences of violence – is understood as encompassing physical, sexual and psychological violence, including threats of such acts, coercion or arbitrary deprivation of liberty. The violence relates to incidents that occur in either public or private places. It can therefore encompass violence by family members (intimate partner violence and domestic violence by different family members), and also forms of sexual harassment, alongside other forms of sexual violence, by different perpetrators.

This thematic focus examines gender-based violence in four areas:

- 1. Reporting and data collection**
- 2. Identification, referral of cases of gender-based violence and training**
- 3. Protection and prevention of gender-based violence**
- 4. Medical and legal support services**

Article 21 (1) of the Charter of Fundamental Rights of the European Union prohibits any discrimination based on, among others, sex and sexual orientation, and Article 23 provides for equality between men and women in all areas. Article 3 of the Charter sets out everyone's right 'to respect for his or her physical and mental integrity.'

The Reception Directive² establishes as a general principle that Member States should take into account the specific situation of victims of rape or other forms of psychological, physical or sexual violence when implementing all aspects covered by the directive. In Article 18(4), the directive also requires Member States to take measures '*to prevent assault and gender-based violence, including sexual assault and harassment, within the premises and accommodation centres*'.

Directive 2013/32/EU on granting and withdrawing international protection³ provides for the possibility of a separate examination of the asylum claim for victims of gender-based persecution, even if submitted on common grounds together with other members of their family. Furthermore, Article 15 establishes the requirement for interviewers to take into account personal and general circumstances, such as gender, during the personal interview.

² Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ 2013 L 180, Art. 21.

³ Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), OJ 2013 L 180, Art. 11 (3).

In a recent resolution,⁴ the European Parliament calls for new gender guidelines based on the situation of female refugees and asylum seekers in the EU. The European Commission has proposed⁵ that the EU ratifies the Istanbul Convention on preventing and combatting violence against women and domestic violence, which also covers violence in connection with migration and asylum (Chapter VII).⁶

Specifically, Articles 60 and 61 of the Istanbul Convention address the protection of refugee women against violence, as well as the application of the principle of non-*refoulement* to victims of gender-based violence. Given that all EU Member States have signed the convention, and some have now ratified it (as of June 2016), the convention provides a solid legal basis for addressing violence against women in its wide-ranging forms, including violence against women who may find themselves in particular situations of vulnerability.

Main findings

- Guidelines or procedures for **identifying** and dealing with victims of gender-based violence are in place or are being developed in almost half of the EU Member States reviewed. They are, however, not always considered effective. Cases of violence are often identified during health checks.
- In most Member States, **training** on identifying and dealing with victims of gender-based violence is either not provided or provided in a non-systematic way.
- **Protection** of newly arrived migrant women who may be vulnerable to and/or are victims of gender-based violence is addressed through a number of measures, including: separate accommodation at reception centres; access to special women's shelters for victims of gender-based violence; medical and psychosocial follow-ups and mechanisms for reporting cases of gender-based violence. Even though all nine Member States covered in this report seem to have one or more measures in place, only a few have procedures that address the response to gender-based violence in a comprehensive and coordinated manner.
- **Measures to prevent gender-based violence** include: awareness raising on gender-based violence at reception centres; infrastructure and housing measures (i.e. separate accommodation and separate sanitary facilities for men and women); inter-agency coordination on the issue; training of staff employed at reception centres; and availability of security measures (for example, security staff and cameras).
- None of the Member States were able to provide **data on reported incidents** of gender-based violence against women and girls who are newly arrived or in need of international protection.

⁴ European Parliament Resolution on the situation of women refugees and asylum seekers in the European Union (2015/2325(INI)), para 13.

⁵ See: http://europa.eu/rapid/press-release_IP-16-549_en.htm.

⁶ Council of Europe, Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), 2011.

- **Provision of information** on what gender-based violence is, how to report it and where to seek help is considered a major weakness in all Member States.
- **Victims themselves are reluctant to report to reception centre authorities or to the police.** In most Member States, authorities and other actors working at reception centres are taking various steps to facilitate and encourage reporting of violence – such as carrying out asylum interviews with women in private rooms with trained staff and interpreters of the same gender, and separated from the husband; information sessions (group or individual); provision of ‘women-only’ spaces, or provision of written information through leaflets or posters.
- Some countries report a lack of access to **legal support services** or adequate interpretation for victims of gender-based violence at reception centres.

Reporting and data collection

None of the Member States were able to provide any statistics on violence against women and girls who are newly arrived or in need of international protection. Anecdotal evidence shared by authorities and civil society refer to cases where women and girls were victims of sexual abuse or physical violence, by family members or strangers, in their home country, during the journey to Europe or in the reception facilities in the host country. Cases of trafficking in women, forced prostitution and forced marriages (also concerning girls) were reported as well. There are also anecdotal reports of violence by personnel at reception facilities⁷ or other related actors.⁸

In some Member States, media or non-governmental organisations (NGOs) have been reporting about violence against women at the reception centres. For example, in Sweden, a television programme has sparked a public discussion concerning a number of reports on gender-based violence in reception facilities, primarily focusing on sexual harassment and threats, but including incidents of sexual abuse where the alleged victim was 10 years old.⁹ Reports claim that the authorities of the Swedish Migration Agency failed to ensure the protection of girls and women due to a lack of intervention and some controversial public declarations, which questioned the reports about violence and the credibility of the

⁷ Germany, Welfare organisation, department of refugees and migration.

⁸ Italy, Information provided by the cooperative ‘Be Free’, interview given on 30 May 2016. See also: www.meltingpot.org/Milano-Violenza-nel-Cie-di-Via-Corelli-assolto-l-ispettore.html#.V06fpFfj7rY.

⁹ The Swedish Television Programme Cold Facts (*Kalla Fakta*), broadcast, 31 May 2016, available at: www.tv4play.se/program/kalla-fakta?video_id=3389752; the Swedish news programme Current Events (*Aktuellt*), broadcast, 30 May 2016, available at: www.svt.se/nyheter/inrikes/migrationsverkets-generaldirektor-vi-slapar-efter.

victims. As a result, the Swedish Migration Agency is reviewing the implementation of its policy and guidelines.¹⁰

An Amnesty International article reports that women staying in refugee camps in Greece are under a lot of pressure and continue to raise their fear of not feeling safe due to the mixed populations in the camps and the mixing, in some cases, of men and women in tents and lack of proper lighting at night.¹¹

The lack of statistics is due to a lack of systematic recording, a lack of centralised data collection systems and possible reluctance by public authorities to share information. Some reception centres collect information on incidents in their own database or registry. For example, in Croatia, the social workers in charge at the reception centres record incidents of violence in the databases of the reception centres and in the asylum department. In Austria, doctors working at the reception facilities have their own database where they also collect data on gender-based violence.¹²

In all Member States, in cases where incidents are reported to the police, the usual case recording would take place according to national standard procedures for gender-based violence cases. However, no disaggregation of data would be possible with regard to incidents occurring at the reception centres.

In Germany, some federal states like Berlin started to document the residence status of offenders in their statistics. Also, in order to assess the caseload of crimes against refugees, the factor 'against accommodation facilities' was included in the federal statistics.¹³

In addition, **a major challenge observed in all Member States is the apparent reluctance of victims themselves to report to reception centre authorities or the police.** The main causes of the low reporting rates are considered to be: the fear of what impact this could have on the asylum claim of the victim and on the perpetrator (especially in cases of domestic violence), the lack of information for the victim on her rights or where to report and seek help, fear of the perpetrator, stigma and cultural norms.

¹⁰ Sweden, Swedish Migration Agency. Mainly refers to: Sweden, 'Handbook: Migration cases' (*Handbok: Migrationsärenden*), available at: www.migrationsverket.se/download/18_5e83388f141c129ba63109a5/1445867195906/handbok_migration_sarenden.pdf.

¹¹ Greece, Amnesty International, 'Nowhere safe: Refugee women on the Greek islands live in constant fear', 7 June 2016.

¹² Austria, Frontline health care staff working at EAST Traiskirchen.

¹³ Germany, Response of the Berlin Senate to a minor interpellation (2016): <https://kleineanfragen.de/berlin/17/18257-kriminalitaet-gegen-und-von-fluechtlinge-n.txt>.

FRA survey on violence against women: under-reporting

The [EU-wide survey on violence against women](#) looks at experiences of physical, sexual and psychological violence among women in all 28 EU Member States. It is based on a random sample of women in the general population. The survey results help to contextualise this thematic focus' findings with respect to refugee women's and girls' experiences of violence.

FRA's survey, based on interviews with 42,000 women, shows that one in three women (33 %) has experienced physical and/or sexual violence since the age of 15.

The survey also shows that violence is systematically under-reported to the authorities. One-third of victims of partner violence (33 %) and one-quarter of victims of non-partner violence (26 %) contacted either the police or some other organisation, such as a victim support organisation, following the most serious incident of violence.

For about one-quarter of victims, feeling ashamed or embarrassed about what happened was the reason for not reporting the most serious incident of sexual violence by a partner or a non-partner to the police or any other organisation.

To facilitate the reporting of gender-based violence, in most Member States, authorities and other actors working at the reception centres are, to varying degrees, taking some form of action, such as carrying out asylum interviews with women in private rooms by trained staff and interpreters of the same gender and separated from the husband (where relevant); information sessions (group or individual); provision of 'women-only' spaces; or provision of written information through leaflets or posters.

For example, in Germany, the Guidelines of the Federal Agency for Migration and Refugees stipulate that in cases where it becomes evident that a female asylum seeker was exposed to violence, a specially trained female interviewer as well as a female interpreter should take over.¹⁴ The female asylum seeker can ask the interviewer to ensure that the husband does not gain knowledge about the content of the interview.¹⁵

The Office of Immigration and Nationality in Hungary provides an official of the same gender to conduct the whole asylum procedure in cases where there is a strong suspicion that the claimant is a victim of gender-based violence or sexual harassment (for example, there are signs of physical abuse or some signalling by the person concerned).

The use of unskilled interpreters, known to the victim or from the same country or cultural background, is also seen in several Members States as an obstacle to women reporting violence. A report in Bulgaria notes that the

¹⁴ Germany, Federal Agency for Refugees and Migration (2010), Instructions for exercising the asylum procedure (*Dienstanweisung Asylverfahren*), p. 192.

¹⁵ Germany, asylum lawyer interviewed in Berlin.

discussion of topics such as discrimination, violence, and sexual health are connected to the experiences and cultural background of the interpreter and they are often not accurately translated. Thus, the translated messages are not always correctly understood by the authorities or other actors.¹⁶

Authorities in Member States would generally consider the request of a woman to change the assigned interpreter; however, due to the large number of proceedings and the lack of trained or female interpreters, this may lead to significant time delays.

Other ways of facilitating complaints include the setting up of independent complaint mechanisms (set up independently of the authorities running the facilities) or complaint boxes at reception or detention centres.

For example, in the German state of North-Rhine-Westphalia, an independent complaint mechanism at reception centres is now considered mandatory.¹⁷ An evaluation of the first three months phase does not show any complaints about violence.¹⁸

In Hungary, the police established complaint boxes at all detention centres in 2011, where victims may anonymously report violence and harassment. The claims placed in the complaint boxes are only opened by the head of the detention centre or a designated staff member. The authorities rarely find complaints placed in these boxes and none have been registered in 2016.¹⁹ In Slovenia, according to the Rules on residing in the Centre for Foreigners, any person accommodated at the centre has the right to file a complaint for violation of rights with the head of the centre.²⁰

Provision of information on what gender-based violence is, how to report violence and where to seek help is considered a major weakness in all Member States. There are, however, a number of initiatives trying to address this. In Greece, for example, information on how to report, make a complaint and seek a possible remedy is made available through leaflets during the registration procedure – not for gender-based violence in particular, but for all vulnerable groups.²¹ In Hungary, as no leaflets are available, information is provided orally by social workers in the refugee camps to all new arrivals, and include available

¹⁶ Bulgaria, Tisheva, G. and Nikolova, A. (2015), Monitoring Report on Sexual and Gender-based Violence in the Context of International Protection in the Republic of Bulgaria in 2014, (*Мониторингов доклад за 2014 г. за сексуално и основано на пола насилие в контекста на международната закрила в Република България*), UNHCR, p. 19, available at: www.unhcr-centraleurope.org/assets/files/report-sgbv-final-final.pdf. For an executive summary in English, see: www.unhcr-centraleurope.org/assets/files/content/where_we_work/pdf_en/bulgaria/sgbv_executive_summary_2015.pdf.

¹⁷ Germany, see: www.landtag.nrw.de/portal/WWW/dokumentenarchiv/Dokument/MMV16-2644.pdf.

¹⁸ Germany, Refugee Council North-Rhine-Westphalia.

¹⁹ Hungary, National Police Headquarters.

²⁰ Slovenia, Article 39, Rules on residing in the Aliens Centre, depositing own financial resources and on the form and content of the card stating permission to remain in the Republic of Slovenia.

²¹ Greece, Reception and Identification Service.

counselling and protective measures for victims of gender-based violence and assurance of the confidentiality of any reports.²²

In Austria, the reception centre in Traiskirchen provides specific consultation hours regarding violence twice a week.²³ Some facilities in Germany provide spaces for women, where only women meet and are given general information about how things work in Germany, like health services and job training, but also information about women's rights and violence. Interpreters and child care are sometimes provided, so all women can take part.²⁴

Identification, referral of cases of gender-based violence and training

Identification and referral of victims of gender-based violence is the cornerstone for an effective response to this phenomenon. Identification is challenging because most women do not report violence due to fear, stigma and impunity for perpetrators. Once victims are identified, a clear referral system should be in place with legal, medical and psychosocial organisations, police, and other support services, working together to provide protection and support to victims.

In nearly half of the Member States reviewed, **guidelines or procedures for identifying and dealing with victims** of gender-based violence are in place or are being developed. For instance, in **Bulgaria**, standard operating procedures (SOPs) for identification and referral of cases of sexual and gender-based violence have been in place since 2007 and are currently being updated.²⁵ Any first signs of possible gender-based violence are already sought at the stage of registration of asylum seekers. However, such incidents rarely emerge at this stage. Therefore, social workers are present at the medical examination, which foreigners undergo immediately after registration, where there is more possibility for such traumas to be declared. Similarly, in **Slovenia**, at the Asylum Home (where asylum seekers are accommodated), an expert group for sexual violence and gender-based violence operates in accordance with the Agreement on standard operative procedures for preventing and addressing cases of sexual violence and gender-based violence.²⁶ In **Sweden**, according to the Migration Agency's management, staff at reception centres have the obligation to identify possible victims of gender-

²² Hungary, Office of Migration and Nationality.

²³ Austria, Frontline health care staff working at EAST Traiskirchen.

²⁴ Germany, for example facilities in Friedland: <http://caritasfriedland.de/frauenzentrum/>.

²⁵ Bulgaria, UNHCR (2007), Standard Operating Procedures for Prevention and Reaction in Cases of Sexual and Gender-Based Violence in the Republic of Bulgaria (*Стандартни оперативни процедури за предотвратяване и ответни действия при сексуално и свързано с пола насилие*), 22 November 2007, available at: www.airm-bg.org/SGBV.pdf.

²⁶ Slovenia, Agreement on standard operative procedures for preventing and reacting in cases of sexual violence and gender-based violence (*Sporazum o standardnih operativnih postopkih za preprečevanje in ukrepanje v primerih spolnega nasilja in nasilja po spolu*).

based violence in all phases of the process of applying for asylum,²⁷ following the indications provided in the Swedish Migration Agency's handbook on migration.²⁸ However, such procedures are not always considered effective. According to NGOs in Bulgaria, for example, people belonging to vulnerable groups are mainly identified by NGOs and volunteers working at the reception centres, particularly the social workers and social mediators of the Bulgarian Red Cross.²⁹

In **Germany**, some Federal States recently started to develop interview guides to identify vulnerable persons, including victims of gender-based violence at reception. In December 2015, the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth in cooperation with UNICEF International and the development bank KfW launched the 'Initiative to protect **children and women** in refugee accommodation centers'³⁰. It aims to improve protection from assault and gender-based violence where migrant children, young people and women are residing through the provision of increased human resources as well as raising awareness and providing training for staff already working there.

In a few Member States, including Croatia, Italy and Hungary, **no specific procedures to identify** victims of gender-based violence were reported, and such cases get addressed only when the person reports directly to the authorities. In some of these Member States, despite the lack of standard procedures to identify cases of gender-based violence, it was reported that identification of such cases may occur at the time of the medical check.

Only a few Member States (Bulgaria and Slovenia) have in place clear **standard operating procedures** which include **referral mechanisms for cases of victims of gender-based violence**. For example, in Bulgaria,³¹ according to the standard operating procedures, victims of gender-based violence can notify any person who they consider may be of help – for example, the police, NGOs, and community leaders – and these persons must refer the victim to authorities that can offer help. The referral system should be presented in the languages of the foreigners' communities and/or in a visual manner, and these presentations should be disseminated among the communities concerned. The standard operating procedures also prescribe means for coordination of the stakeholders involved.

²⁷ Sweden, Migration Agency; Sweden, Police.

²⁸ Sweden, Migration Agency, Handbook: Migration cases (*Handbok: Migrationsärenden*) available at: www.migrationsverket.se/download/18_5e83388f141c129ba63109a5/1445867195906/handbok_migration_sarenden.pdf.

²⁹ Bulgaria, Bulgarian Helsinki Committee (*Български хелзинкски комитет*) (2016), Annual monitoring report of the provision of international protection in Bulgaria (*Годишен доклад за наблюдение на производството за предоставяне на международна закрила в България*), Sofia, Bulgarian Helsinki Committee, p. 9.

³⁰ Germany, 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.

³¹ Bulgaria, UNHCR (2007), Standard Operating Procedures for Prevention and Reaction in Cases of Sexual and Gender-Based Violence in the Republic of Bulgaria (*Стандартни оперативни процедури за предотвратяване и ответни действия при сексуално и свързано с пола насилие*), p. 6, available at: www.airm-bg.org/SGBV.pdf.

Pilot project in Berlin to identify victims of gender-based violence at the registration phase

In Berlin, a pilot project is currently under preparation. The concept is that asylum seekers are interviewed by trained social workers at the registration office in order to identify vulnerability. The questions are based on the EASO tool and other existing guidelines. If women show signs of violence, they are supposed to be offered a facility only for women, access to specialised counselling and information about the possibility of being interviewed by a specialised interviewer in the asylum procedure. If the concept is accepted after the pilot phase, it will be implemented in reception facilities.³²

The Reception Directive³³ requires Member States to provide appropriate **training** to staff working with victims of rape or other serious acts of violence. In most Member States, training on identifying and dealing with victims of gender-based violence is either not provided or provided in a non-systematic way through ad hoc trainings and seminars.

In Italy, Croatia, Hungary, Slovenia and Sweden it was reported that staff is not trained to recognise and deal with gender-based violence. For example, in **Hungary**, the alien police receives regular intercultural trainings,³⁴ but no special training on how to identify and treat people who have suffered trauma,³⁵ including victims of gender-based violence. In **Sweden**, there are no requirements for special training on gender-based violence for staff working at the asylum accommodation centres.³⁶ NGOs occasionally organise this kind of training in some centres on their own initiative.³⁷ In Bulgaria³⁸ and Greece,³⁹ it was reported that staff at reception centres is trained to recognise and deal with victims of gender-based violence. In Austria and Germany, such trainings take place only at some centres. For example, in Austria, training for social workers on gender-based violence is carried out at federal reception centres, but not necessarily at provincial accommodation centres.

³² Germany, Berlin Senate Administration for Work, Integration and Women; Department of Policies of Women and Equality.

³³ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ L 180, Article 25.2.

³⁴ Hungary, National Police Headquarters.

³⁵ Hungary, Office of Migration and Nationality.

³⁶ Sweden, Migration Agency.

³⁷ Sweden, Save the Children; Sweden, Amnesty International; Sweden, the National Organisation for Women's Shelters and Young Women's Shelters in Sweden (ROKS)

³⁸ Bulgaria, State Agency for Refugees.

³⁹ Greece, Reception and Identification Service.

Pilot project using EASO tool

During autumn 2016, the Swedish Migration Agency is planning to carry out a pilot programme based on the EASO tool for identifying persons with special needs,⁴⁰ including persons who have been subjected to rape and other serious forms of psychological, physical or sexual violence. The pilot programme will be carried out in two parts, including one test unit and one reference unit for each part of the tool. The purpose of the test unit is to use the EASO tools, while the reference unit will use existing tools and guidance. The pilot programme will be evaluated through a questionnaire and workshops.⁴¹

Protection and prevention of gender-based violence

Article 18(4) of the Reception Directive⁴² obliges Member States to take measures for the prevention of assault and gender-based violence at reception and accommodation centres. In most Member States, protection of newly arrived migrant women who are vulnerable to violence and who are victims of gender-based violence is addressed through a number of measures, including: separate accommodation at reception centres; access to special women's shelters for victims of gender-based violence; appropriate medical and psychosocial follow-up, and mechanisms for reporting cases of gender-based violence. All Member States seem to have one or another measure in place, but only a few have comprehensive procedures addressing the response to gender-based violence in a more comprehensive and coordinated manner.

Separate accommodation in reception and accommodation facilities for women who are vulnerable to gender-based violence was mentioned in several Member States. At federal centres in Austria, during the reception interview with social workers, women are offered the possibility to have separate accommodation, irrespective of whether they are travelling alone, in company or with family, and irrespective of any suspicion of someone potentially being a victim of gender-based violence. Change of accommodation for women who indicate vulnerabilities is possible at any time.⁴³ At the reception center in Traiskirchen, newly arrived migrant women who mention problems with violence – including domestic violence - are accommodated in separate living quarters for women, where all social workers as well as security staff are women.⁴⁴ In **Greece**, where it was reported that different standards are in place, victims of, and persons

⁴⁰ EASO, *Tool for identification of persons with special needs*, available at: <https://ipsn.easo.europa.eu/>.

⁴¹ Sweden, Migration Agency.

⁴² Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ L 180.

⁴³ Austria, Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*).

⁴⁴ Austria, interview with frontline health care staff working at EAST Traiskirchen.

particularly vulnerable to, gender-based violence are placed in separated areas within the reception facilities and are monitored by the Reception and Identification Service's staff. In **Hungary**, a victim of gender-based violence may be separately accommodated from the others, if she so requests, or her individual circumstances (e.g. mental and physical condition) justify the separation.⁴⁵

Several Member States reported the possibility of referring victims of gender-based violence to specialised women's shelters, providing immediate and safe accommodation to female victims of violence and their children, such as Austria, Greece, Germany, Italy, Hungary and Sweden. In Greece, in case of need, persons who are particularly vulnerable to gender-based violence are transferred to special facilities. There are 21 available shelters for victims of sexual and gender-based violence in Greece.⁴⁶ Information on these mechanisms is available at registration and reception facilities. In Hungary, there is one special accommodation available for victims of sexual violence, torture or rape at the protected shelter in Kiskunhalas. In Sweden, the Swedish Migration Agency must offer safe housing for all persons who are victims of violence or threats of violence.

In some Member States, migrant victims of gender-based violence may have difficulty accessing women's shelters due to legal and administrative barriers. In Sweden, some women's shelters only accept victims referred by the social services. However, adult asylum applicants who are victims of gender-based violence are assisted by the Swedish Migration Agency, not by the social services.⁴⁷ For example, in the city of Gothenburg, there are only two crisis centres that accept female victims of gender-based violence without a referral from the social services.⁴⁸

Legal barriers were mentioned in Germany. According to German immigration law,⁴⁹ asylum seekers are required to live in a first reception facility for a period of up to six months and are subject to legal restrictions on their freedom of movement, i.e. they are not allowed to leave a certain territory – for example, a city – without permission from the competent authority. As a consequence, a woman who flees to a women's shelter without first obtaining permission from the authority may be found to commit an administrative offence. Women who ask the immigration authority to reassign them to a safe shelter may have to face a long waiting time. There is no standardised procedure in place for the authorities to follow in cases involving violence. The competent authorities are not set up to respond to the need to provide protection for women at short notice in such cases.

In a few Member States, a more comprehensive and coordinated set of measures to respond to gender-based violence is in place. In Bulgaria and Slovenia,

⁴⁵ Hungary, National Police Headquarters.

⁴⁶ Greece, interview with UNHCR.

⁴⁷ Sweden, Fridh law firm.

⁴⁸ *Ibid.*

⁴⁹ Germany, Section 47 (1) of the Asylum Procedure Act (*Asylgesetz*).

standard operating procedures specify a number of actions to be taken following identification of cases of gender-based violence. For example, in Slovenia,⁵⁰ at the Asylum Home (the centre where asylum seekers are accommodated), an expert group on sexual violence and gender-based violence operates in accordance with the Agreement on standard operative procedures for preventing and addressing cases of sexual violence and gender-based violence. When the expert group is notified of a case, the group prepares an expert plan to help the victim in each individual case. The expert plan includes an assessment of endangerment, a safety plan, the search for safe accommodation, legal assistance, psychotherapy, expert-psychosocial counselling, workshops for personal growth, leisure/pastime activities and individual help.

The **lack of adequate information** on measures addressing gender-based violence in reception and accommodation facilities was mentioned in several Member States. For example, in Austria, no specific information material on gender-based violence is available at the Traiskirchen reception centre, only the general information sheets about rights and duties of asylum seekers.⁵¹ In Sweden, where no authority has the specific responsibility of ensuring that such information is available, there is very limited information on protective mechanisms at the reception facilities, which is mainly provided by NGOs carrying out preventive work in relation to gender-based violence.

In a number of Member States, including Germany, Hungary, Slovenia and Greece, it was reported that gender-based violence has to be taken into account as a **possible obstacle to return a person**. For example, in **Germany**, according to law⁵², a foreigner may not be deported to a state in which his or her life or liberty is under threat on account of his or her race, religion, nationality, membership of a certain social group or political convictions. Women who suffered from gender-based violence may fall within the criterion 'social group'. In **Greece**⁵³ and **Slovenia**⁵⁴, the fact that a person has identified her/himself as being a victim of gender-based violence is taken into account as a possible obstacle to return the person concerned and her vulnerability to gender-based violence is also taken into account in such decisions. In **Hungary**, the police shares the information about potential victims of gender-based violence with the Office of Immigration and Nationality. The Office states that they always have an obligation to examine the inadmissibility of an asylum claim; however, it specifically takes violence into consideration when applying the safe third-country rule.⁵⁵

Measures to **prevent** gender-based violence include infrastructure and housing measures (i.e. separate accommodation for single women and other women

⁵⁰ Slovenia, Agreement on standard operative procedures for preventing and reacting in cases of sexual violence and gender-based violence (*Sporazum o standardnih operativnih postopkih za preprečevanje in ukrepanje v primerih spolnega nasilja in nasilja po spolu*).

⁵¹ Austria, Diakonie Austria (*Diakonie Österreich*).

⁵² Germany, Section 60 (1) of the Act on the Residence, Economic Activity and Integration of Foreigners in the Federal Territory the Prohibition of deportation (*Aufenthaltsgesetz*).

⁵³ Greece, Reception and Identification Service.

⁵⁴ Slovenia, Centre for Foreigners in Postojna (*Center za tujce Postojna*), Senior Police Inspector.

⁵⁵ Hungary, Office of Immigration and Nationality.

vulnerable to gender-based violence; separate sanitary facilities for men and women - toilets and bathroom facilities); awareness raising (i.e. community meetings on gender-based violence); inter-agency coordination (i.e. regular meetings attended by all relevant agencies and NGOs); training of staff employed at reception centres (see above); availability of security measures (e.g. security staff and cameras).

In most Member States, the principal mechanism for preventing gender-based violence is separate accommodation (as reported in Austria, Croatia, Germany, Hungary and Slovenia). For example, in Hungary, at the open reception centres, single women are accommodated in a separated accommodation space and families are separated from single men. The special accommodation has sanitary facilities, private spaces that are separated from those available for single men. In **Germany**, there are first reception facilities for vulnerable groups or only for women.⁵⁶ The main problem is the lack of binding and uniform standards. Federal state laws on reception conditions stipulate obligations on construction conditions – for example, how many square metres have to be provided per person. But they do not address the safety of women. This has been criticised without success on several occasions. Reports by women’s organisations revealed several problems, like sanitary facilities reachable only through unlit corridors, not separated for men and women and not lockable.⁵⁷

Information and awareness-raising sessions on gender-based violence are organised in a few Member States. As an illustration, in Austria, workshops on violence prevention and talks about experiences of violence are held twice a week at federal reception centres.⁵⁸ **Security measures** are also used; for example, in Hungary, the entrance and the corridor leading to sanitary facilities are equipped with cameras in all refugee camps. In Austria, there is always security and support staff present at federal reception centres.

Specific gaps in relation to prevention of gender-based violence were mentioned in Italy, Sweden and Slovenia. In **Italy**, preventive measures are often not in place. As for hotspots, the number of people reaching the Italian coast on a daily basis is so high (and constantly on the rise) that it is very difficult to sort them into women (and children) and men, and to guarantee suitable means of transport to transfer them from hotspots to reception centres; the practicalities of doing this with respect to families (containing both men and women) should also be noted.⁵⁹ In Sweden, detention facilities have separate female units, but there is no requirement for asylum accommodation centres to have private spaces or separate areas for women.⁶⁰ Save the Children and Amnesty International received reports

⁵⁶ More information available at: www.abendblatt.de/hamburg/article205992603/Hamburg-plant-spezielle-Unterkuenfte-nur-fuer-Frauen.html.

⁵⁷ Germany, see, for example, Women in Exile and Friends: www.women-in-exile.net/?p=3017.

⁵⁸ Austria, Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*).

⁵⁹ Italy, information provided by the IOM Mission in Rome (interview held on 25 May 2016).

⁶⁰ Sweden, Migration Agency.

from women staying at asylum accommodation centres indicating that they need separate toilets and shower facilities because they do not feel safe using these facilities alone, especially during evenings or night-time.⁶¹ The Swedish Health and Social Care Inspectorate observed that gender-based violence perspectives require more focus on the future.⁶²

Concerns were raised in some Member States regarding the security of unaccompanied girls. The Swedish Health and Social Care Inspectorate observed that no specific measures are in place to target unaccompanied girls at centres for unaccompanied children.⁶³ In **Slovenia**, the Legal Information Centre of NGOs pointed out that unaccompanied girls are not accommodated separately in the Asylum Home, but rather in the separate part for all unaccompanied youth.⁶⁴ The Slovenian Philanthropy also noted that it is very easy to go from one ward to another at the Asylum Home, increasing the risk of gender-based violence.⁶⁵

Only two Member States (Bulgaria and Sweden) have **specific procedures to identify and respond to children as victims of gender-based violence**. In Sweden, children who are victims of gender-based violence or perpetrators of such crimes must be referred to social services in the municipality that has the obligation to support and help the children.⁶⁶ However, as noted by Save the Children, there are challenges in addressing this problem because these issues are often considered difficult to talk about and are surrounded by fear and prejudice.⁶⁷ Bulgaria has standard operating procedures in place both for children as victims and perpetrators of gender-based violence.

Standard operating procedures addressing children as victims and perpetrators of gender-based violence in Bulgaria⁶⁸

In Bulgaria, the standard operational procedures have a special chapter on children as victims and perpetrators of gender-based violence. In every case involving a child victim, officers with knowledge about the psychosocial needs of children should be included. When a child victim is interviewed, members of the family should not be present because the violence may be committed by some of them. Parents/guardians, however, should be notified about the interview. Child victims should be informed about the options for receiving health, psychological and legal

⁶¹ Sweden, Save the Children; Sweden, Amnesty International.

⁶² Sweden, Health and Social Care Inspectorate.

⁶³ Sweden, Save the Children; Sweden, Amnesty International.

⁶⁴ Slovenia, Legal Information Centre of NGOs (*Pravnoinformacijski center nevladnih organizacij, PIC*).

⁶⁵ *Ibid.*

⁶⁶ Sweden, Act concerning Social Services (*Socialtjänstlagen*) (2001:453), chapter 5, paragraph 1-3, available at www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/socialtjanstlag-2001453_sfs-2001-453.

⁶⁷ Sweden, Save the Children.

⁶⁸ Bulgaria, UNHCR (2007), Standard Operating Procedures for Prevention and Reaction in Cases of Sexual and Gender-Based Violence in the Republic of Bulgaria (*Стандартни оперативни процедури за предотвратяване и ответни действия при сексуално и свързано с пола насилие*), p. 7, available at: www.airm-bg.org/SGBV.pdf.

help and protection, based on their right to take part in decisions affecting them. Child-friendly techniques should be used to encourage the children to share their views. In cases of child perpetrators of violence, the procedures also address children as perpetrators. They deem the use of custody as a measure of last resort and require providing special legal aid and protection against abuse for child perpetrators in custody. Hearings should be speedy, help for psychosocial rehabilitation should be provided and child perpetrators should be informed about procedural specifics and be aided in giving evidence.

In all other Member States (Austria⁶⁹, Germany, Greece⁷⁰, Croatia, Hungary, Italy and Slovenia⁷¹), no special procedures for child victims are foreseen. In Germany, the recently proposed initiative on prevention and protection against violence drafted by UNCEF and the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth includes recommendations that respond to the specific needs of children as victims of gender-based violence. However, the initiative has not yet been implemented.

Medical and legal support services

All selected Member States provide specialised services for women, generally outside the facilities. At the Traiskirchen centre in Austria, a gynaecologist is available within the facility.⁷² In most of the Member States, authorities pay attention to ensuring gender balance among health professionals working at reception centres. In Slovenia, where most of the medical staff and the translators at the centres are male, a female doctor and translator can be provided upon request.⁷³

Even though access to healthcare is sometimes provided under the same conditions as for nationals, there can be practical challenges in accessing health services. For example, in Germany, it has been observed that women lack information about existing services, experience administrative delays with insurance, lack interpreters, or cannot afford translation costs, which are not covered by the health insurance.⁷⁴ In Bulgaria, asylum seekers have difficulties registering with a General Practitioner (GP) due to a lack of interpreters. Reporting formalities that each GP has to comply with regarding his/her patients is another challenge. When asylum seekers leave the country, the GP cannot comply with

⁶⁹ Austria, Federal Ministry of the Interior, Department III/9 (*Bundesministerium für Inneres, Abteilung III/9 Grundversorgung und Bundesbetreuung*).

⁷⁰ Greece, Reception and Identification Service.

⁷¹ Slovenia, Centre for Foreigners in Postojna (*Center za tujce Postojna*), Senior Police Inspector.

⁷² Austria, interview with frontline healthcare staff working at EAST Traiskirchen.

⁷³ Slovenia, Slovenian Philanthropy (*Slovenska filantropija*).

⁷⁴ Germany, Welfare organisation, department of health.

these formalities and may be sanctioned.⁷⁵ For this reason, GPs sometimes refuse to treat asylum seekers.

With respect to specifically addressing gender-based violence, a few Member States use the initial health screening to identify victims. For example, questions concerning violence are always asked during the mandatory health screening in Hungary. In Sweden, a voluntary health screening includes both a medical examination and a health dialogue on the current health status.⁷⁶ This is conducted individually and the nurse asks about the situation in the country of origin, their travel route to Sweden, family background and health history. If, during the conversation on health status, there are signs that the patients are suffering psychiatric stress or are victims of violence, they are referred to a counsellor or a midwife.⁷⁷

The Reception Directive⁷⁸ requires Member States to provide access to appropriate medical and psychological treatment or care for persons who have been subjected to rape or other serious acts of violence. **Providing healthcare assistance and psychosocial support to migrant women who are victims of gender-based violence** was mentioned in several Member States. In **Croatia**, when cases of gender-based violence are reported to the police, psychosocial help and support is provided at the reception centre.⁷⁹ In **Hungary**, a victim of gender-based violence is entitled to proper medical assistance. In **Austria**, if issues concerning gender-based violence emerge at the Traiskirchen reception centre, three different courses of action reportedly take place, depending on the gravity of the issue. If acute measures are necessary, female victims of gender-based violence are brought to the psychiatric ward of the hospital in Baden, and child victims are brought to the specialised ward in Hinterbrühl. In less acute situations, the possibility to schedule a separate appointment with a psychologist is offered. If the migrant women mention problems that are not acute, they receive an information sheet and may schedule a separate appointment with a psychologist on the same day.⁸⁰

⁷⁵ Bulgaria, State Agency for Refugees.

⁷⁶ Sweden, National Board of Health and Welfare, National Board of Health and Welfare's regulations and general advice concerning the health screenings of asylum seekers and others (*Socialstyrelsens föreskrifter och allmänna råd om hälsoundersökning av asylsökande m.fl. (SOSFS 2011:11)*), available at: www.socialstyrelsen.se/sosfs/2011-11.

⁷⁷ Sweden, Health Centre in Boden, County council of Norrbotten.

⁷⁸ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast), OJ L 180, article 25.1.

⁷⁹ Croatia, Ministry of Interior (*Ministarstvo unutarnjih poslova*), email received on 4 June 2016.

⁸⁰ Austria, frontline healthcare staff working at EAST Traiskirchen.

Improving the provision of healthcare for victims of gender-based violence at pre-removal centres (Rome, Italy)

At the CIE (*Centro di identificazione e espulsione*) pre-removal centre in Rome, a protocol has recently been approved that aims to establish a cooperation system between the CIE management and the local healthcare assistance service.⁸¹ This protocol allows specialised doctors to have access to the centre.

Some countries report a lack of access to **legal support services** at reception centres. In Hungary, there are reports that in some cases the authorities make it difficult to establish contact with claimants, especially if the claim was rejected and the claimant is waiting for deportation.⁸² In Germany, whether legal staff has access to reception centres depends on the decision of the operator of the facilities. Lawyers from several federal states have reported that they were denied access in the past. In these situations, operators referred to the possibility of making an appointment outside the facilities.⁸³

In cases of **gender-based violence, Member States do not provide specialised legal support services, but refer cases to women's organisations working with victims of gender-based violence.** According to the Legal Information Centre in Slovenia, victims rarely file a complaint, let alone a lawsuit.⁸⁴ In Austria, families are usually provided legal counselling together. However, if a woman is particularly quiet in a counselling session, the counsellors try to speak with her alone.⁸⁵

Whenever possible, Member States try to provide legal support to women in terms of female lawyers and female translators, such as in Austria⁸⁶, Croatia⁸⁷ and Sweden.⁸⁸ In practice, many Member States face challenges with the availability of translators and lawyers; thus, requests for female lawyers and translators cannot always be accommodated.

⁸¹ Italy, information provided by the cooperative 'Be Free', interview given on 30 May 2016.

⁸² Hungary, UNHCR.

⁸³ Germany, asylum lawyer, Berlin.

⁸⁴ Slovenia, Centre for Foreigners in Postojna (*Center za tujce Postojna*), Senior Police Inspector.

⁸⁵ Austria, Association Human Rights Austria.

⁸⁶ *Ibid.*

⁸⁷ Croatia, Law on International and Temporary Protection (Official Gazette 70/15), Article 14/3.

⁸⁸ Sweden, Swedish Migration Agency.

1. Austria

1.1. Stakeholders contacted

The interviews were conducted by phone and email with the following stakeholders:⁸⁹

- Caritas Styria (*Caritas Steiermark*);
- Federal Ministry of the Interior/Department II/2, Operational Affairs (*Bundesministerium für Inneres/Abteilung II/2 Einsatzangelegenheiten*);
- Red Cross Austria (*Rotes Kreuz Österreich*);
- Anti-Discrimination Bureau Styria (*Antidiskriminierungsstelle Steiermark*);
- Caritas Austria (*Caritas Österreich*);
- 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*).

1.2. Overview of the situation

The Balkan route remains closed.⁹⁰ Nevertheless, the Federal Ministry of the Interior/Department II/2, Operational Affairs, reports that some 4,600 people arrived in Austria between 1 May and 28 May. In the same period, some 3,300 people applied for asylum. The top seven countries of origin were Afghanistan, Syria, Iraq, Iran, Pakistan, Somalia, and Nigeria.⁹¹ A different interviewee reported that the top three countries of origin were Afghanistan, Syria and Pakistan.⁹²

UNHCR estimates that some 2,500 people arrived in Austria between 1 May and 15 May 2016.⁹³

⁸⁹ The Worker's Samaritan Federation was contacted as well, but could not provide relevant information for this reporting period.

⁹⁰ Caritas Styria.

⁹¹ Federal Ministry of the Interior/Department II/2, Operational Affairs.

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

⁹³ UNHCR, Daily Estimated Arrivals per Country - Flows through Western Balkans Route, available at: <http://data.unhcr.org/mediterranean/documents.php?page=1&view=grid.%2017%20May%202016>.

1.3. Criminal proceedings against migrants and people helping them

1.3.1 Criminal proceedings initiated against migrants and asylum seekers

None.⁹⁴

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

Nothing new to report. Yet, 11 criminal proceedings against smugglers were initiated between 1 May and 18 May. By 30 May 2016, the total number of criminal proceedings against smugglers in 2016 was 100.⁹⁵

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 average duration of an asylum procedure in the first instance for Syrian nationals is around six to eight months in Styria.⁹⁶ As already reported in the previous reporting period, a new office of the asylum authority opened in Graz recently, which will help to speed up asylum procedures.⁹⁷

1.4.3 Return procedure

Currently, there are around 20 persons in detention pending removal in Vordernberg. They are mainly Dublin cases.⁹⁸

⁹⁴ Federal Ministry of the Interior/Department II/2, Operational Affairs.

⁹⁵ *Ibid.*

⁹⁶ Caritas Styria.

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

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

1.5.1 Reception conditions and capacity

At the moment, there are places for all groups of people arriving (men travelling alone, families, persons with disabilities, etc.). Across Austria, the number of beds has increased significantly during the last months. No new facilities were opened or closed in May.⁹⁹

There is a relaxation due to the smaller number of new arrivals. The number decreased compared to 2015, however, there are still more people coming compared to the same reference periods in the previous years.¹⁰⁰

With less people arriving, the province of Styria is now able to focus more on quality assurance of its housing arrangements. Around 12,000 people are currently in provincial basic care in Styria.¹⁰¹ The distribution centre in Fehring will be closed down during the coming weeks or months and a new reception centre is planned to open up in Graz-Puntigam. No further details on these plans could be provided by the interviewee.¹⁰²

The Red Cross runs provincial basic care accommodations in almost all provinces now. In Tyrol, the accommodation is solely for unaccompanied children; in Styria, accommodations are being established. In Carinthia, the Red Cross has not yet provided this kind of accommodation.¹⁰³ People live in small housing units, either single men together, or couples or families with children.¹⁰⁴ People are allowed to buy and cook food themselves, with the money provided by the basic care.¹⁰⁵ German courses are frequently provided in these living quarters by volunteers.¹⁰⁶

1.5.2 Vulnerable persons

Nothing new to report.

⁹⁹ Federal Ministry of the Interior, Department III/9.

¹⁰⁰ Federal Ministry of the Interior/Department II/2, Operational Affairs.

¹⁰¹ Caritas Styria.

¹⁰² *Ibid.*

¹⁰³ Red Cross Austria.

¹⁰⁴ *Ibid.*

¹⁰⁵ *Ibid.*

¹⁰⁶ *Ibid.*

1.5.3 Child protection

Austria sets high standards for the accommodation of children, which it intends to maintain.¹⁰⁷ Age determination remains a challenge. In cases of doubt and during the age determination procedure, people are treated as children.¹⁰⁸

Efforts are made so that children of compulsory school age are given the earliest possible access to schools.¹⁰⁹

In Styria, the number of accommodation facilities for unaccompanied children was significantly increased last year, with 600-700 places currently available.¹¹⁰ The standards are high since Caritas, the Provincial Refugee Unit (*Landesflüchtlingsreferat*) and the Child- and Youth Authority have a long-standing history of cooperation.¹¹¹

1.5.4 Healthcare

Asylum seekers are health insured and they have access to all health care institutions. Additionally, there are medical services in the accommodation and service centres, and regular visits by medical staff include doctors.¹¹²

Vaccination is recommended and offered to all asylum seekers. The offer may be accepted on a voluntary basis. After some shortage in availability in January, all vaccinations are available now.¹¹³

Accommodation centres in Graz and Upper-Austria are fully barrier-free accessible. Disabled, elderly people and people with health problems are accommodated there.¹¹⁴

1.5.5 Immigration detention

Nothing new to report.

1.6. Responses in law, policy and/or practice

The new amendments to the Asylum Act were published in the Federal Law Gazette. Restrictions regarding family reunification will apply from 1 June 2016.¹¹⁵

¹⁰⁷ Federal Ministry of the Interior/Department II/2, Operational Affairs.

¹⁰⁸ Federal Ministry of the Interior, Department III/9.

¹⁰⁹ Red Cross Austria.

¹¹⁰ Caritas Styria.

¹¹¹ *Ibid.*

¹¹² Federal Ministry of the Interior, Department III/9.

¹¹³ *Ibid.*

¹¹⁴ Federal Ministry of the Interior, Department III/9.

¹¹⁵ Red Cross Austria.

The so-called 'right to issue emergency decrees' (*'Notverordnungsrecht'*) is now applicable in principle.¹¹⁶

In Styria, the Basic Care Act will be amended. Caritas was not invited for the evaluation procedure but still submitted its comments on the draft.¹¹⁷ UNHCR also provided critical comments on the draft law.¹¹⁸ The new law on provincial basic care implements Directive 2013/33/EU in Styria.

1.7. Social response to the situation

Politicians have signalled through border controls and measures in the Western Balkan that they are intensively dealing with the issue, which has reassured the population.¹¹⁹

The Red Cross reports that volunteers are continuously willing to help, for instance, in the provincial basic care accommodations run by the Red Cross.¹²⁰

Negative Facebook posts are repeatedly received by the Red Cross.¹²¹

The situation is relatively calm.¹²² The previously installed 'asylum hotline' was discontinued, as there was no longer a sufficient need for a specialised hotline (which was used for offers of donations, offers of housing quarters, questions regarding the refugee situation, and complaints).¹²³

The Federal Agency for State Protection and Counter Terrorism (*Bundesamt für Verfassungsschutz und Terrorismusbekämpfung, BVT*) reported the following incidents¹²⁴:

5 May, Graz (Styria): Members of Social Center for All unfold a banner from a rooftop with the statement 'You say the boat is filled to capacity, but houses are empty!' (*'Von wegen das Boot ist voll, die Häuser stehen leer!'*). There were no incidents.

7 May, Brenner (Tyrol/Italy): Demonstration 'Against borders, against fences' (*'Gegen Grenzen, gegen Zäune'*), mainly on Italian territory. There were 200 participants, mostly members of the Black Block. Eighteen Italian police officers were injured and one police car was set on fire. Thirteen people were arrested (including two Austrian nationals).

¹¹⁶ *Ibid.*

¹¹⁷ Caritas Styria.

¹¹⁸ UNHCR - Analyse des Entwurfs für ein Steiermärkisches Grundversorgungsgesetz, 23 May 2016, available at: www.unhcr.at/fileadmin/rechtsinfos/fluechtlingsrecht/4_oesterreich/4_2_asyl_positionen/4_2_4_positionen_ab_2011/FR_AUS_Positionen_2016-Stmk_GVG.pdf.

¹¹⁹ Federal Ministry of the Interior/Department II/2, Operational Affairs.

¹²⁰ Red Cross Austria.

¹²¹ *Ibid.*

¹²² Caritas Styria.

¹²³ *Ibid.*

¹²⁴ Federal Agency for State Protection and Counter Terrorism.

8 May, Leoben (Styria): The Leoben branch of *Identitäre Bewegung Österreich* (IBÖ) launched a poster campaign in and around Leoben. Posters with the statement 'Stop Asylum-madness' ('Asylwahn stoppen') were hanged on different bridges.

9 May, Carinthia: A banner with the word 'Asylum-madness' was hanged on a bridge over the federal highway B100.

13 May, Voitsberg (Styria): A banner with the statement 'Stop the Asylum-madness' ('*Stop den Asylwahn*') was hanged over an underground passage. It is assumed that the IGÖ was behind it, since their website-address was on the poster.

28 May, Graz (Styria): There was a PEGIDA demonstration with the slogan 'Patriotic Europeans against the islamisation of the occident' ('*Patriotische Europäer gegen die Islamisierung des Abendlandes*') and a counterdemonstration, 'Refugees are welcome'. No major incidents.

28 May, Villach (Carinthia): Demonstration against 'Islamisation', 'Influx of asylum seekers' and the Federal Government with 25 participants. A counterdemonstration also took place. No incidents.

5 June, Altenfelden (Upper Austria): A cross-party event for solidarity against the arson attack on the planned accommodation for asylum seekers on 1 June (see below).

1.8. Hate crime incidents

The following hate crime incidents were reported for May 2016¹²⁵:

11 May, Görtschach (Carinthia): Unknown perpetrators punctured the tires of a car parked in front of an accommodation for asylum seekers. The car belongs to a pedagogue who was working in the facility.

12 May, Imst (Tyrol): An unknown perpetrator entered an accommodation for asylum seekers and threatened that he would get a weapon and 'shoot the dogs dead' (the asylum seekers).

17 May 00:45, Mistelbach (Lower Austria): Two people threw two firecrackers in the direction of an accommodation for asylum seekers, which caused a strong explosion and smoke.

20 May, Burgenland: A 25-year-old Austrian damaged three doors at an accommodation for asylum seekers. An alcohol test showed 3.4 alcohol level.

23 May, Herzogenburg (Lower Austria): Fire in a room in an accommodation for asylum seekers. It is assumed that the fire was caused by a source of ignition coming from the outside.

The night of 25-26 May, Maria Enzersdorf (Lower Austria): Numerous cases of property damage by graffiti representing swastikas, 'NSDAP' and 'gassing'.

¹²⁵ Federal Agency for State Protection and Counter Terrorism.

26 May, Ansfelden (Upper Austria): A person threatened asylum seekers in their accommodation. The perpetrator's house was searched, and weapon, ammunition and NS-material were found. The person was arrested.

1 June, Altenfelden (Upper Austria): A planned accommodation for asylum seekers was set on fire and was destroyed. It is assumed that it was an arson attack.

5 June: Cross-party event for solidarity.

The Anti-Discrimination Bureau Styria received reports on four racist graffiti, three hate crimes, including physical attacks, and seven racist insults.¹²⁶

¹²⁶ Anti-Discrimination Bureau Styria.

2. Bulgaria

2.1. Stakeholders contacted

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

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

2.2. Overview of the situation

In May 2016, a total of 928 people were apprehended at the border and within the territory of the country. Around 500 new arrivals were apprehended at the border, while almost 390 persons were apprehended within the territory of the country and about 900 persons were apprehended at the border while trying to leave the country (447 persons registered in the automated fingerprint identification system and 442 without registration).

The majority of the new arrivals apprehended at the border were from Afghanistan (more than 70 %), Syria, Iraq and Pakistan. The majority of those apprehended while trying to leave the country were also from Afghanistan (more than 65 %), Pakistan, Iraq and Syria. New arrivals were apprehended both at the green border (around 400 people) and at border check points (almost 70 people). The majority of new arrivals crossed the border with Turkey (almost 450 people), but there were also some who came from Greece (almost 50 people). People trying to leave the country were apprehended primarily at the green border (946 people) rather than at border check points (15 people).¹²⁷

¹²⁷ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 28 April 2016 to 8.00 CET on 2 June 2016.

Some 1,060 people applied for asylum, including 890 men (of them: 84 aged between 0 and 13 years, 146 aged between 14 and 17 years, some 580 aged between 18 and 34 years, 70 aged between 35 and 64 years, and two aged 65 years or older) and some 170 women and girls (of them: 55 aged between 0 and 13 years and 14 aged between 14 and 17 years). They were mainly from Afghanistan, Syria, Iraq and Pakistan.¹²⁸

Refugee status was granted to 61 applicants, 42 persons obtained humanitarian status and 66 asylum applications were rejected.¹²⁹

Out of 133 unaccompanied children who had been registered, 17 left the reception centres before the closing of their international protection proceedings.¹³⁰

2.3. Criminal proceedings against migrants and people helping them

2.3.1 Criminal proceedings initiated against migrants and asylum seekers

In the morning of 28 May 2016, Petrich border police detained 34 people of Iraqi and Syrian origin, who had crossed the country's green border near the village of Kulata in an irregular manner. The group included 13 children under 14 years of age and four children between 14 and 18 years of age. Fourteen of the 17 adults were sentenced to six months of imprisonment, and the other three were sentenced to five months of imprisonment. All sentences were suspended for three years. All 17 defendants were also fined BGN 100 (about €50) each.¹³¹

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

A 28-year-old man was sentenced to one year and eight months of imprisonment for illegally taking people through the state border. He also received a BGN 1,500 (about €750) fine. In September 2015, the man was caught driving a truck in which 146 people of Iraqi and Iranian origin were found, including children aged between three and 15 years.¹³²

¹²⁸ State Agency for Refugees.

¹²⁹ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 28 April 2016 to 8.00 CET on 2 June 2016.

¹³⁰ State Agency for Child Protection.

¹³¹ Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'Within three days the Regional Prosecutor's Office in Petrich closed the investigation and achieved 17 guilty sentences against 17 foreign citizens for illegal crossing of Bulgarian borders', Press release, 31 May 2016, available at: www.prb.bg/bg/news/aktualno/za-3-dni-rajonna-prokuratura-grpetrich-priklyuchi-/.

¹³² Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'Under an indictment of the Regional Prosecutor's Office in Svilengrad a driver was sentenced to one year and eight months of imprisonment

On a motion by the prosecutor, the court detained a man in custody, charged with illegally aiding foreigners to transit through the country. The man carried 21 foreigners in his vehicle, among whom 18 were of Afghan origin and three of Pakistani origin.¹³³

On 15 May 2016, the Specialised Criminal Court (SCC) (*Специализиран наказателен съд*, CHC) detained in custody five members of a criminal group. In a house owned by the group's leader, the police found 30 migrants in an irregular situation, who were referred to the migration police authorities.¹³⁴

The court detained a man in custody from the town of Galabovo, who, for material benefit, used a motor vehicle to illegally aid 29 foreigners to transit through the country, 17 of whom were children.¹³⁵

Six persons were charged and detained in custody for taking a group of migrants through the country's border with Greece. On 26 April 2016, a minibus was stopped in which 22 Afghans were travelling, 13 of whom were under 16 years of age. The group had entered the country from Greece and intended to go to Germany.¹³⁶

The border police registered a number of cases where migrants tried to enter the country in an irregular manner. On 28 May 2016, two groups of more than 30 migrants each were apprehended at the border with Greece. On 30 May 2016, the border police at the Lesovo check point found 10 migrants with Afghan passports hidden in a Romanian truck. The next day, 10 more migrants of Syrian origin were found in another truck driven by a Turkish citizen.¹³⁷ On 18 May 2016, the police in Nova Zagora found 21 migrants from Syria, including three men, five women and 13 children, hidden in a wagon of a freight train, which had stopped at the local train station on its way from Turkey to Germany.¹³⁸

under a strict regime for illegally taking migrants through the border', Press release, 31 May 2016, available at: www.prb.bg/bg/news/aktualno/po-obvinitelen-akt-na-rajonna-prokuratura-svilen-1/.

133 Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'Upon a motion by the Regional Prosecutor's Office in Slivnitsa the court detained in custody a man charged with aiding foreigners to pass through the country in violation of the law', Press release, 20 May 2016, available at: www.prb.bg/bg/news/aktualno/po-vneseno-ot-rajonna-prokuratura-slivnica-iskan-1/.

134 Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'The Specialised Criminal Court confirmed the detention of the five participants of the usury, racketeering and smuggling group', Press release, 16 May 2016, available at: www.prb.bg/bg/news/aktualno/specializiraniyat-nakazatelen-sd-ostavi-v-aresta-1/.

135 Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'The court granted the motion of the Regional Prosecutor's Office in Vratsa and detained in custody a man illegally driving migrants through the territory of the country', Press release, 11 May 2016, available at: www.prb.bg/bg/news/aktualno/sdt-uvazhi-iskaneto-na-rajonna-prokuratura-vraca-1/.

136 Bulgaria, Prosecutor's Office of the Republic of Bulgaria (2016), 'Upon a motion of the Regional Prosecutor's Office in Zlatograd the court detained in custody six men for people smuggling', Press release, 10 May 2016, available at: www.prb.bg/bg/news/aktualno/po-iskane-na-rajonna-prokuratura-zlatograd-sdt-zad/.

137 Ministry of the Interior, Directorate General Border Police. For more information, see the press release of the Border Police Directorate at: www.nsgp.mvr.bg/News/news160531_01.htm.

138 Ministry of the Interior, Directorate General Criminal Police. For more information, see Vasileva, Sht. (2016), '21 illegal migrants, mostly children, were found in a freight train in Nova Zagora', *Bulgarian*

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

2.4.1 Registration and identification

Nothing new to report.

2.4.2 Asylum procedure

The previously reported problem with issuing identity papers to persons who have obtained refugee status remains unsolved. The problem is due to the high number of people, who have as their permanent address the reception centre in which they are hosted. The problem was brought to the attention of the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*) which, according to civil society sources, indicated that the problem was outside its competence.¹³⁹

There are also few cases, in which the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*) has been delaying the procedures for people who have appealed against the decision of rejecting their international protection applications. However, according to NGOs, this is not a practice, but rather an exception. The management of the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*) has been informed about these cases and is engaged in taking steps to resolve them.¹⁴⁰

2.4.3 Return procedure

During the reporting period, a total of 70 migrants were returned from Bulgaria. None of them was sent to another EU Member State under the Dublin Regulation.¹⁴¹

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

2.5.1 Reception conditions and capacity

As of 2 June 2016, there were some 1,000 asylum seekers accommodated at the reception centres of the State Agency of Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*). The majority were from Syria (around 400 persons),

National Radio, 18 May 2016, available at: <http://bnr.bg/post/100693603/nelegalni-migranti-sa-otkriti-vav-vagon-na-tovaren-vlak-v-nova-zagora>.

¹³⁹ Refugee Support Group.

¹⁴⁰ *Ibid.*

¹⁴¹ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 28 April 2016 to 8.00 CET on 2 June 2016.

Afghanistan (around 300 persons), Iraq (around 170 persons) and Pakistan (50 persons). The total capacity of all reception centres remained 5,130. During the reporting period, the occupancy rate ranged between 16 % and 20 %. There were also 571 asylum seekers who were accommodated at external addresses at their own expense.¹⁴²

During the reporting period, 1,491 people left the reception centres on their own will.¹⁴³

2.5.2 Vulnerable persons

Nothing new to report.

2.5.3 Child protection

Nothing new to report.

2.5.4 Healthcare

The Bulgarian Red Cross reports about shortage of medications at the medical offices at reception centres.¹⁴⁴ The State Agency of Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*) received a donation of medicines by Orient Bulgaria Foundation (*Фондация Ориент България*) and Refugee Support Group. The medicines corresponded to a list of necessary medications prepared by the agency. During the reporting period, there were no major shortages of medications and no newly registered serious diseases.¹⁴⁵ As in the previous months, the major health problem among newcomers continues to be scabies.¹⁴⁶

The Bulgarian Red Cross initiated a tuberculosis screening campaign at reception centres, trying to cover as many people as possible.¹⁴⁷

2.5.5 Immigration detention

As of 2 June 2016, there were 550 migrants accommodated at the pre-removal detention centres called special homes for temporary accommodation of foreigners of the Ministry of the Interior (MoI) (*Министерство на вътрешните работи, МВР*). The majority were from Afghanistan (291 persons), Syria (98 persons), Iraq (51 persons), Pakistan (32 persons) and Iran (13 persons). The total capacity of the

¹⁴² Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 28 April 2016 to 8.00 CET on 2 June 2016.

¹⁴³ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 28 April 2016 to 8.00 CET on 2 June 2016.

¹⁴⁴ Bulgarian Red Cross.

¹⁴⁵ Refugee Support Group.

¹⁴⁶ Bulgarian Red Cross.

¹⁴⁷ Bulgarian Red Cross.

special homes was restored to 940 persons after the construction work at one of the facilities was completed. During the reporting period, a total of 1,149 new arrivals were accommodated in the homes and 915 persons were transferred to the State Agency for Refugees (SAR) (*Държавна агенция за бежанците, ДАБ*). The occupancy rate ranged between 46 % and 71 %.¹⁴⁸

2.6. Responses in law, policy and/or practice

Bulgarian and Turkish interior ministers signed a protocol for the implementation of the EU-Turkey readmission agreement. Bulgaria is the first EU Member State that Turkey has signed such a document with. It is considered to be a decisive step in the good cooperation between the two countries and offers a practical framework and detailed procedures in the area.¹⁴⁹

At the end of April 2016, the Labour Migration and Labour Mobility Act (*Закон за трудовата миграция и трудовата мобилност*) was promulgated. It regulates access to the labour market for third country nationals, including freelancers.¹⁵⁰

2.7. Social response to the situation

NGOs and volunteers continued to deliver different activities and language education at the reception centres in Harmanli, Ovcha Kupel and Voenna Rampa.¹⁵¹

Caritas Bulgaria has initiated a series of activities aimed to present Bulgarian culture and language to those accommodated at the pre-removal detention centre (called special home for temporary accommodation of foreigners) in Busmantsi. The activities take place once a week for two hours with the possibility of increasing them to twice a week.¹⁵²

The Council of Refugee Women in Bulgaria (*Съвет на жените бежанки в България*) launched a campaign to collect crockery and cutlery for new arrivals.¹⁵³

2.8. Hate crime incidents

Nothing new to report.

¹⁴⁸ Ministry of the Interior, Directorate General Border Police. The statistics cover the period from 8.00 CET on 28 April 2016 to 8.00 CET on 2 June 2016.

¹⁴⁹ Bulgaria, Ministry of the Interior (2016), 'Bulgaria and Turkey signed a protocol for implementation of the EU-Turkey readmission agreement', Press release, 5 May 2016, available at: https://press.mvr.bg/NEWS/news160505_09.htm.

¹⁵⁰ Bulgaria, Labour Migration and Labour Mobility Act, 26 April 2016, available at: www.lex.bg/bg/laws/ldoc/2136803084.

¹⁵¹ Caritas Bulgaria and Refugee Support Group.

¹⁵² Caritas Bulgaria.

¹⁵³ For more information, see: www.ngobg.info/bg/campaigns/269-подари-старата-си-чашка-за-кафе-помогни-на-бежанец-да-устрои-живота.html.

3. Croatia

3.1. Stakeholders contacted

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

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

3.2. Overview of the situation

Since the closure of the Balkan route on 9 March 2016, there have been no new organised entries into Croatia.¹⁵⁴

At the end of May 2016, 170 people were accommodated at the Reception Centre for Applicants for International Protection in Zagreb (40 of them had been returned to Croatia via Dublin transfer), 55 people were accommodated at the reception centre for applicants for international protection in Kutina and 95 people at the detention centre in Ježevo. There were around 200 applicants for international protection.¹⁵⁵ The main countries of origin are Afghanistan, Iraq and Iran. Twenty percent of the applicants are children.¹⁵⁶

3.3. Criminal proceedings against migrants and people helping them

3.3.1 Criminal proceedings initiated against migrants and asylum seekers

Nothing new to report.

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

Nothing new to report.

¹⁵⁴ Croatia, Jesuit Refugee Service.

¹⁵⁵ *Ibid.*

¹⁵⁶ Croatia, Ministry of Interior.

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

3.4.1 Registration and identification

As there have been no new arrivals, no new registration or identification procedures have been undertaken.¹⁵⁷ Applicants for international protection who are older than 14 are informed about and fingerprinted for Eurodac. Workers at the reception centre are not police officers, so fingerprints are not taken by force.¹⁵⁸

3.4.2 Asylum procedure

All refugees have access to procedures. Non-accompanied children are appointed special guardians. Accelerated procedures were not used in May.¹⁵⁹ The applicants receive basic information about their rights and obligations within 15 days of their arrival at the reception centre. The information is provided orally and in writing, with the help of translators.¹⁶⁰

3.4.3 Return procedure

The *non-refoulement* principle is respected. However, when persons held in detention state their wish to be returned to their home country, they are deported there even if these countries are not safe (Iraq for example). Male irregular migrants are placed at detention centres. The authorities try to place families and vulnerable groups in alternatives to detention at the reception centre for applicants for international protection in Zagreb.¹⁶¹

When possible, the Ministry of Interior tries to avoid forced returns. If a migrant can afford to pay his or her own return ticket, they try to facilitate a voluntary return. In such cases, the police only escorts the person to the gate; the person then travels alone, and no notice is inscribed in their passport.¹⁶²

¹⁵⁷ Croatia, Welcome Initiative.

¹⁵⁸ Croatia, Ministry of Interior.

¹⁵⁹ Croatia, Welcome Initiative.

¹⁶⁰ Croatia, Ministry of Interior.

¹⁶¹ Croatia, Welcome Initiative.

¹⁶² *Ibid.*

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

3.5.1 Reception conditions and capacity

There have been no new arrivals. Applicants for international protection are accommodated at the reception centre for applicants for international protection in Zagreb. Many NGOs provide educational and creative activities at the facility. Accommodation and sanitary conditions at the facility are satisfactory. The Ministry of Interior plans to offer refugees a special dining schedule for Ramadan.¹⁶³

3.5.2 Vulnerable persons

Vulnerable persons and families who applied for international protection are usually accommodated at the reception centre for applicants for international protection in Kutina, a building intended for vulnerable groups. The Kutina reception centre offers fewer activities than the Zagreb reception centre, and applicants complain about inadequate sanitary conditions in the common toilet (both genders). Other than that, the applicants are satisfied with the facility and the staff. When the reception centre is full, some families are accommodated at the reception centre for applicants for international protection in Zagreb. Some vulnerable persons are accommodated at the reception centre for applicants for international protection in Zagreb if they are already undergoing psychotherapy or are receiving medical treatment.¹⁶⁴

3.5.3 Child protection

Unaccompanied children are appointed special guardians. Child friendly spaces exist at the reception centres. Organisations and volunteers organise educational activities with children.¹⁶⁵ When necessary, children are subjected to age assessment procedures.¹⁶⁶

3.5.4 Healthcare

Irregular migrants and applicants for international protection are, according to the Croatia Aliens Act and the Law on International and Temporary Protection, entitled only to emergency medical aid. At the reception centre in Kutina, there is one doctor who regularly examines the applicants. At the reception centre in Zagreb, a doctor visits the centre three times a week. However, due to the above

¹⁶³ Croatia, Welcome Initiative.

¹⁶⁴ *Ibid.*

¹⁶⁵ *Ibid.*

¹⁶⁶ Croatia, Ministry of Interior.

mentioned laws, only emergency aid is covered by the State, so NGOs and individuals provide financial or practical support in cases of non-urgent medical treatments. The reception centres' management and NGOs take extra care of pregnant women's medical conditions and mothers who have recently given birth, as well as their babies.¹⁶⁷

3.5.5 Immigration detention

A special section at the reception centre for applicants for international protection in Zagreb is designated as an alternative to detention. During the reporting period, a few persons who were subject to a return decision were accommodated there. More persons would have been placed there, but due to a lack of space, they were kept at the Ježevo detention centre instead.¹⁶⁸

The normal capacity of the Ježevo detention centre is 96 persons. If an irregular migrant applies for asylum while in detention, he or she is, in general, transferred to the reception centre for applicants for international protection within eight days. However, sometimes the procedure lasts much longer. If it is suspected that a person might attempt to escape, the person is held in detention for three additional months after applying for international protection, and then transferred to a reception centre for applicants for international protection. The authorities try to place families and vulnerable groups in alternatives to detention – namely the reception centre for applicants for international protection in Zagreb.¹⁶⁹

3.6. Responses in law, policy and/or practice

Nothing new to report.

3.7. Social response to the situation

Apart from regular activities carried out by volunteers from the few organisations dealing with migrants, there have been no demonstrations or similar activities.¹⁷⁰

3.8. Hate crime incidents

Nothing new to report.

¹⁶⁷ Croatia, Welcome Initiative.

¹⁶⁸ IOM Croatia.

¹⁶⁹ Croatia, Welcome Initiative.

¹⁷⁰ Croatia, Centre for Peace Studies.

4. Germany

4.1. Stakeholders contacted

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

- Federal Ministry of the Interior (*Bundesministerium des Inneren*);
- Federal Border Police (*Bundespolizei*);
- KOK - German NGO network against trafficking in human beings (*KOK – Bundesweiter Koordinierungskreis gegen Menschenhandel e.V.*);
- Jesuit Refugee Service (*Jesuiten Flüchtlingsdienst, JRS*);
- Pro Asyl;
- Caritas Germany (*Deutscher Caritasverband e.V.*);
- Jesuit Refugee Service (*Jesuiten-Flüchtlingsdienst*);
- Medoffice Berlin (*Medibüro Berlin*);
- Federal Association for Unaccompanied Minor Refugees (*Bundesfachverband Unbegleitete Minderjährige Flüchtlinge e.V.*);
- Der Paritätische Gesamtverband;
- Diakonie Deutschland;
- German Red Cross (*Deutsches Rotes Kreuz, DRK*);
- UNHCR Berlin.

4.2. Overview of the situation

Data on new arrivals in May are not available yet. The number of new registrations is decreasing further.¹⁷¹

In April 2016, nearly 16,000 newly arrived people in need of international protection were registered.¹⁷² Approximately 2,700 came from Syria, 2,000 from Afghanistan, 1,800 from Iraq and 1,000 from Iran.¹⁷³ Some 61,000 asylum applications were formally lodged (this concerns people who had been initially registered in the past months).

As a result of the agreement between the European Union and Turkey, Germany received 100 Syrians from Turkey in May. So far, 154 Syrians have arrived in Germany on the basis of this agreement.¹⁷⁴

¹⁷¹ Federal Ministry of the Interior, Press release, 9 May 2016, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/05/asylantraege-april-2016.html.

¹⁷² *Ibid.*

¹⁷³ *Ibid.*

¹⁷⁴ Katholischer Nachrichten Dienst, news update.

About 19,000 people entered Germany within the framework of organised admission programs for 20,000 Syrian refugees by the Federal Government, which date back to 2013 and 2014. On the basis of additional admission programs set up by the Länder, over 22,000 people were issued a visa.¹⁷⁵

4.3. Criminal proceedings against migrants and people helping them

4.3.1 Criminal proceedings initiated against migrants and asylum seekers

The Federal Border Police initiated around 5,400 criminal proceedings against migrants and asylum seekers for irregular border crossing in April 2016.¹⁷⁶ Additionally, Länder police forces initiated further criminal proceedings, which are not included in this number.

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

Since the reintroduction of the border controls in Germany, the Federal Border Police registered 975 people suspected of immigrant smuggling by 29 February 2016.¹⁷⁷

In April 2016, the Federal Border Police registered 100 smugglers. Moreover, Länder police forces registered additional suspects of smuggling.

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

4.4.1 Registration and identification

According to the Federal Office for Migration and Refugees (*Bundesamt für Migration und Flüchtlinge*, BAMF), the rollout of the integrated identity management provided for by 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 (Datenaustauschverbesserungsgesetz)*) of 2 February 2016 is to be fully implemented one month earlier than expected. For more information on the Act, please consult the monthly report covering April. In late May 2016, more than 1,200 registration stations were operating at the BAMF field posts and premises of the *Länder*. During the registration procedure,

¹⁷⁵ Bundestag, Minutes of plenary proceedings 18/169, 11 May 2016, available at: <http://dipbt.bundestag.de/dip21/btp/18/18169.pdf>.

¹⁷⁶ Federal Border Police.

¹⁷⁷ Bundestag, Minutes of plenary proceedings 18/163, 13 April 2016, available at: <http://dipbt.bundestag.de/dip21/btp/18/18163.pdf>.

biometric and biographic data are registered in the 'core data system' of the Central Register of Foreigners (*Ausländerzentralregister*) to avoid multiple registration. In addition, an 'arrival certificate' (*Ankunftsnachweis*) is issued.

The identification of potential victims of human trafficking among refugees is a great and so far unresolved challenge. Mechanisms to identify vulnerable groups are only implemented in some federal states' reception centres. These mechanisms do not reportedly give any special attention to human trafficking. In the framework of a project on the protection from violence against women and children, carried out by UNICEF in cooperation with the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth, some specialised counselling centres against human trafficking are provided with resources to develop ideas about how to identify and gain access to potential victims of trafficking.

It must be taken into account that the funding is temporary and not country-wide. Furthermore, the main focus is on identifying victims of trafficking for the purpose of sexual exploitation, and not labour exploitation.¹⁷⁸

According to a response to a minor interpellation on checks of asylum seekers' documents aimed at assessing the approximate share of falsified or forged documents, only 412 of a total of 98,471 checked documents were rejected in the first quarter of 2016, for example due to forgery or falsification. The number of asylum seekers trying to obtain a legal protection status in Germany by using falsified documents is fairly low.¹⁷⁹

4.4.2 Asylum procedure

According to the Federal Ministry of the Interior, there were about 432,000 pending asylum procedures in April 2016.¹⁸⁰ The first personal interviews by the BAMF have only taken place in 44,000 pending proceedings. The Federal Office for Migration and Refugees announced their aim of completing all pending asylum procedures in 2016 that were initiated in 2015 as well as asylum procedures of all persons who arrived in Germany in 2015 and who have not been able to apply for asylum yet.¹⁸¹

According to a response to a minor interpellation, the average length of an asylum procedure was six months in the first quarter of 2016. However, the length of the asylum procedure differs widely according to the asylum seekers' countries of origin. Asylum seekers from safe countries of origin and from countries with a good perspective of staying in Germany go through the asylum procedure quite fast due

¹⁷⁸ KOK – German NGO network against trafficking in human beings.

¹⁷⁹ Federal Government, response to a minor interpellation, available at: <http://dipbt.bundestag.de/dip21/btd/18/084/1808450.pdf>.

¹⁸⁰ Federal Ministry of the Interior, Press release, 9 May 2016, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/05/asylantraege-april-2016.html.

¹⁸¹ Federal Government, response to a minor interpellation, available at: <http://dipbt.bundestag.de/dip21/btd/18/082/1808204.pdf>.

to accelerated procedures, while asylum seekers from Afghanistan (15 months), Eritrea (about 12 months), Iran (about 18 months) and Pakistan (about 19 months) are affected by the long duration of the asylum procedures. On 31 March 2016, some 96,700 asylum seekers waited more than a year for the decision regarding their asylum request. Some 28,500 asylum seekers waited for more than two years and 3,800 for more than three years.¹⁸² The long duration has also consequences for family reunification, which can only be initiated once a person is recognised as a refugee.

In the first quarter of 2016, 71 % of the asylum requests reviewed by the Federal Office for Migration and Refugees were successful and led to a legal protection status (asylum under Article 16a of the German Basic Law, recognition as a refugee § 3 of the Asylum Procedure Law, subsidiary protection § 4 of the Asylum Procedure Law, deportation ban). For example, 100 % of the people from Syria were protected and around 64 % from Afghanistan.¹⁸³ In contrast, most asylum seekers from safe countries of origin do not have any perspective of staying in Germany. The rate of successful asylum requests, excluding asylum seekers from safe countries of origin, amounts to nearly 92 %.¹⁸⁴

Following a legislative change brought into force in March 2016 (asylum package II), the Federal Ministry of the Interior instructed the Federal Office for Migration and Refugees that a personal hearing is required in all asylum procedures. Written asylum proceedings for asylum seekers from Syria, Iraq and Eritrea are no longer possible. One reason behind this is that written asylum proceedings can only lead to the recognition as a refugee, not to subsidiary protection. The amendment by the asylum package II prohibits family reunion for two years for people granted subsidiary protection.¹⁸⁵ The number of Syrian asylum seekers receiving only subsidiary protection increased considerably in April. In March, only 534 Syrians received subsidiary protection, while 13,440 Syrians received subsidiary protection in April.¹⁸⁶ They constituted 16 % of all Syrian asylum seekers in that time period.¹⁸⁷

According to a response to a minor interpellation, there is a lack of qualified interpreters during asylum procedures, especially for Arabic, Kurdish, Persian, Pashto and Tigrinya. At the end of April, 3,101 interpreters were available. In relation to the pending asylum procedures, it meant one interpreter per 117 asylum requests. Video interpretation is rarely used. Furthermore, the only qualification required by the Federal Office for Migration and Refugees seems to

182 Federal Government, response to a minor interpellation, available at: <http://dipbt.bundestag.de/dip21/btd/18/084/1808450.pdf>.

183 Federal Government, response to a minor interpellation, available at: <http://dipbt.bundestag.de/dip21/btd/18/084/1808450.pdf>.

184 *Ibid.*

185 *Ibid.*

186 Federal Ministry of the Interior, Press release, 9 May 2016, available at: www.bmi.bund.de/SharedDocs/Pressemitteilungen/DE/2016/05/asylantraege-april-2016.html.

187 Pro Asyl.

be the ability to speak another language than German fluently. A special professional qualification is not required.¹⁸⁸ NGOs criticise the lack of requirements and the low payment.¹⁸⁹

4.4.3 Return procedure

Of the asylum seekers whose asylum requests were refused in 2014 or 2015, 51 % returned to their home countries before 1 January 2016. Return means deportation and voluntary departure supported by the state. In 2015, around 19,700 refugees were deported by air, 1,150 by land transportation and 26 by sea.¹⁹⁰ The rate of returned asylum seekers differs between the Länder. For example, Hesse has a high rate (68 %) compared to Baden-Württemberg (46 %). Also, the proportion between deportation and voluntary departure differs between the Länder: Brandenburg (54 %) and Thuringia (53 %) have high numbers of voluntary departures and low numbers of deportations.¹⁹¹

In Munich, an office for reintegration supports the voluntary departure of denied, tolerated and recognised refugees, especially from Afghanistan. In contrast to other voluntary return programmes which only organise the departure, including the cost coverage for the journey and a lump sum for start-up aid, this office also provides personal support for a business start-up in the countries of origin. For example, they brought together a refugee with one of his Iraqi relatives to open a computer equipment store in Iraq. However, the financial support for the business start-up is limited to people living in Germany for more than one year. Berlin and Lower Saxony want to follow this example.¹⁹²

In Berlin, 613 deportations took place between 1 January and the end of April, whereas only 261 deportations took place in the same period in 2015.¹⁹³

¹⁸⁸ Federal Government, response to a minor interpellation, available at: <http://dipbt.bundestag.de/dip21/btd/18/085/1808509.pdf>.

¹⁸⁹ Pro Asyl, Press release, 20 May 2016, available at: www.proasyl.de/pressemitteilung/schlecht-bezahlt-keine-fortbildung-keine-kontrolle-dolmetscher-beim-bamf/.

¹⁹⁰ Federal Government, response to a minor interpellation, available at: <http://dipbt.bundestag.de/dip21/btd/18/075/1807588.pdf>.

¹⁹¹ Federal Government, response to a minor interpellation, available at: <http://dipbt.bundestag.de/dip21/btd/18/084/1808450.pdf>.

¹⁹² More information available at: www.taz.de/Buero-fuer-Reintegration/!5301921/.

¹⁹³ Senate Administration for Health and Social Issues, available at: www.berlin.de/sen/gessoz/presse/pressemitteilungen/2016/pressemitteilung.475177.php.

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

4.5.1 Reception conditions and capacity

Due to the decrease of new arrivals and the implementation of integrated procedures at the so-called arrival centres (see April report), the accommodation situation improved in several Länder. The initial reception centres were partly empty.¹⁹⁴

4.5.2 Vulnerable persons

In recent weeks, violence against Christian refugees at reception centres became a topic of public and political discussion. On the one hand, policy driven rather than evidence-based publications tried to establish that religiously motivated violence against Christians at reception centres is widespread.¹⁹⁵ On the other hand, reliable information about cases of discrimination and violence against Christians reported by reception centres came to light. However, reliable data on the prevalence of religiously motivated violence against Christians is not available.¹⁹⁶ Furthermore, the issue of discrimination and violence against Muslim refugees by staff at reception centres is not addressed in an equal manner.

4.5.3 Child protection

The high cost of child and youth welfare services for unaccompanied child refugees is being discussed between the federal government, the Länder governments and the municipalities.¹⁹⁷ Municipalities argue they spent around €2.7 billion on unaccompanied refugee children in 2016 already. The German Association of Towns and Municipalities therefore calls for a reduction of welfare services for unaccompanied children and a focus on German lessons and access to school and

¹⁹⁴ Caritas.

¹⁹⁵ The Christian organisation 'Open Doors' published a study about 'Religiously motivated violence against Christian refugees in Germany'. 'Open Doors' documents 231 cases of discrimination and violence against Christians, and so they assume there is a systematic persecution of Christian refugees. Available at: www.opendoors.de/downloads/Berichte/Open_Doors_Bericht_Religioes_motivierte_Uebergriffe_gegen_christliche_Fluechlinge_in_Deutschland.pdf.

¹⁹⁶ The data of the organisation 'Open Doors' seems to be unreliable. Two-thirds of the concerned refugees came from one municipality in Berlin. Some of the cases mentioned in the study could not be confirmed by their attendants. Furthermore, the Evangelical Church in Germany is alarmed by the 'Open Door' study and criticises it. Available at: www.faz.net/aktuell/politik/fluechtlingskrise/f-a-s-exklusiv-zweifel-an-seriositaet-der-studie-zur-christenverfolgung-in-fluechtlingsheimen-14246191.html.

¹⁹⁷ Federal Government, Press release, 22 April 2016, available at: www.bundesregierung.de/Content/DE/Artikel/2016/04/2016-04-22-pm-mp.html.

employment.¹⁹⁸ Child welfare organisations on the other hand, are against a two-tier child and youth welfare depending on citizenship or residence status. They call for a binding catalogue of measures determined to satisfy the special needs of unaccompanied refugee children. Uniform national quality standards for child-oriented accommodation, medical care (especially mental health), language development and educational qualification should be implemented for unaccompanied refugee children.¹⁹⁹

4.5.4 Healthcare

At the beginning of this year, Berlin introduced the electronic health card for asylum seekers. In the first quarter of 2016, there were over 3,500 electronic health card applications. Some 1,600 cards were already issued. Since January 2016, the application for the electronic health card for asylum seekers is carried out during the initial registration in the state of Berlin (13 April 2016).²⁰⁰

The 119th German Medical Assembly supported the nationwide implementation of the electronic health card for all migrants irrespective of their legal status. They demand qualified interpreters and professional structures to guarantee adequate medical healthcare.²⁰¹

4.5.5 Immigration detention

So far, there has not been any significant increase in imprisonments pending deportation.²⁰²

According to the Jesuit Refugee Service, on 3 May, the number of detainees in detention facilities pending deportation were as follows: seven detainees in Ingelheim, 47 in Büren, 30 in Mühlhof/Inn, seven in Eisenhüttenstadt, none in Bremen and seven at the airport in Frankfurt/Main. This list is not exhaustive.²⁰³

¹⁹⁸ Deutscher Städte- und Gemeindebund, Press release, 19 May 2016, available at: www.dstgb.de/dstgb/Homepage/Aktuelles/2016/Konzept%20f%C3%BCr%20unbegleitete%20minderj%C3%A4hrige%20Fl%C3%BCchtlinge/.

¹⁹⁹ Deutsches Kinderhilfswerk, Press release, 17 May 2016, available at: www.dkhw.de/presse/pressemitteilungen/presse-details/deutsches-kinderhilfswerk-keine-absenkung-der-kinder-und-jugendhilfestandards-fuer-unbegleitete-flue/.

²⁰⁰ Available at: www.behörden-spiegel.de/icc/Internet/nav/f68/broker.jsp?uMen=f6810068-1671-1111-be59-264f59a5fb42&uCon=23950a6c-0ece-0451-d46c-a7457b988f2e&uTem=aaaaaaaa-aaaa-aaaa-bbbb-00000000011.

²⁰¹ German Medical Association, Press release, 25 May 2016, available at: www.bundesaerztekammer.de/presse/pressemitteilungen/news-detail/aerzteschaft-fordert-bessere-rahmenbedingungen-fuer-gesundheitliche-versorgung-von-fluechtlingen/.

²⁰² Pro Asyl.

²⁰³ Jesuit Refugee Service.

4.6. Responses in law, policy and/or practice

Since 2013, the Federal Office for Migration and Refugees provided structural funds for 10 federal associations of migrant organisations.²⁰⁴ The funding should support the associations in hiring professional staff and professionalise their work. According to the Federal Government responding a minor interpellation, the funding period will be prolonged for two more years to stabilise the success of the migrant organisation during the integration process.²⁰⁵

In May 2016, the Federal Agency for Civil Education published a book about asylum and refugee rights in easy language.²⁰⁶

The draft Integration Act was concluded by the Federal Government on 25 May. In addition to reflecting the cornerstones already reported on in the monthly report covering April 2016 (simplified access to labour market, residence requirements for refugees whose asylum status has been confirmed, sanctions for non-completion of integration courses), the draft also comprises regulations on the asylum procedure. A rule on asylum requests being inadmissible in case a third state is willing to take back the asylum seeker has been particularly criticised by NGOs and the German Institute for Human Rights.²⁰⁷ Critics worry that this might lead to a lowering of standards for third safe countries and pave the way for future agreements similar to the EU-Turkey agreement.²⁰⁸

4.7. Social response to the situation

Refugees are often the object of current discussions, but do not have an active role in it. The project Re: Speech wants to create a media platform for refugees where they can present their views on German refugee and asylum policy, the reasons why they fled from their countries and their experiences as well as international analysis and reports, which they can discuss.²⁰⁹

According to a recent study commissioned by the Bertelsmann Foundation, three out of four German enterprises are involved in refugee aid. Some donate while others support the integration of refugees in the labour market. Every second

²⁰⁴ Federal Office for Migration and Refugees, available at: www.bamf.de/DE/Willkommen/VerbaendeOrganisationen/Migrantenorganisationen/migrantenorganisation-en-node.html.

²⁰⁵ Federal Government, response to a minor interpellation, available at: <http://dipbt.bundestag.de/dip21/btd/18/082/1808206.pdf>.

²⁰⁶ Agency for Civil Education, available at: www.bpb.de/shop/buecher/einzelpublikationen/224917/einfach-politik-flucht-und-asyil.

²⁰⁷ Available at: www.heute.de/bundestag-debattiert-ueber-neues-integrationsgesetz-43785498.html?view=print.

²⁰⁸ Available at: www.institut-fuer-menschenrechte.de/aktuell/news/meldung/article/pressemitteilung-versteckte-einschraenkung-des-asyilrechts-im-entwurf-des-integrationsgesetzes-grund/.

²⁰⁹ Medizinische Flüchtlingshilfe Bochum e.V., Press release, 24 May 2016, available at: www.mfh-bochum.de/index.php/nachrichten-reader/items/mfh-startet-medienprojekt-zur-staerkung-der-stimmen-von-gefluechteten-149.html.

company provides training places or workplaces. Most of them see immigration as an opportunity for the German labour market.²¹⁰

The association 'Laut gegen Nazi' organised the 'Counter Speech Tourney 2016' to demonstrate for humanity and against hate. A part of this tourney was a concert on 2 May 2016 in Freital, a city in Saxony known for wide-spread right-wing extremism and xenophobia.²¹¹

4.8. Hate crime incidents

In May, the Ministry of the Interior presented the official police statistics, including the statistics on politically motivated crimes and hate crimes, for the year 2015. In 2015, the number of politically motivated crimes rose by around 19 % and the number of violent acts by nearly 31 %. The number of attacks on reception centres were five times higher than in 2014: 1031 compared to 199 in 2014. Nine-tenths of them were initiated by the right-wing.²¹² Besides the general increase in politically motivated crimes, the severity of the crimes increased as well. There were more serious crimes in 2015 than in 2014. Four attempted homicides, 60 personal injuries, 94 arson attacks and eight explosive offences were registered.²¹³ According to Holgar Münch, President of the Federal Criminal Police Office, most of the offenders were male and 80 % of them came from the region where the crime was committed. However, the Federal Criminal Police Office sees no indications of a nationwide right-wing extremist structure organising attacks on refugees. Another alarming point is the increase of verbal violence. The number of offences was three times higher than in the previous year.²¹⁴

The violence against refugees further increased in the first quarter of 2016 – despite the strong decrease in newly arriving refugees. The Federal Government registered 347 politically motivated crimes against reception centres, of which 319 were committed by right-wing extremists. At present, the number of politically motivated crimes is four times higher than during the same time period in 2015.²¹⁵

²¹⁰ Bertelsmann Foundation, Press release, 10 May 2016, available at: www.bertelsmann-stiftung.de/de/themen/aktuelle-meldungen/2016/mai/drei-von-vier-unternehmen-engagieren-sich-fuer-fluechtlinge/.

²¹¹ Available at: www.mdr.de/sachsen/laut-gegen-nazis-freital-100.html.

²¹² Federal Ministry of the Interior, annual report about political motivated crimes, available at: www.bmi.bund.de/SharedDocs/Downloads/DE/Nachrichten/Pressemitteilungen/2016/05/pmk-2015.pdf?__blob=publicationFile.

²¹³ Federal Ministry of the Interior, annual report about political motivated crimes, available at: www.bmi.bund.de/SharedDocs/Downloads/DE/Nachrichten/Pressemitteilungen/2016/05/pmk-2015-straftaten-gegen-asylunterkuenfte.pdf?__blob=publicationFile.

²¹⁴ Available at: www.thueringer-allgemeine.de/web/zgt/politik/detail/-/specific/Interview-mit-BKA-Chef-Muench-Zahl-der-auslaendischen-Tatverdaechtigen-hat-star-1933352765.

²¹⁵ Comparison with the date of 2015, Federal Government, response to a minor interpellation, available at: <http://dipbt.bundestag.de/dip21/btd/18/048/1804821.pdf>.

Most of the attacks (92) took place in North Rhine-Westphalia. Forty people were injured in the first quarter of 2016.²¹⁶

According to an internal report of the Federal Criminal Police Office, the number of politically motivated crimes against reception centres increased to 449 from the beginning of the year until the middle of May 2016. 654 offences against asylum seekers outside their accommodation were registered, 107 of them ended with violence. The category asylum seekers outside reception centres is included in the statistics for the first time this year. There are no comparable data. According to the Federal Minister of the Interior, most of the offenders were not involved in criminal proceedings before.²¹⁷ Furthermore, 245 offences against politicians (107), aid organisations and volunteers (54), and journalists (25) took place this year. 186 of them were motivated by right-wing extremist ideas.²¹⁸

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

In total seven arson attacks against reception and accommodation centres

- Three in Berlin
- One in Brandenburg
- One in Hamburg
- One in Hesse
- One in Saxony

In total 18 'other attacks' against reception and accommodation centres (e.g. damage of property)

- One in Bavaria
- One in Brandenburg
- Two in Hesse
- One in Mecklenburg-Western Pomerania
- Two in Lower Saxony
- Two in North Rhine-Westphalia
- Two in Saxony
- Four in Saxony-Anhalt
- One in Schleswig-Holstein

²¹⁶ Federal Government, response to a minor interpellation, available at: <http://dipbt.bundestag.de/dip21/btd/18/083/1808379.pdf>.

²¹⁷ Available at: www.zeit.de/politik/deutschland/2016-05/thomas-de-maiziere-hasskommentare-fluechtlingskrise-verrohung-gesellschaft.

²¹⁸ Available at: www.wochenblatt.de/nachrichten/welt/De-Maizi%25E8re-Seit-Jahresbeginn-schon-mehr-als-1100-Uebergriffe-gegen-Fluechtlinge:art29.371816.

In total 12 violent attacks directed against asylum seekers (16 injured persons)

- One in Baden-Württemberg
- One in Bavaria
- Two in Brandenburg
- Four in Saxony
- Two in Schleswig-Holstein
- Two in Thuringia²¹⁹

²¹⁹ Amadeo Antonio Stiftung and Pro Asyl, Chronik flüchtlingsfeindlicher Vorfälle 2016, available at: [www.mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle?&&field_date_value\[value\]=](http://www.mut-gegen-rechte-gewalt.de/service/chronik-vorfaelle?&&field_date_value[value]=).

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 Public Health (*Υπουργείο Υγείας*);
- Hellenic Police Headquarters (*Αρχηγείο Ελληνικής Αστυνομίας*);
- The Hellenic Coastguard (*Λιμενικό Σώμα-Ελληνική Ακτοφυλακή*);
- Asylum Service Greece (*Υπηρεσία Ασύλου*);
- United Nations High Commissioner for Refugees (UNHCR) Greece (*Υπατη Αρμοστέία του ΟΗΕ για τους Πρόσφυγες, γραφείο Ελλάδας*);
- Racist Violence Recording Network (*Δίκτυο Καταγραφής Περιστατικών Ρατσιστικής Βίας*);
- Medecins Du Monde Greece-MDM Greece (*Γιατροί του Κόσμου, γραφείο Ελλάδας*);
- International Organization for Migration - IOM (*Διεθνής Οργανισμός Μετανάστευσης*);
- NGO PRAKSIS (*ΜΚΟ ΠΡΑΚΣΙΣ*).

5.2. Overview of the situation

Some 1,660 people, mainly from Syria, Afghanistan and Pakistan, arrived in Greece by sea in May 2016, including some 430 children.²²⁰ Lesbos was the main point of entry, followed by Chios, Samos, Kos, Leros and Sitia. The majority of children arrived in Lesbos and Chios.²²¹

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.²²²

²²⁰ Hellenic Coast Guard.

²²¹ *Ibid.*

²²² Hellenic Police Headquarters.

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

Four cases of alleged smuggling were prosecuted in May.²²³

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

5.4.1 Registration and identification

By 31 May 2016, 8,439 new arrivals that came after 20 March 2016 remained on the eastern Aegean islands.²²⁴

Through a joint press release from UNHCR, EASO and the Greek Asylum Service, it was announced that from the end of May to the end of July, the Asylum Service will conduct a pre-registration exercise of asylum seekers who arrived in mainland Greece prior to 20 March 2016. They will be supported by UNHCR and the European Asylum Support Office (EASO) with financial support by the European Commission (DG Home). The launch of the pre-registration exercise was rescheduled for 6 June 2016.²²⁵

5.4.2 Asylum procedure

The first admissibility decisions taken in the hotspots on the Greek islands were reviewed by the appeals committee. The committee confirmed the first instance decision in at least two cases. In other cases, the committee was not satisfied that Turkey would be safe for the specific asylum seekers under review, also due to the fact that they had only transited through Turkey.²²⁶

The Greek Asylum Service will launch an 'asylum app' that will provide access to various information (about the asylum procedure, but also about Greece and the weather) by the beginning of July 2016. A team from the Harokopio University works together with experts from the Asylum Service to register the needs of refugees and adapt the application to their profile. By using the app, which will be available in nine languages, people will also be informed about the date of the next available Skype appointment.²²⁷

²²³ Hellenic Coastguard.

²²⁴ Ministry for Migration Policy.

²²⁵ UNHCR.

²²⁶ See the Guardian at: www.theguardian.com/world/2016/may/20/syrian-refugee-wins-appeal-against-forced-return-to-turkey and www.ekathimerini.com/209408/article/ekathimerini/news/rulings-back-35-migrants-appealing-deportation.

²²⁷ Asylum Service.

Between 12 October 2015 and 31 May 2016, 1,142 people were relocated (680 men and 462 women). Cultural orientation and pre-departure medical examinations were provided for all beneficiaries.²²⁸

Some 4,280 people applied for asylum in May 2016, including some 2,400 men, 1,880 woman and 180 unaccompanied children.²²⁹ The main region of registration was Attica, followed by Thessaloniki, Lesvos, Samos, South and North Evros, Rhodes, Amygdaleza, Patra, Chios and Leros. The majority of applicants were 18-34 years of age.²³⁰

5.4.3 Return procedure

For May 2016, there were 849 registrations for joining IOM's programme 'Assisted Voluntary Return and Reintegration'. The number of returned people was 621, including 287 men, 134 women and 200 children. The majority of the people who returned were from Cameroon (209) and Ghana (234).²³¹

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

The Piraeus port will be evacuated by mid-June and people staying there will be transferred to better facilities.²³²

UNHCR issued a briefing note on 27 May 2016 stating its serious concerns about the substandard conditions at several sites in northern Greece where refugees and migrants evacuated from the makeshift site at Idomeni were transferred. Furthermore, it urges Greek authorities, with financial support provided by the European Union, to promptly identify better alternatives. The poor conditions at these sites are compounding the already high levels of distress among refugee families, fuelling tensions within refugee populations and complicating efforts to provide the required assistance and protection. The air circulation is poor, and supplies of food, water, toilets, showers, and electricity are insufficient. UNHCR agrees that the makeshift site at Idomeni, where refugees were residing in abysmal conditions, needed to be evacuated, and notes that this has been completed without the use of force.²³³

²²⁸ IOM.

²²⁹ Asylum Service.

²³⁰ The Asylum Service did not provide information on whether the applicants were new arrivals.

²³¹ IOM.

²³² Ministry for Migration Policy.

²³³ UNHCR.

On 30 May 2016, the total number of places available for people who are waiting to be relocated was 6,035. More specifically, 3,151 places were available in apartments, 133 in hosting families, 1,742 in hotels, 881 at the Lagadikia site in northern Greece, and 128 places were available for unaccompanied children.²³⁴

Security remains an issue on the Greek islands, where various security incidents occurred in hotspots and other facilities.

5.5.2 Vulnerable persons

Nothing new to report.

5.5.3 Child protection

Accommodation facilities for unaccompanied children throughout Greece are currently operating at their full capacity. There were many delays in transferring children in shelters due to overcrowding. By the end of May, more than 400 children were awaiting to be transferred to accommodation centres. The majority of children staying in reception facilities are waiting for Dublin (family reunification) and relocation procedures to be completed. In addition, the number of children absconding from transit facilities has dropped to one child per month on average.²³⁵

Due to a lack of accommodation facilities, children are awaiting in transit centres or in protective detention for long periods and, as a result, they are in danger of losing their special protection when reaching 18 years of age.²³⁶

On 23 May 2016, Save the Children, along with UNICEF and others, unveiled a new fund for schooling during emergencies called 'Education Cannot Wait' to help provide schooling for displaced children. Save the Children has been providing non-formal lessons – including English and Greek classes – in child-friendly spaces established at several sites in Greece in partnership with UNHCR, and is currently scaling up its education activities in Greece to provide child refugees with access to basic education through temporary classrooms.²³⁷

In Lesbos, MSF made available the transit camp at Mantamados for the accommodation of unaccompanied children. The Ministry for Migration Policy and the public prosecutor allowed this since the waiting period for transfer to accommodation facilities was estimated to range from two months to two and a half months on average. NGO PRAKSIS and Save the Children are running the

²³⁴ *Ibid.*

²³⁵ NGO PRAKSIS.

²³⁶ *Ibid.*

²³⁷ UNHCR.

camp. The original agreement was for the period of three weeks, but there is a strong possibility for extension.²³⁸

5.5.4 Healthcare

On 11 May 2016, MSF began vaccinating children at Idomeni and two informal sites at gas stations.²³⁹

5.5.5 Immigration detention

The current capacity of pre-removal centres in Greece is 5,099. On 31 May 2016, the total number of detainees was 1,481 people, 556 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 31 May 2016, the total number of detainees was 2,551 people.²⁴⁰

For May 2016, the total number of unaccompanied children placed in pre-removal centres was 60. Forty-eight of them were detained at the special centre for children at Amygdaleza's pre-removal centre and 10 at the pre-removal centre Paranesti in Drama.²⁴¹

5.6. Responses in law, policy and/or practice

On 23 May 2016, the Greek government announced the evacuation of the informal site in Idomeni, informing refugees and migrants accordingly. The evacuation of the site began on 24 May 2016.²⁴²

Before the scheduled evacuation, the police in Idomeni continued to distribute leaflets among refugees and migrants, informing them that the border will remain closed and that essential services and food is available at the facilities they will be transferred to.²⁴³

5.7. Social response to the situation

In Leros, a demonstration began on 3 May 2016 inside the reception and identification centre and continued the following days. Detained refugees and migrants protested against the general living conditions. In addition, members of the local community gathered outside the centre to express their anger to the

²³⁸ NGO PRAKSIS.

²³⁹ Ministry of Health.

²⁴⁰ Ministry for Migration Policy.

²⁴¹ Hellenic Police Headquarters.

²⁴² Ministry for Migration Policy.

²⁴³ *Ibid.*

mayor. Authorities guaranteed improvements regarding food provision, and announced that those who have been detained for 25 days will be able to move freely on the island.²⁴⁴

5.8. Hate crime incidents

The Racist Violence Recording Network (RVRN) has not recorded any incidents of racially motivated violence and hate crime, or any other related incident in the past month.²⁴⁵

²⁴⁴ UNHCR.

²⁴⁵ Racist Violence Recording Network.

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 Association for Migrants (*Menedék Migránsokat Segítő Egyesület*);
- MigSzol.

6.2. Overview of the situation

In May, over 3,900 people crossed the border into Hungary.²⁴⁶ This is a slight increase compared to April (some 3,350). Most of the new arrivals crossed the border with Serbia. Very few people entered Hungary through Romania.²⁴⁷ 84 % of the new arrivals were men and 16 % were women. There were some 450 people under 18 years old, 54 of them were registered as unaccompanied children.²⁴⁸ 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 Morocco and Algeria) was around 5 %.²⁴⁹

In May, some 4,750 people applied for asylum.²⁵⁰ Asylum seekers were mainly from Afghanistan (some 2,400), Syria (some 800), Pakistan (some 500), Iraq (some 360), and Iran (175).²⁵¹ Some of the new applications submitted in the reporting period were not from new arrivals. Some people who had previously received an entry-ban order after committing the crime of unauthorised border fence crossing also filed claims for asylum. Their intent was to avoid deportation,

²⁴⁶ National Police Headquarters.

²⁴⁷ *Ibid.*

²⁴⁸ *Ibid.*

²⁴⁹ *Ibid.*

²⁵⁰ Office of Immigration and Nationality.

²⁵¹ *Ibid.*

as applicants cannot be expelled from the country during the asylum procedure. The police always inform the apprehended asylum seekers about their right to apply for asylum. As a result, more than half of the asylum seekers (altogether some 2,900 people) 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 illegal migrants travelling without valid travel documents).²⁵² The Office of Immigration and Nationality made 31 positive decisions (accepting the asylum claims) and 204 negative decisions (rejecting the claims) in May. In some 4,400 cases the Office terminated the process because the applicants had left the country.²⁵³

6.3. Criminal proceedings against migrants and people helping them

6.3.1 Criminal proceedings initiated against migrants and asylum seekers

The police charged around 10 % of the new arrivals with unauthorised border fence crossing, since they had climbed over, or ducked under the fences installed at the Serbian-Hungarian border. Criminal proceedings were initiated by the police against 383 of them in May.²⁵⁴ Since 22 April 2016, the police publishes the number of irregular migrants whom they prevented from entering the country by crossing border fences. This number was around 200 on an average day in May.²⁵⁵ This shows that the number of people seeking entry into Hungary did not decrease. Only an increased protection of the border fences (for example, more soldiers and policemen, air support etc.) at the Serbian borderline led to a decrease in the number of people who actually crossed the border in May.

The District Court of Szeged (*Szegedi Járásbíróság*) held 107 criminal trials during the reporting period. All 107 people involved in these trials were sentenced to expulsion. Defendants originated mainly from Afghanistan, Pakistan, Syria and Turkey. All defendants received a one-year entry ban. In May, almost all defendants were first time offenders, this is why the Court imposed a one-year

²⁵² National Police Headquarters.

²⁵³ Office of Immigration and Nationality.

²⁵⁴ 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.

²⁵⁵ Government Ordinance no. 41/2016 (III. 9.) on ordering an emergency situation for the entire territory of Hungary as a result of 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.

entry ban in all cases. None of the defendants appealed against the decisions, and nobody requested the translation of the Court's verdict in writing.²⁵⁶

During the reporting period, the police initiated criminal procedures against 60 people (some of them were new arrivals, whereas others had arrived earlier in Hungary) who were suspected of having committed the crime of forging public documents when they tried to enter Hungary.²⁵⁷

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

The police apprehended and initiated new criminal procedures against 26 people who were accused of committing the crime of human smuggling.²⁵⁸ Perpetrators were nationals of Hungary, Serbia, and Romania. All of them are waiting for their trials in pre-trial detention.²⁵⁹

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

6.4.1 Registration and identification

Authorities registered and fingerprinted new arrivals in all cases, and found that most people were cooperative during these procedures.²⁶⁰

In the transit zones of Röszke and Tompa (Serbian borders), civil society organisations still experience that a huge number of refugees have to wait to get access. While authorities grant priority access to vulnerable groups (pregnant women, children, disabled people and those in need of medical assistance), even these people may have to wait and stand in line for a few days because the authorities only welcome 20-30 persons per day in the transit zones. This practice often leaves pregnant women and children (unaccompanied and those arriving with their families) sleeping in the open air without access to facilities outside the transit zones. Single men may have to wait for access for up to a month.²⁶¹ Civil society organisations also reported push-back incidents involving the use of force, including allegations of both verbal and physical abuse at the Serbian-Hungarian borderline.²⁶²

²⁵⁶ County Court of Szeged.

²⁵⁷ National Police Headquarters.

²⁵⁸ *Ibid.*

²⁵⁹ General Attorney's Office.

²⁶⁰ National Police Headquarters.

²⁶¹ UNHCR Hungary.

²⁶² UNHCR Hungary.

Families, women and children are transferred into the open reception centres almost immediately after being admitted and registered in the transit zones; however, single male adults have to stay in the transit zones for several weeks.²⁶³ They are only transferred to an open reception centre if their asylum procedure (including the potential Court review process) does not end in four weeks (28 days) after submission.²⁶⁴ Civil society organisations consider the transit zones to amount to detention, since the only way out for single men is via Serbia.²⁶⁵

6.4.2 Asylum procedure

Asylum seekers entering through Serbia are almost always automatically rejected on the grounds of inadmissibility as Serbia is considered to be a safe third country under Hungarian law.²⁶⁶ The ratio of the rejected claims is more than 90 %. Civil society organisations believe that it is practically impossible to get protection status for single male adults in the transit zones, and even claims from women and families are often considered as inadmissible. Unless the claimant's medical condition requires treatment, women and families are also rejected.²⁶⁷ Some of the rejected claimants appeal against the Office's decision. As the Court's review process may take up to several months, even single men are transferred to open reception facilities from the transit zones. In many cases, the claimants do not wait for the Court's decision and they proceed to their end destination in Western Europe.²⁶⁸

In May, the Administrative and Labour Court of Szeged (*Szegedi Közigazgatási és Munkaügyi Bíróság*) received 92 review claims that challenged the negative decisions (rejecting the asylum applications) of the Office of Immigration and Nationality. In 77 of the ongoing cases, the Court rejected the review claims and upheld the Office's decisions. In 78 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 and not to apply the safe third country rule automatically. In nine cases, the Court had to terminate the process as the claimants had left the country. Some review claims have not been decided yet.²⁶⁹

²⁶³ *Ibid.*

²⁶⁴ Office of Immigration and Nationality.

²⁶⁵ UNHCR Hungary.

²⁶⁶ UNHCR Hungary.

²⁶⁷ Sunday News (Vasárnapi Hírek), 'If you come to Hungary...', available at: www.vasarnapihirek.hu/fokusz/ha_magyarorszagra_jossz.

²⁶⁸ *Ibid.*

²⁶⁹ County Court of Szeged.

6.4.3 Return procedure

A vast majority of the new arrivals entered Hungary via the border with Serbia in May.²⁷⁰ As Serbia still readmits almost exclusively its own nationals, the readmission procedures remain very long and uncertain for most people in detention.²⁷¹ During the reporting period, 151 people were expelled. Statistics about the target countries are recorded when the Hungarian police executes the entry ban ordered by the Court and expels the persons concerned. In May, the police executed the expulsion of 80 persons to the following countries: Ukraine (28), Romania (23), Serbia (21), Kosovo (two), Austria (two), Slovenia (two), Pakistan (one), and Moldova (one).²⁷² There is no information about the nationality of these people.

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 in the reporting period, while the transit zones along the Serbian border (Rösztke and Tompa) were busy.²⁷³ Civil society organisations believe that the transit zones are traps set up for asylum seekers by the Hungarian Government. While the Government advertises that asylum seekers should enter via the transit zones instead of climbing over the fences illegally, the authorities fail to provide humane conditions for those trying to enter the country via one of the transit zones along the Serbian border. There were days in May when more than 100 people gathered at the fences, and the authorities only admitted 20-30 of them to the transit zones. Conditions outside the transit zones did not change. Those who are left outside the transit zones have to spend their nights – sometimes up to a month – in the open air. There are no facilities (toilets, showers, sanitary facilities, tents, beds) outside the fences even though this territory belongs to Hungary as well. NGOs call this place a ‘grey zone’ because while it is still part of the country, the authorities treat it as if it was no one’s land. The only significant change in the conditions of the transit zones is that the Office of Immigration and Nationality has now started to distribute food once a day (40 dkg of bread and two pieces of canned food per person). The authorities have also become more lenient towards the staff members and activists of NGOs when they want to supply people with food, drinks, clothes, tents or other amenities. Until around 10 May, only UNHCR staff members were allowed to distribute food, blankets and tents, while all other NGOs had to give their donations to UNHCR to

²⁷⁰ National Police Headquarters.

²⁷¹ UNHCR Hungary.

²⁷² National Police Headquarters.

²⁷³ *Ibid.*

deliver them to the people in need. In the second half of May, the authorities were finally willing to grant access to staff members of other NGOs, so they could distribute tents and clothes directly to the people in need.²⁷⁴ In the 'grey zone' in front of the transit zone of Tompa, the NGOs still face difficulties, since the area is almost inaccessible from the Hungarian side due to the geographical conditions. Therefore, civil society organisations usually try to cross the border to Serbia, which takes more time.²⁷⁵

The only facility in the 'grey zone' is a well that typically has to provide water for 60-70 people per day.

At the open reception centres, conditions are still adequate, and asylum seekers have access to food and potable water. Their sanitary needs are also satisfied, even though – in some cases – asylum seekers receive monetary support to purchase what they need.²⁷⁶

The Office of Immigration and Nationality ordered asylum detention of 333 persons in the reporting period.²⁷⁷ The Office may order asylum detention to ensure that the applicant does not leave Hungary during the asylum procedure.²⁷⁸ Men are almost always placed in asylum detention.²⁷⁹ Civil society organisations regularly visit asylum detention facilities to identify vulnerable groups (victims of torture and trauma), and to provide legal and psychological counselling to people.²⁸⁰

The Office of Immigration and Nationality and the police ordered alien police detention of 77 and 22 people, respectively. Alien police detention is ordered in cases where a person is about to be deported. This happens when the Office of Immigration and Nationality, or the Court, expels somebody.²⁸¹ The maximum duration of alien police detention cannot exceed 12 months; however, in the majority of cases, the authorities order alien police detention for a much shorter period of time (typically one to two months).²⁸² Once the detention period is over, people typically continue their journey to Western Europe.²⁸³ Civil society organisations experience that people in alien police detention get very little information about the length of the readmission procedures and expulsions.²⁸⁴ This

²⁷⁴ Sunday News (Vasárnapi Hírek), 'If you come to Hungary...', available at: www.vasarnapihirek.hu/fokusz/ha_magyarorszagra_jossz.

²⁷⁵ MigSzol.

²⁷⁶ Office of Immigration and Nationality.

²⁷⁷ *Ibid.*

²⁷⁸ Article 31/A of Act LXXX of 2007 on the right to asylum, available at: http://net.jogtar.hu/jr/gen/hjegy_doc.cgi?docid=A0700080.TV.

²⁷⁹ Office of Immigration and Nationality.

²⁸⁰ UNHCR Hungary.

²⁸¹ 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).

²⁸² National Police Headquarters.

²⁸³ Sunday News (Vasárnapi Hírek), 'If you come to Hungary...', available at: www.vasarnapihirek.hu/fokusz/ha_magyarorszagra_jossz.

²⁸⁴ UNHCR Hungary.

often leads to protests and disagreements between the detained persons and the guards. On 7 May 2016, five Iranian nationals started a riot and broke the windows of their sleeping cells, damaged the furniture, and threw chairs at the guards at the detention centre of Békéscsaba.²⁸⁵ On 31 May 2016, two detained people started a fight at the Kiskunhalas detention centre, and one of them bit the other one's ear.²⁸⁶

6.5.2 Vulnerable persons

In the transit zones along the Serbian borderline, civil society organisations are concerned that while the authorities grant priority access to vulnerable persons (typically to pregnant women and unaccompanied children), it may still take several hours or even a few days until the person is admitted. Until then, the vulnerable persons have to suffer the same inhumane conditions in the 'grey zone' as others.²⁸⁷

6.5.3 Child protection

Since the authorities are very slow in identifying children and families in the transit zones, civil society organisations noted that a few unaccompanied children were also left outside the fences for days without proper amenities.²⁸⁸ Once the children are admitted to the transit zones, the authorities transfer them almost immediately after registration to open reception centres in cases of children with families, or to children's homes in cases of unaccompanied children.²⁸⁹ With UNHCR's support, a Hungarian NGO with a primary objective to assist children in need, SOS Children's Village (*SOS Gyermekfalu*), was granted permission to send paediatricians to the transit zones as of mid-May. This will ensure the provision of healthcare to children inside, as well as outside, the transit zones.²⁹⁰

6.5.4 Healthcare

Authorities do not grant medical assistance to people who are waiting for admission in front of the transit zones. Staff members of the civil society organisations try to help these people; however, in most cases, they are not licensed medical doctors.²⁹¹

²⁸⁵ National Police Headquarters.

²⁸⁶ *Ibid.*

²⁸⁷ Sunday News (Vasárnapi Hírek), 'If you come to Hungary...', available at: www.vasarnapihirek.hu/fokusz/ha_magyarorszagra_jossz.

²⁸⁸ UNHCR Hungary.

²⁸⁹ Office of Immigration and Nationality.

²⁹⁰ UNHCR Hungary.

²⁹¹ UNHCR Hungary.

6.5.5 Immigration detention

In the reporting period, the police guarded around 100 people who were placed in alien police detention in permanent and temporary detention facilities, waiting for the execution of the Court's expulsion order.²⁹²

Around 700 people were in asylum detention during the reporting period. Most of them were men.²⁹³ The Office orders asylum detention of claimants if it needs to establish the identity of the claimant, or to prevent the claimant from leaving the country before the asylum request is adjudged. Civil society organisations find that the detention facilities of the Office of Immigration and Nationality, where people in asylum detention are accommodated, have much better conditions in terms of medical assistance, sleep accommodation and food than the penal institutions where people are kept in alien police detention.²⁹⁴

6.6. Responses in law, policy and/or practice

The Government's rhetoric regarding the prospective referendum about the EU's relocation quota scheme is very intense. After opposition parties challenged the National Election Office's decision which authorised the question for the referendum, the Supreme Court of Hungary (*Kúria*) made a decision to reject the review claim on 3 May 2016, and found the question ('Do you want the European Union to force a mandatory relocation of non-Hungarian citizens into Hungary without the consent of the Hungarian Parliament?') eligible for referendum.²⁹⁵

The Hungarian Parliament adopted a new law that amends the rules of the so-called 'integration care'. Starting from 1 June 2016, asylum seekers, who enjoy protection status after having received a positive decision on their asylum claim from the Office of Immigration and Nationality, will only get integration care (for example, accommodation in a refugee camp, monetary support to start a new life, etc.) for 30 days instead of 60 days.²⁹⁶

6.7. Social response to the situation

Civil society organisations focused on the situation in the transit zones and in the 'grey zones' during May. In the first half of May, NGOs could only deliver donations through UNHCR staff to people waiting outside the fences for admission to the transit zones through. As the authorities became more cooperative in the second

²⁹² National Police Headquarters.

²⁹³ Office of Immigration and Nationality.

²⁹⁴ UNHCR Hungary.

²⁹⁵ Decision of the Supreme Court of Hungary no. Kvk.IV.37.222/2016/9., available at: www.kuria-birosag.hu/hu/nepszavugy/knkiv3722220169-szamu-hatarozat.

²⁹⁶ Article 80 of Act XXXIX of 2016 on the amendment of certain acts related to migration, available at: <http://magyarkozlony.hu/dokumentumok/96f35d11f752a3eb97ed5d1900a496c2b9953541/megtekintes>.

half of May, more and more NGOs could deliver food, drinks, clothes, tents and medicines outside the fences without the assistance of UNHCR. Since typically around 100 people per day arrive and wait for admission to the transit zones in Röszke and Tompa without access to facilities outside the fences, NGOs are busy supplying them. Civil society organisations, however, are often blocked by the Serbian police and border patrol, and the geographical conditions also make it difficult for them to get access to the people in the 'grey zones'.²⁹⁷

6.8. Hate crime incidents

No attacks and incidents were reported against refugee camps and the transit zones during the reporting period.²⁹⁸ An Israeli national, who lived as a homeless man in Hungary, was brutally killed in Tiszakécske on the last day of April 2016. The perpetrators were two young boys. The investigation is still ongoing; however, the perpetrators may have committed a hate crime because they believed that the Israeli national was a migrant.²⁹⁹

²⁹⁷ MigSzol; UNHCR Hungary; Migration Aid.

²⁹⁸ National Police Headquarters.

²⁹⁹ Index, 'They may kill us, if that migrant does not come here', 3 May 2016, available at: http://index.hu/belfold/2016/05/03/az_izraeli_ferfi_halala_tiszakecsken/.

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';
- OXFAM Italia.

7.2. Overview of the situation

Some 20,000 people arrived in May during some 140 disembarkation operations.³⁰⁰

The number of arrivals increased substantially during the second half of May. According to UNHCR³⁰¹ (whose report does not consider the second half of May), the number of arrivals on the Italian shores in 2016 is similar to the trend observed in 2015. During the first months of 2016, arrivals fluctuated in comparison to 2015, with 9,149 new arrivals in April compared to 9,676 in March. Nigerian nationals (16 %) continue to represent the largest group of sea arrivals, followed by nationals of Gambia (10 %), Somalia (9 %), and Ivory Coast (8 %). The number of Eritrean nationals arriving by sea remains lower than in 2015. However, over 1,200 Eritrean nationals were among around the 2,500 people rescued between 6 and 8 May.

On 1 May 2016, the Italian Coast Guard ship 'Dattilo' rescued some 250 people.³⁰²

³⁰⁰ Information provided by the Ministry of the Interior.

³⁰¹ UNHCR update #25 (see annex).

³⁰² Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera).

On 4 May 2016, around 40 people were rescued from a sailing boat near Leuca (Apulia); among them were seven children and two pregnant women.³⁰³

On 5 May 2016, the ships of the Italian Navy rescued nearly 1,700 people. These ships rescued some 480 people (ship 'Bergamini'), some 590 people (ship 'Bettica'), and some 700 people (ship 'Grecale'), respectively. The latter two were disembarked in Augusta (Sicily) on 7 May 2016. The other two ships transferred the people on board of the Norwegian ship 'Siem Pilot', which is deployed through Frontex, and of the ship 'Dignity I', belonging to the NGO 'Doctors Without Borders' (*Médecins Sans Frontières*, MSF).³⁰⁴ This ship had already rescued over 120 people (among whom were four women) and it later transferred them all on board of the Italian Coast Guard ships, which took them to Italy.³⁰⁵

On 6 May 2016, the Spanish ship 'Numancia' disembarked over 400 people (401 of whom were from Eritrea) in Taranto (Apulia).³⁰⁶

On 6 May 2016, the MSF ship 'Argos' rescued around 120 people and disembarked them in Lampedusa (Sicily).³⁰⁷ On 6 May 2016, nearly 480 people were rescued by the ship 'Siem Pilot'; other people were also transferred on board of this ship, which disembarked a total of 950 people (including around 200 women and 130 children) in Reggio Calabria (Calabria).³⁰⁸

On 11 May 2016, the ship 'Aquarius' of MSF and of the association 'Sos Méditerranée' rescued nearly 120 people (among whom were 40 children). The Italian Navy ship 'Spica' transferred a further 114 people who had been rescued on board of Aquarius. All people were disembarked in Messina (Sicily).³⁰⁹

On 12 May 2016, 810 people on board of two ships were rescued. The first ship was carrying 515 people on board. The Italian Coast Guard ship 'Peluso' rescued over 340 people (mainly Syrians), who were then disembarked in Augusta. The Spanish ship 'Rio Segura', deployed through Frontex, rescued the remaining 173 people, and then disembarked them in Palermo (Sicily). The Finnish military ship 'Merikarhu' rescued around 290 people from a second vessel and then disembarked in Catania (Sicily). Among them was one pregnant woman, who was then transferred by helicopter to Catania.³¹⁰

³⁰³ Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera).

³⁰⁴ Information available on the Twitter account of the Italian Navy (@Italian_navy), as well as at: www.agi.it/cronaca/2016/05/06/news/marina_militare_1_759_migranti_salvati_in_24_ore-749542/.

³⁰⁵ Information available on the Twitter account of MSF (MSF_Sea).

³⁰⁶ Information available on the Twitter account of the Spanish Defence Staff (@EMADmde) and on its Facebook page (www.facebook.com/EMADmde.es/posts/2032707900288064).

³⁰⁷ Information available on the Twitter account of MSF (MSF_Sea).

³⁰⁸ Information available on the Twitter account of the Norwegian police (@kripos), as well as at: www.strettoweb.com/2016/05/sbarco-a-reggio-calabria-arrivati-al-porto-950-migranti-foto/407727/.

³⁰⁹ Information available on the Twitter accounts of the Italian Navy (@Italian_navy), EUNAVFOR MED (@EUNAVFORMED_OHQ), and MSF (MSF_Sea).

³¹⁰ Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera), as well as at: http://palermo.repubblica.it/cronaca/2016/05/13/news/sicilia_soccorsi_mille_migranti-

On 13 May 2016, the SOS Méditerranée/MSF ship 'Aquarius' disembarked around 230 people (including 22 children) in Crotona (Calabria).³¹¹

On 16 May 2016, over 1,150 people were rescued by several vessels coordinated by the Italian Coast Guard. In particular, the Italian Navy ship 'Borsini' rescued some 220 people, the MSF ship 'Dignity 1' rescued almost 440 people, the SOS Méditerranée/MSF ship 'Aquarius' rescued some 250 people, the Irish ship 'Le Roisin' of the European Union military operation in the southern Central Mediterranean (Eunavfor MED) rescued 125 people, and finally the Eunavfor MED German ship 'Frankfurt' rescued 115 people.³¹²

On 18 May 2016, the Italian Coast Guard vessel 'Peluso' disembarked some 140 men, 45 women, and 11 children in Catania³¹³ and the Frontex-deployed Norwegian ship disembarked some 200 people (including 78 children) in Taranto.³¹⁴

On 19 May 2016, a boat left Algeria bound for Sardinia, but it never arrived at its destination.³¹⁵

On 24 May 2016, over 500 people were disembarked in Augusta by the Italian Navy ship 'Luigi Durand de la Penne' after four rescue operations carried out in cooperation with the Italian Navy ship 'Bettica'.³¹⁶ On 24 May 2016, the Spanish ship 'Rio Segura' disembarked nearly 280 people (including around 150 children, most of whom were from Egypt, and around 100 women).³¹⁷

Between 23 and 24 May 2016, the Italian Coast Guard ship 'Dattilo' rescued about 800 people; the Italian Coast Guard ship 'Peluso' helped a commercial ship rescue some 400 people and assisted the Maltese authorities in rescuing nearly 230

[139689812/?ref=search](https://www.interno.gov.it/it/notizie/motonave-acquarius-attribacca-crotone-bordo-231-migranti) and www.0766news.it/guardia-costiera-801-migranti-tratti-in-salvo-nella-giornata-di-oggi/.

³¹¹ Information available on the Twitter account of MSF (MSF_Sea), as well as at:

www.interno.gov.it/it/notizie/motonave-acquarius-attribacca-crotone-bordo-231-migranti.

³¹² Information available on the Twitter accounts of the Italian Navy (@Italian_navy), the Italian Coast Guard (@guardiacostiera), and MSF (MSF_Sea), as well as at: www.0766news.it/guardia-costiera-1153-migranti-tratti-salvo-nella-giornata-oggi/.

³¹³ Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera), as well as at: www.cataniatoday.it/cronaca/sbarco-migranti-catania-18-maggio-2016.html.

³¹⁴ Information available on the Twitter account of the Norwegian police (@kripos), as well as at: www.prefettura.it/taranto/news/46561.htm, www.interno.gov.it/it/notizie/sbarcati-taranto-201-migranti and www.0766news.it/guardia-costiera-la-nave-peluso-salva-200-persone/.

³¹⁵ Information available at: www.ansa.it/sardegna/notizie/2016/05/21/naufregio-barca-con-14-migrantiricerche_bb3fec71-3ff6-4cb0-9dc2-b2ccb52a4fc7.html.

³¹⁶ Information available on the Twitter account of the Italian Navy (@Italian_navy).

³¹⁷ Information available on the Twitter account of Frontex (@Frontex), as well as at: www.cronachetarantine.it/index.php/primo-piano/item/7713-attesi-al-porto-di-taranto-276-migranti.

people.³¹⁸ In the same period, the MSF ships 'Argos' and 'Dignity I' rescued around 420 and 320 people, respectively.³¹⁹

It is worth mentioning that in the last days of May all the available ships have been deployed in search and rescue operations.³²⁰

Between 25 and 26 May 2016, about 4,000 people were rescued in 22 operations.³²¹ Among them, some 560 people were rescued from a sinking fishing boat. Five corpses were also recovered. The number of lost people is unclear.³²² Another shipwreck involved a dingy. Between 20 and 30 people died.³²³

On 27 May 2016, about 1,900 people were rescued in 17 operations.³²⁴ The Italian navy ship 'Vega' rescued 135 people and recovered 45 corpses (including three babies and 36 women). The number of missing people is unclear. Vega reached Reggio Calabria on the morning of 29 May with almost 630 people on board and 45 corpses.³²⁵ On 29 May 2016, the MSF ship 'Bourbon Argos' reached Trapani. On board were 500 men, 73 women (about 15 were pregnant) and 31 children. Among the children, a girl was pregnant as a result of rape that occurred during the journey.³²⁶

On 28 May 2016, about 700 people were disembarked in Pozzallo, 530 in Porto Empedocle, and 225 and 225 people in Augusta on board of two different

318 Information available on the Twitter account of the Italian Coast Guard (@guardiacostiera), as well as at: www.0766news.it/guardia-costiera-dellavvistamento-parte-un-aereo-della-guardia-costiera-italiana-un-peschereccio-pericolo/ and www.0766news.it/guardia-costiera-circa-2-000-migranti-tratti-salvo-al-largo-delle-coste-libiche/.

319 Information available on the Twitter account of MSF (MSF_sea).

320 Information available at: www.guardiacostiera.gov.it/stampa/Pages/comunicato-stampa-24-maggio-2016.aspx.

321 Information available at: www.guardiacostiera.gov.it/stampa/Pages/comunicato-stampa-26-maggio-2016.aspx.

322 Information available on the Twitter account of Italian navy (@Italian_navy).

323 Information available on the Twitter account of MSF (MSF_sea) as well as at: http://palermo.repubblica.it/cronaca/2016/05/26/news/nuova_tragedia_nel_canale_di_sicilia_almeno_20-30_morti-140644676/?ref=m|home|apertura|pos_1.

324 Information available at: www.0766news.it/guardia-costiera-oltre-1900-migranti-tratti-salvo-nella-giornata-oggi-nel-canale-sicilia/.

325 Information available on the Twitter account of Italian navy (@Italian_navy), as well as at: http://palermo.repubblica.it/cronaca/2016/05/27/news/terzo_naufragio_in_tre_giorni_dieci_corpi_recuperati_decine_di_dispersi-140753076/?ref=HREA-1 and www.lastampa.it/2016/05/29/italia/cronache/a-reggio-calabria-la-nave-vega-con-migranti-ZbW5ELqygZfaOlqZc6pUYN/pagina.html.

326 Information available on the Twitter account of MSF (MSF_sea) and at: http://palermo.repubblica.it/cronaca/2016/05/29/news/barcone_affondato_la_strage_dei_bambini_sono_annegati_in_quaranta-140845394/?ref=m%7Chome%7Capertura%7Cpos_1 and http://palermo.repubblica.it/cronaca/2016/05/29/news/minorenne_incinta_vittima_di_stupro_tra_i_migranti_sbarcati_a_palermo-140853500/.

vessels.³²⁷ On the same day, 890 people were disembarked in Catania and 700 in Taranto.³²⁸

Those who were disembarked in Pozzallo explained that their wooden boat towed another big wooden boat until it started to sink. The person in charge of their transportation then cut the rope and let the other boat sink. The rope also killed a woman on board of the boat, which was then intercepted by Italian authorities.

On 28 May 2016, the Italian navy ship 'Bettica' rescued around 100 people while the Coast guard ship 'Dattilo' rescued over 320 people. The Italian Coast Guard rescued 40 people on a dingy that was intercepted close to Pantelleria.

According to an estimate done by UNHCR based on the interviews performed with the rescued people, about 700 people died in the recent shipwrecks.³²⁹ The estimate later rose to 880 people.³³⁰

The statistics given by the Italian authorities to the media underlined that in the period between 1 January to 30 May 2016, approximately 47,700 people were rescued and disembarked in Italy, a 4 % increase compared to the same period in 2015 (approximately 45,900). On 30 May 2016, nearly 119,300 people were being hosted at reception centres in Italy (the approximate numbers on the same day in 2015, 2014, 2013 were 103,800, 66,100 and 22,100).³³¹

7.3. Criminal proceedings against migrants and people helping them

7.3.1 Criminal proceedings initiated against migrants and asylum seekers

At the end of April 2016, a Tunisian citizen was accused of obstructing a public official and of aggravated damage to property. The serious incident occurred in Turin (Piedmont). The person was going to be repatriated to his country of origin from the identification and expulsion centre (*centro di identificazione ed espulsione*, CIE) of Turin. He was handcuffed with Velcro wrist straps and taken on board of an airplane in Milan (Lombardy), where he tried to resist deportation. The pilot refused to fly due to the way the passenger was treated; for this reason,

³²⁷ Information available at: www.repubblica.it/solidarieta/immigrazione/2016/05/29/news/pozzallo-140851229/.

³²⁸ Information available at: www.lastampa.it/2016/05/29/italia/cronache/lecatombe-senza-fine-nel-canale-di-sicilia-morti-in-un-naufragio-arrestato-uno-scafista-tPB2JlUhwDhVcMtMHQGsPI/pagina.html.

³²⁹ Information available at: www.ansa.it/sicilia/notizie/2016/05/27/migranti-nuovo-naufragio-oltre-10-corpi-recuperati-8ad2278c-a0c9-4f6b-80e6-37ac65fc3359.html.

³³⁰ Information available at: www.repubblica.it/solidarieta/immigrazione/2016/05/31/news/onu_migranti_880_morti_in_una_settimana_a_2510_nel_2016-141002130/.

³³¹ The same information was given by several sources, including: www.la7.it/tgla7/rivedila7/edizione-delle-2000-30052016-30-05-2016-185831.

the Tunisian citizen was brought back to the CIE facility and violently beaten during the journey from Milan to Turin. Once back in the CIE facility, he unsuccessfully sought healthcare, and his mobile phone was informally seized by police officers. With the support of other detainees, he started a demonstration in the CIE facility and destroyed some pieces of furniture (a TV), while threatening to commit suicide. He is now undergoing a criminal proceeding for his behaviour in the CIE facility and for resisting deportation.³³²

On 11 May 2016, eight people who had received a removal order and were living at the local reception centre were denied access to the reception and assistance centres in Brenner (Trentino-Alto Adige/South Tyrol) because they had participated in the demonstrations organised close to the border with Austria on 1 April 2016. They had been identified by police officers during the demonstrations, along with a child who is the only one who that still has access to the reception centre.³³³ On 17 May 2016, 50 Egyptians were repatriated from Italy to Egypt after being arrested the week before while trying to enter the Italian territory in an irregular manner. The Egyptian nationals were sailing with fishing boats from Egypt and Libya to Italy when they were detained by the Italian Coast Guard.³³⁴

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

Several criminal proceedings were initiated or concluded during the reporting period to combat smuggling in human beings. On 4 May 2016, a Tunisian citizen was sentenced by the Ordinary Court of Naples to five years in detention because he was held responsible for smuggling 562 migrants to Naples in May 2015.³³⁵ On 5 May 2016, eight people (including three children) were arrested in Messina and accused of smuggling 249 people on 1 May 2016.³³⁶ On 7 May 2016, four people, who were disembarked by the Frontex-deployed Norwegian ship 'Siem Pilot', were arrested for smuggling-related crimes.³³⁷ On 12 May 2016, a criminal proceeding was initiated before the Ordinary Court of Catania against eight people accused of smuggling 362 people to Sicily in August 2015. When their boat was rescued by

³³² Information available at: www.nuovasocieta.it/cronaca/dal-cie-di-torino-al-marocco-espulso-con-mani-e-piedi-legati-in-aereo-il-pilota-si-rifiuta-di-partire/.

³³³ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SB53279.TIF&subcod=20160511&numPag=1&>.

³³⁴ Information available at: <http://thecairopost.youm7.com/news/208431/news/italy-deports-50-egyptians-after-arrested-over-illegal-entry>.

³³⁵ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIF3060.TIF&subcod=20160504&numPag=1&>.

³³⁶ Information available at: http://palermo.repubblica.it/cronaca/2016/05/05/news/migranti_immigrazione_canale_di_sicilia_soccorsi_sbarchi_scafisti-139139894/?ref=search.

³³⁷ Information available at: www.strettoweb.com/2016/05/reggio-calabria-sbarco-del-7-maggio-sottoposti-a-fermo-di-indiziato-4-scafisti-dettagli/409521/.

the Italian Navy vessel 'Cigala Fulgosi' and by the Frontex-deployed Norwegian ship 'Siem Pilot', it was discovered that 49 people on board had died during the trip because they had been forced to stay in the hold all the time and were savagely beaten by the smugglers. For this reason, the eight smugglers are also charged with murder.³³⁸ On 11 May 2016, seven people (including two Italian citizens) were arrested for belonging to a criminal organisation, whose aim was to abduct newly arrived Somali migrants at disembarkation points in Catania and to keep them as prisoners in flats in indecent living conditions until their families or compatriots would pay a ransom to free them. Their victims were abducted with the promise that they would be helped in reaching other European cities.³³⁹ On 17 May 2016, a proceeding was initiated before the Ordinary Court of Catania against two people charged with smuggling the 700 people, who died off the coast of Libya in April 2015. Only 28 people survived the disaster.³⁴⁰

During the last week of May, several people were arrested for smuggling in Pozzallo, Catania and Calabria.³⁴¹

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

7.4.1 Registration and identification

Following their meeting at the end of April,³⁴² the Italian and Austrian Ministers of Interior met on 13 May and apparently agreed that no new border control measures will be adopted by Austria, according to the press. Controls at the railway stations and on board of trains are conducted on the Italian side of the border by

338 Information available at:
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIW4032.TIF&subcod=20160512&numPag=1&>.

339 Information available at:
http://palermo.repubblica.it/cronaca/2016/05/11/news/catania_centri_di_raccolta_migranti_nelle_case_1_3_somali_fermati-139544443/?ref=search,
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIG4142.TIF&subcod=20160512&numPag=1&>, and
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIW4033.TIF&subcod=20160512&numPag=1&>.

340 Information available at:
http://palermo.repubblica.it/cronaca/2016/05/17/news/naufragio_con_700_morti_chiesti_18_anni_per_il_comandante_scafista-139980785/?ref=search.

341 Information available at:
<http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIA2012.TIF&subcod=20160531&numPag=1&>.

342 Information available at:
www.repubblica.it/esteri/2016/05/13/news/migranti_germania_mostrare_solidarieta_a_italia-139706556/.

Italian police officers.³⁴³ In mid-May, the flows at the border were quite low (about 20 people per day). Italian police officers also stopped people who were previously identified and fingerprinted in Austria.³⁴⁴

Allegations of the use of force to implement identification procedures in the hotspots are increasing, as reported in an independent investigative report³⁴⁵ and by the NGO 'Borderline Sicilia'.³⁴⁶ For this reason, a campaign has been launched by journalists to call upon the Ministry of the Interior to grant them access to the hotspot facilities that are currently isolated.³⁴⁷ In addition, a number of lawyers have also received some information on the use of force to persuade people to be identified. However, no formal complaints have been filed so far.³⁴⁸

The Parliamentary Commission of Inquiry on the Reception, Identification, and Expulsion System, as well as on the Treatment of Migrants and on Allocated Public Resources, which was created in November 2014,³⁴⁹ has finished its inspections in the hotspots³⁵⁰ and published a report. The report summarises all critical aspects on identification and reception conditions, support to unaccompanied children, detention, and healthcare.³⁵¹ With regard to identification in the hotspots, a description of implemented procedures is included in the report. It stresses the critical aspects of classifying rescued people according to different categories on the basis of the information included in the 'news sheet' (*foglio notizie*), and not pursuant to an individual interview, which is not always carried out.

OXFAM Italia has published a report on the lack of regulations governing hotspots, underlining in particular that legal information is missing, which makes it more difficult for some of the rescued people to apply for international protection.³⁵²

343 Information available at: www.repubblica.it/esteri/2016/05/13/news/migranti_germania_mostrare_solidarieta_a_italia-139706556/.

344 ASGI lawyer, who passed on information received by the Alexander Lang foundation.

345 The report is available at: www.internazionale.it/video/2016/05/12/hotspot-le-impronte-dei-migranti.

346 The situation at the centre for asylum seekers in Mineo (Sicily) is described in the following report: <http://siciliamigranti.blogspot.it/2016/05/al-cara-di-mineo-i-migranti-arrivati.html>.

347 The description of the campaign is available at: <http://stranieriinitalia.it/attualita/attualita/attualita-sp-754/che-succede-negli-hotspot-fate-entrare-i-giornalisti.html> and www.redattoresociale.it/Notiziario/Articolo/507911/Migranti-il-ministero-garantisca-ai-giornalisti-l-accesso-negli-hotspot.

348 Information provided by ASGI.

349 The composition of the commission is available at: www.camera.it/leg17/436?shadow_organoparlamentare=2528&tipoVis=2&elenco.

350 As an example, see the hotspot of Taranto: www.interno.gov.it/it/notizie/commissione-parlamentare-dinchiesta-sul-sistema-accoglienza-dei-migranti-visita-lhotspot-taranto.

351 The commission's report is attached to the monthly report.

352 The report is available at: www.oxfamitalia.org/wp-content/uploads/2016/05/Rapporto_Hotspots_II-diritto-negato_Oxfam_DEF.pdf.

7.4.2 Asylum procedure

On 29 April 2016, ASGI, together with two NGOs – Naga (a non-profit volunteer association ensuring healthcare, legal counselling, and social assistance to foreign citizens, whether regular or irregular) and Avvocati per Niente (APN, a lawyers association offering free legal counselling to socially disadvantaged people) – submitted a formal letter to the Milan Police Headquarters, in which they pointed out irregularities in handling international protection applications. According to the abovementioned associations, everyone who has tried to apply for international protection at the Milan Police Headquarters has been asked to fill out a form to pre-emptively evaluate whether the applicant is eligible for asylum; if not, the applicant immediately receives an expulsion order. This procedure, according to the associations, is absolutely unlawful and does not abide by the basic principles of EU asylum procedures.³⁵³

On 29 April 2016, the Ministry of the Interior released statistical data concerning asylum in Italy. According to these data, international protection applications in Italy increased by 32 % from 2014 (some 63,500) to 2015 (84,00). Applicants are mainly from Nigeria (some 18,200), Pakistan (some 10,400), Gambia (some 8,000), Senegal (some 6,400), and Bangladesh (some 6,100). Over 71,100 decisions on international protection applications were made in 2015 by the Territorial Commissions for the Recognition of International Protection: 41 % were positive (some 29,500 decisions), around 3,600 people (5 %) were awarded international protection, around 10,200 people (14 %) were awarded subsidiary protection, nearly 15,800 people (22 %) succeeded in obtaining a residence permit for humanitarian reasons, and over 41,500 applications (58 %) were rejected. International protection applicants in Italy are mainly men (some 74,300 compared to some 9,700 women). As for child applicants, nearly 4,000 are unaccompanied children and some 7,200 are in Italy with their families.³⁵⁴ In light of the significant rejection rates, the Italian association 'Fondazione Migrantes' has proposed the use of a legislative tool, envisaged by Legislative Decree No. 286 of 25 July 1998, Consolidated text of provisions governing immigration and the status of aliens (*Decreto legislativo 25 luglio 1998, n. 286, Testo unico delle disposizioni concernenti la disciplina dell'immigrazione e norme sulla condizione dello straniero*). The proposed tool is the issuance of humanitarian residence permits for everyone who is not personally persecuted in their countries of origin, but who are in Italy because they flee from environmental disasters, severe exploitation, and widespread insecure situations. This solution might prevent people, whose

³⁵³ Information available at: www.asgi.it/media/comunicati-stampa/asgi-naga-e-avvocati-per-niente-contro-le-prassi-illegittime-della-questura-di-milano/ and www.meltingpot.org/Nuove-prassi-a-Milano-la-Questura-diventa-un-Hotspot.html#.VOQkSJGLQdV. The text of the letter is available at: http://naga.it/tl_files/naga/comunicati/alla%20Questura%20di%20Milano.pdf.

³⁵⁴ Data are available at: www.interno.gov.it/sites/default/files/modulistica/riepilogo_dati_2014_2015.pdf; www.interno.gov.it/it/sala-stampa/dati-e-statistiche/i-numeri-dellasilolo.html#.VOQkpJGLQdV and www.meltingpot.org/I-numeri-dell-asilo.html#.VOQkSJGLQdV.

application has been rejected, from staying irregularly in Italy without any kind of protection.³⁵⁵

On 18 May 2016, ASGI publicly expressed its concern about the reform of the system of the Rome Territorial Commission for the Recognition of International Protection. The Court of Appeals of Rome transferred the competence of international protection from the first civil section to the fourth one. This is worrying because precious expertise gained by the first section over the years might go to waste.³⁵⁶

On 22 May 2016, the Italian National Association of Judges (*Associazione Nazionale Magistrati*, ANM) expressed its concern about the increasing backlog of processing the appeals of rejected asylum applications. Ordinary courts are in charge of assessing these complaints, but there is a general lack of staff and financial resources. This situation might lead to a serious violation of the applicants' fundamental rights.³⁵⁷ For this reason, the Civil Court of Milan has increased the number of judges in charge of assessing these complaints by 12.³⁵⁸

7.4.3 Return procedure

On 11 May 2016, the Region of Friuli-Venezia Giulia pointed out the lack of cooperation between Italy and Austria regarding return procedures. Austria is sending back several asylum seekers to Italy, but not all of them have been registered in Italy; most of them arrived in Hungary via the Balkan route. These people cannot be sent back to Hungary due to the lack of cooperation between Italy and Hungary, and they are therefore stuck in Italy, which has to provide for their accommodation.³⁵⁹

On 12 May 2016, a group of 50 asylum seekers were transferred with an airplane from Ventimiglia (Liguria) to other places throughout the Italian territory because their reception centre located close to the French border had been closed by the Ministry of the Interior. Generally, the border between Italy and France is currently in a critical situation because France pushes back asylum seekers, who are trying to enter the French territory, to Italy on a daily basis.³⁶⁰ A public denunciation has

³⁵⁵ Information available at: www.redattoresociale.it/Notiziario/Articolo/507464/Rifugiati-Migrantes-Presto-40-mila-diniegate-serve-permesso-umanitario.

³⁵⁶ The letter is available at: www.asgi.it/asilo-e-protezione-internazionale/protezione-internazionale-a-roma-cambia-la-sezione-presso-la-corte-dappello/.

³⁵⁷ Information available at: www.redattoresociale.it/Notiziario/Articolo/508639/Migranti-i-magistrati-Boom-di-ricorsi-dei-diniegate-tribunali-in-difficolta.

³⁵⁸ Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIM5040.TIF&subcod=20160513&numPag=1&>.

³⁵⁹ Information available at: www.redattoresociale.it/Notiziario/Articolo/507521/Frontiera-di-Tarvisio-dove-i-migranti-entrano-ma-non-possono-uscire.

³⁶⁰ Information available at: http://genova.repubblica.it/cronaca/2016/05/12/news/ventimiglia_migranti_respinti_in_blocco_e_sgombati_via_in_aereo_da_genova-139647905/, www.osservatore.repressione.info/14723/, and www.ilsecoloxix.it/p/imperia/2016/05/12/ASSz6chC-ventimiglia_trasferiti_migranti.shtml, and

been made concerning this situation. According to its proponents, police officers have prosecuted irregular migrants, who are still living in Ventimiglia, to force them to be identified and transferred to other places in Italy.³⁶¹ During the last week of May, the situation collapsed. On 27 May, the Mayor issued an order to leave all non-authorized camps.³⁶² The people left before they were removed by force, and when the police arrived there, no one was at the camp.³⁶³ On 29 May, 50 people – the ones who were found on the streets - were transferred by plane to the hotspots in southern Italy in the same manner as on 12 May. The priest of Ventimiglia (with the authorisation of the bishop) opened the church and hosted about 100 people there.³⁶⁴ Later on, the bishop declared that the church is available for hosting people who want to avoid deportation. This declaration raised criticism from the regional government.³⁶⁵ The people are now being hosted by Caritas and are, at the moment, able to stay there without being identified.³⁶⁶

On 18 May 2016, an ASGI lawyer sent a letter to the Ministry of the Interior, asking for clarifications on the detention of a client during a return procedure. His client had been detained from 1 to 7 May 2016 in a cage-like room on board of a passenger cruise ship.³⁶⁷

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

7.5.1 Reception conditions and capacity

On 29 April 2016, the Ministry of the Interior released statistical data concerning the number of people living in Italian reception centres, CIE facilities, and facilities

www.lastampa.it/2016/05/12/edizioni/imperia/ventimiglia-confine-bloccato-dalla-polizia-scattato-il-trasferimento-dei-migranti-respinti-dalla-francia-YURJktzhdLUyTtE3FRF1JJ/pagina.html.

³⁶¹ Information available at:

www.meltingpot.org/Presidio-a-Ventimiglia-Basta-torture-Basta-deportazioni.html#.V0Qz7JGLQdV.

³⁶² Information available at:

http://genova.repubblica.it/cronaca/2016/05/27/news/ventimiglia_il_sindaco_ha_firmato_l_ordinanza_di_sgombero-140708812/.

³⁶³ Information available at:

http://genova.repubblica.it/cronaca/2016/05/30/news/ventimiglia_fallisce_lo_sgombero_15_profughi_ospitati_in_chiesa-140897312/.

³⁶⁴ Information available at:

http://genova.repubblica.it/cronaca/2016/05/30/news/aeroporto_cristoforo_colombo_cinquanta_migranti_rispediti_in_sicilia_con_l_aereo-140958250/.

³⁶⁵ Information available at:

http://genova.repubblica.it/cronaca/2016/05/31/news/i_profughi_nelle_nostre_chiese_li_nessuno_potra_deportarli_-140997703/ and http://genova.repubblica.it/cronaca/2016/05/31/news/la_viale_in_polemica_col_vescovo_non_parli_di_deportazioni_-141023020/.

³⁶⁶ Information available at:

http://genova.repubblica.it/cronaca/2016/05/31/news/ventimiglia_migranti_e_no_borders_lasciano_la_chiesa_di_san_nicola-140980838/ and <https://noborders20miglia.noblogs.org>.

³⁶⁷ Information provided by ASGI. The letter cannot be disclosed for confidentiality reasons.

belonging to the Central Service for the National Asylum Seekers and Refugees Protection System (*Servizio centrale del sistema di protezione per richiedenti asilo e rifugiati*, SPRAR) from 2015 until March 2016. As of March 2016, almost 111,100 people were living in these kind of facilities.³⁶⁸

On 30 April 2016, a demonstration took place in Bolzano (Trentino-Alto Adige/South Tyrol) for the adoption of adequate reception measures to support 240 asylum seekers living in Bolzano without any form of assistance or protection.³⁶⁹

On 4 May 2016, a formal judicial inquiry was initiated to assess whether the CARA facility located in Bari (Apulia) had been managed in an illegal way. The company that was awarded the call for tender to manage the centre has allegedly tried to illegally gain extra profits from the reception of international protection applicants at the centre.³⁷⁰

On the same day, Naga released a report about the reception system in the area of Milan. It outlined the main critical features of the centres considered (47 out of 63 existing centres in the Milan area), such as health conditions and assistance, psychological support, financial support, cultural mediation professionals, etc.³⁷¹

Reception conditions in the hotspot of Pozzallo (Sicily) are critical, with more than 500 people living at the centre, which has a capacity of 150. Migrants are forced to stay at the centre for up to three weeks for identification purposes. The centre is thus overcrowded and health conditions are poor, with many episodes of scabies registered. The situation is particularly critical for pregnant women and unaccompanied children, who are not guaranteed protected and specific facilities.³⁷²

Several demonstrations were organised in Lampedusa in May 2016: migrants hosted in the overcrowded Lampedusa hotspot protested against reception conditions and the excessive duration of identification procedures, which force them to stay at the centre much longer than the foreseen 48-72 hours. According to migrants, no information is provided concerning international protection, and reception conditions are far from being adequate with regard to healthcare assistance, cultural and linguistic mediation, and food provision. The situation is particularly critical for vulnerable groups such as unaccompanied children and pregnant women, which lack access to protected shelter structures. According to the demonstrators, those who refuse identification are forced to sleep outdoors in the courtyard as a retaliation measure. They ask to leave the island and be

³⁶⁸ Data are available at: www.interno.gov.it/it/sala-stampa/dati-e-statistiche/presenze-dei-migranti-nelle-strutture-accoglienza-italia.

³⁶⁹ Information available at: www.meltingpot.org/Bozen-accoglie-ancora-240-i-richiedenti-asilo-in-attesa-di.html#.V0Q1X5GLOdW.

³⁷⁰ Information available at: <http://bari.repubblica.it/cronaca/2016/05/04/news/auxilium-139024195/>.

³⁷¹ The report is available at: [www.naga.it/tl_files/naga/\(Ben\)venuti_Naga.pdf](http://www.naga.it/tl_files/naga/(Ben)venuti_Naga.pdf).

³⁷² Information available at: <http://siciliamigranti.blogspot.it/2016/05/hotspot-di-pozzallo-sovraffollamento-e.html>.

transferred to other centres in Italy or to join family members and friends in other EU Member States. Demonstrators physically occupied the central square of Lampedusa, went on a mass hunger strike, and lit a fire that damaged facilities located in the town's centre.³⁷³ The association 'Askavusa' has launched a public plea to close the hotspot in Lampedusa and to provide healthcare assistance services to people arriving on the island by sea.³⁷⁴

The situation is becoming more and more critical in Ventimiglia as well, where the Ministry of the Interior has decided to close the reception centre to prevent migrants from crossing the nearby border to France.³⁷⁵ Given this critical situation, police officers working in the area have, via the mediation of one of the trade unions representing police professionals, sent a letter to the Ministry of the Interior, asking for an increase in personnel, funds, and safety measures to support their activities.³⁷⁶ Even though the centre has been officially closed, at least 100 asylum seekers are still living in Ventimiglia without any kind of support or assistance measures, except those voluntarily offered by Caritas.³⁷⁷

On 10 May 2016, the Ministry of the Interior entered into an agreement with the municipalities and provinces of the region of Basilicata with the aim of strengthening the regional reception system and extending its capacity.³⁷⁸ On the same day, some asylum seekers, who were waiting for their applications to be assessed by the relevant authorities, occupied the Rome SPRAR centre where they

373 Information available at: <http://siciliamigranti.blogspot.it/2016/05/il-fallimento-dellhotspot-di-lampedusa.html>, <http://siciliamigranti.blogspot.it/2016/05/lampedusa-mandateci-via-da-questa.html>, <https://askavusa.wordpress.com/2016/05/07/lampedusa-06052016-comunicato-delle-persone-migranti-in-protosta/>, <https://askavusa.wordpress.com/2016/05/07/lampedusa-06052016-comunicato-delle-persone-migranti-in-protosta/>, www.meltingpot.org/Nuova-protosta-pacifica-nella-piazza-principale-di.html#.VORCmpGLQdW, <http://siciliamigranti.blogspot.it/2016/05/lampedusa-la-protosta-non-si-arresta.html>, www.meltingpot.org/Lampedusa-I-migranti-denunciano-le-condizioni-di-vita.html#.VORDYpGLQdW, www.ansa.it/sicilia/notizie/2016/05/17/migranti-incendio-in-centro-accoglienza-lampedusa_2e286c8e-b5ae-4461-b9c9-f2fe519be7d3.html, www.lastampa.it/2016/05/18/italia/cronache/incendio-in-un-centro-di-accoglienza-a-lampedusa-4T7Wv05FDpriDaPwrj0F9l/pagina.html, www.ilfattoquotidiano.it/2016/05/17/lampedusa-divampa-un-incendio-nel-centro-di-accoglienza-per-migranti/2740268/, <http://meridionews.it/articolo/43633/lampedusa-incendio-allinterno-dellhotspot-forse-protosta-di-tunisini-contro-il-rimpatrio/>, and <http://agrigento.blogsicilia.it/paura-nel-centro-migranti-di-lampedusa-incendio-appiccato-per-protosta/338692/>.

374 The plea's text is available at: <https://askavusa.wordpress.com/2016/05/27/chiudere-lhot-spot-smilitarizzare-lisola-e-costruire-un-ospedale/>.

375 Information available at: www.interno.gov.it/it/notizie/alfano-ventimiglia-centro-accoglienza-va-chiuso, www.sanremonews.it/leggi-notizia/argomenti/cronaca/articolo/ventimiglia-sabato-la-visita-del-ministro-alfano-chiude-oggi-il-centro-di-prima-accoglienza-alla-s.html, and www.riviera24.it/2016/05/alfano-a-ventimiglia-lemergenza-non-ce-piu-il-centro-va-chiuso-222816/.

376 The text of the letter is available at: www.riviera24.it/2016/05/il-siulp-al-ministro-alfano-drammatica-la-situazione-lavorativa-delle-forze-di-polizia-al-confine-222880/ and www.imperiapost.it/175123/ventimiglia-il-ministro-alfano-nega-lincontro-al-sindacato-di-polizia-che-interviene-con-una-lettera-apertai-dettagli.

377 Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIW4038.TIF&subcod=20160512&numPag=1&>.

378 Information available at: www.interno.gov.it/it/notizie/potenza-tavolo-regionale-immigrazione-lavoro-ampliare-laccoglienza.

were living to protest against the lack of services, poor reception conditions, and the excessive length of time needed for their application to be processed.³⁷⁹

On 11 May 2016, asylum seekers living in the CARA facility located in Castelnuovo di Porto (Lazio) demonstrated in front of the local prefecture, complaining about forced transfers to other centres and requesting decent living conditions.³⁸⁰ On 18 May 2016, some of them were received by the Vice-Prefect, who confirmed that transfers are decided by the Ministry of the Interior; nonetheless, some of the requests voiced by the asylum seekers have been accepted, and those who are refusing to be transferred are allowed to remain at the centre.³⁸¹

On 18 May 2016, the Ministry of the Interior, together with the National Association of Italian Municipalities (*Associazione Nazionale Comuni Italiani*, ANCI), signed the so-called 'Good Reception Charter', a document aimed at outlining the basic principles that would inform the Italian reception system. These principles are: individually tailored reception measures; small-size reception facilities scattered throughout the Italian territory; cooperation between municipalities and prefectures; and promotion of sustainable integration by taking into account the municipality's social fabric.³⁸²

On 21 May 2016, members of the abovementioned parliamentary commission of inquiry visited the hotspot in Trapani (Sicily) and expressed a positive opinion about the adequacy of the facilities, the information provided to the newly arrived migrants, and the duration of identification procedures.³⁸³

7.5.2 Vulnerable persons

In Rome, on 18 May 2016, the NGO 'Be Free' presented a report about recent trends in human trafficking of women in Italy. The NGO analysed the situation of women accommodated in the Rome CIE facility, where staff assists female detainees by offering them support and assistance. The report is not publicly available yet.³⁸⁴

379 Information available at: http://roma.repubblica.it/cronaca/2016/05/11/news/roma_migranti_occupano_lo_sprar_di_rebibbia_non_abbiamo_nulla_-139600543/.

380 Information available at: www.meltingpot.org/Roma-Non-siamo-pacchi-l-richiedenti-asilo-del-CARA-di.html#.VORmHZGLQdV.

381 Information available at: www.meltingpot.org/Roma-Le-vite-non-sono-pacchi.html#.VORmJZGLQdV.

382 Information available at: www.interno.gov.it/it/notizie/carta-buona-accoglienza-nuovo-modello-integrazione.

383 Information available at: www.redattoresociale.it/Notiziario/Articolo/508540/Accoglienza-migranti-la-commissione-d-inchiesta-promuove-Trapani.

384 The presentation of the report is available at: www.radioradicale.it/scheda/475634/interrotte-storie-di-tratta-percorsi-di-resistenze. Comments on the report are available at: www.befreecooperativa.org/wordpress/2016/05/interrotte-storie-di-tratta-percorsi-di-resistenze/, www.osservatoriointerventitratta.it/?p=7628, and www.ingenero.it/news/interrotte-storie-tratta-rapporto-befree.

7.5.3 Child protection

On 29 April 2016, some associations and companies in charge of managing reception facilities for unaccompanied children, demonstrated in the area of Agrigento (Sicily) against the lack of financial support by the municipalities where the centres are located. The situation of unaccompanied children in the area of Agrigento and Messina is becoming as critical as in Lampedusa, where children are forced to remain in the hotspot for several weeks while waiting to be transferred to other reception centres, in breach of the best interests of the child principle.³⁸⁵ The same situation concerns the hotspot in Pozzallo, where 120 unaccompanied children – coming from Egypt, Mali, Gambia, and New Guinea – have been waiting to be transferred for several weeks.³⁸⁶ Due to this situation, ASGI sent an official letter to the Sicilian regional authorities, asking for the reception system of unaccompanied children to be improved, better financed, and managed in a way that guarantees the child's best interests. In addition, ASGI stated that the same living conditions should be offered to these children as to Italian unaccompanied children.³⁸⁷

The Ministry of the Interior confirmed that 13,000 unaccompanied children are currently living at Italian reception centres.³⁸⁸

On 13 May 2016, a delegation consisting of NGOs and lawyers, headed by a Member of Parliament, visited the hotspot in Pozzallo. Delegation members could speak with some of the children who had been in the hotspot since 13 April and 1 May 2016. Many children remain in Pozzallo for a medium-long period due to the difficulties encountered in moving them to appropriate facilities. Pursuant to Italian legislation, if there are no places available in SPRAR facilities, it is the responsibility of the municipal authorities (in this case, the Municipality of Pozzallo) to accommodate them. The Parliament is currently discussing a legislative proposal aimed at changing some of the rules on the reception of children. A letter to the Ministry of the Interior is currently being prepared and will be sent out after the visit to the hotspot.³⁸⁹

On 27 May, the Ministry of the Interior and UNICEF Italy signed a monitoring protocol aimed at supervising the living conditions of unaccompanied children in

³⁸⁵ Information available at: www.asgi.it/notizia/proteste-in-sicilia-nei-centri-per-minori-stranieri-non-accompagnati-salvaguardiamo-il-superiore-interesse-del-minore/.

³⁸⁶ Information available at: <http://siciliamigranti.blogspot.it/2016/05/pozzallo-continua-il-trattenimento-di.html> and www.redattoresociale.it/Notiziario/Articolo/507915/Minori-migranti-un-grido-dall-interno-dell-hotspot-di-Pozzallo-Aiutateci.

³⁸⁷ Information available at: www.asgi.it/notizia/regione-sicilia-norme-strutture-seconda-accoglienza-discriminano-i-minori-stranieri-non-accompagnati/. The text of the letter is available at: www.asgi.it/wp-content/uploads/2016/05/Lettera-Strutture-seconda-accoglienza-msna-Regione-Sicilia.pdf.

³⁸⁸ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIK3016.TIF&subcod=20160511&numPag=1&>.

³⁸⁹ Information provided by an ASGI lawyer who was a member of the delegation. Some pictures of the document given to the children that certifies when they arrived are available.

Italy. The monitoring activity will focus on reception conditions of unaccompanied children – both migrants and asylum seekers -, on children's living conditions at reception centres and on support and assistance measures and policies.³⁹⁰

7.5.4 Healthcare

A tuberculosis case was reported at a reception centre in Imperia (Liguria).³⁹¹ Interesting statistical data have been released by the National Institute of Statistics (*Istituto Nazionale di Statistica*, ISTAT) and by the National Institute for the Promotion of Migrant Populations' Health and the Fight against Poverty-related Diseases (*Istituto Nazionale per la promozione della salute delle popolazioni Migranti e per il contrasto delle malattie della Povertà*, INMP). The data show that migrants are generally in good health upon arrival in Italy, which then dramatically deteriorates due to their living conditions and poor access to healthcare.³⁹²

Italy is one of the EU Member States (together with Greece, Malta, Croatia, and Slovenia) that participates in Care, an EU-funded project aimed at monitoring migrants' health conditions. At the end of April 2016, the Italian Minister of Public Health officially presented the 'health card', which will be given to migrants arriving in the hotspots of Lampedusa and Trapani. This card, which is valid all over the EU, will be a useful tool to monitor the health conditions of migrants and the healthcare services they have benefitted from; it can be used to assess their age as well.³⁹³

Moreover, the Ministry of Public Health and the Sicilian regional authorities have signed an agreement aimed at monitoring and improving health conditions of migrants living at Sicilian reception centres.³⁹⁴

7.5.5 Immigration detention

See section 7.4.3.

³⁹⁰ Information available at: www.interno.gov.it/it/notizie/nuovo-slancio-alla-protezione-dei-minori-migranti-e-rifugiati.

³⁹¹ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=TO43052.TIF&subcod=20160504&numPag=1&>.

³⁹² Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIK5053.TIF&subcod=20160506&numPag=1&> and <http://iltirreno.gelocal.it/italia-mondo/2016/05/05/news/istat-peggiora-la-salute-degli-immigrati-anche-a-cause-della-crisi-1.13416671?id=2.3521&fsp=2.3505>. Statistical data are available at: www.istat.it/it/archivio/10825.

³⁹³ Information available at: www.ansa.it/salutebenessere/notizie/rubriche/salute/2016/04/29/lorenzinparte-progetto-tessera-sanitaria-a-migranti-ec7707c6-a828-46e7-b10f-4fbf2e01ed97.html.

³⁹⁴ The plan is available at: www.regioni.it/news/2016/05/13/conferenza-stato-regioni-del-05-05-2016-approvazione-del-progetto-interregionale-per-il-finanziamento-dellattivita-per-lanno-2015-dellistituto-nazionale-per-la-promozione-458758/.

7.6. Responses in law, policy and/or practice

In May 2016, the Ministry of the Interior proposed the introduction of identification procedures directly at sea on board of save and rescue vessels, as a way of distinguishing and channelling migrants –asylum seekers eligible for relocation, asylum seekers not eligible for relocation, and economic migrants – before they reach the Italian shores. The intent is to reduce identification procedures in the hotspots.³⁹⁵ This system would be called ‘floating hotspots’. Frontex representatives declared that they have received this proposal and are assessing its feasibility.³⁹⁶ ASGI has immediately stressed the illegitimacy of this proposal because it would constitute a severe violation of constitutional rights, of the European Convention of Human Rights (ECHR), of the right to proper information concerning international protection, and of the right to adequate healthcare, psychological, and linguistic assistance.³⁹⁷

In cooperation with the Ministry of Public Education, three Italian universities, located in Turin and Venice, are developing an educational humanitarian corridor to allow asylum seekers to be hosted by the aforementioned universities and attend an eight-month educational programme.³⁹⁸

The Prefecture of Rome, in cooperation with local associations, has organised a training course for Italian teachers working at reception centres in Rome to enable them to offer adequate language training as a main integration tool to asylum seekers and refugees living in Rome.³⁹⁹

On 11 May 2016, the Ministry of the Interior published the ranking of awarded projects aimed at designing and implementing voluntary return plans financed through the Asylum, Migration, and Integration Fund (*Fondo Asilo, Migrazione e Integrazione*, FAMI). These projects are targeted at assisting migrants living in Italy, who voluntarily decide to go back to their countries of origin.⁴⁰⁰

³⁹⁵ Information available at: www.interno.gov.it/it/notizie/ministro-alfano-bruxelles-ha-ricevuto-consensi-piano-italiano-sullimmigrazione, <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SI76010.TIF&subcod=20160514&numPag=1&>, and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIF4019.TIF&subcod=20160519&numPag=2&>.

³⁹⁶ Information available at: www.repubblica.it/solidarieta/immigrazione/2016/05/02/news/migranti-138913384/.

³⁹⁷ Information available at: www.asgi.it/media/comunicati-stampa/e-illegittimo-qualsiasi-hot-spot-per-identificare-i-migranti-in-mare/.

³⁹⁸ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIQ3004.TIF&subcod=20160504&numPag=1&>.

³⁹⁹ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIF4076.TIF&subcod=20160505&numPag=1&>.

⁴⁰⁰ Information available at: www.stranieriinitalia.it/attualita/attualita/attualita-sp-754/rientro-volontario-assistito-12-milioni-di-per-far-tornare-a-casa-3000-migranti.html.

On 13 May 2016, the agreement between the Ministry of the Interior and the Italian National Olympic Committee (*Comitato Olimpico Nazionale Italiano*, CONI) was presented. The aim of the agreement is to promote and implement sports projects targeted at children hosted at Italian reception centres, considering that sports activities can be a pivotal integration tool.⁴⁰¹

During a public hearing before the Chamber of Deputies on 10 May 2016, the Chief of the Civil Liberties and Immigration Department (*Dipartimento per le Libertà civili e l'Immigrazione*) of the Ministry of the Interior declared that, by the end of May 2016, the composition of the Territorial Commissions for the Recognition of International Protection would be reformed and broadened, with the possibility of recently graduated students in political science and law supporting these bodies.⁴⁰²

The relocation system has failed substantially since only 591 people were transferred from Italy to other EU Member States during the last eight months.⁴⁰³ Croatia recently confirmed that 10 asylum seekers will be relocated from Italy between 8 June and 8 July.⁴⁰⁴ Slovenia also confirmed that 10 Eritrean asylum seekers have been relocated from Italy in May.⁴⁰⁵

On 9 May 2016, the EU announced that anti-terrorism EU agents are going to visit hotspots in Italy (and Greece) to identify terrorists and foreign fighters hiding among migrants and asylum seekers.⁴⁰⁶

7.7. Social response to the situation

On 1 May 2016, a demonstration took place in Rome in front of the Turkish embassy against the agreement between Turkey and the EU.⁴⁰⁷

On 3 May 2016, a further 101 Syrian and Iraqi refugees (including 44 children) arrived in Rome through the humanitarian corridor financed by the Federation of Evangelical Churches in Italy (*Federazione delle Chiese Evangeliche in Italia*, FCEI). They will all be given a residence permit for humanitarian reasons.⁴⁰⁸

401 Information available at: www.interno.gov.it/it/notizie/sport-lintegrazione-dei-giovani-migranti.

402 The hearing is available at: <http://webtv.camera.it/evento/9429prosegue>.

403 Information available at: www.redattosociale.it/Notiziario/Articolo/508343/E-flop-relocation-trasferiti-da-Italia-e-Grecia-solo-1-500-migranti-su-160-mila.

404 UNHCR update #25 (see annex).

405 UNHCR update #25 (see annex).

406 Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIF1003.TIF&subcod=20160509&numPag=1&>.

407 Information available at: www.meltingpot.org/1-Maggio-Over-the-fortress-sotto-l-Ambasciata-Turca-a-Roma.html#.VORleZGLodV.

408 Information available at: <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIG2003.TIF&subcod=20160503&numPag=1&> and <http://cartadiroma.waypress.eu/RassegnaStampa/LeggiArticolo.aspx?codice=SIK2020.TIF&subcod=20160503&numPag=1&>.

On 7 May 2016, a large demonstration took place at the border between Italy and Austria against the construction of a fence aimed at protecting the Austrian part of the border. Several incidents occurred that day (with some police officers injured), and five activists were arrested by Italian police officers.⁴⁰⁹

Several associations based in Trento (Trentino-Alto Adige/South Tyrol) are implementing training activities to set up a support service for LGBT asylum seekers. This service should provide assistance and information for LGBT asylum seekers living in Italy.⁴¹⁰

IRC, together with Treccani (the Italian Encyclopaedia of Science, Letters, and Arts), is promoting a campaign called 'Words that matter' (*Le parole che valgono*), which aims to contrast disinformation and hate speech about migration and reaffirm the original and correct meaning of words such as asylum, reception, humanity, migration, and dialogue.⁴¹¹

On 19 May 2016, the Openeurope project was presented in Rome. This project, designed by OXFAM Italia in cooperation with the Waldensian Church and the NGO 'Bordeline Sicilia', aims to provide healthcare assistance and legal counselling to irregular migrants who, after being identified in the hotspots and classified as economic migrants, receive a delayed removal order and are obliged to leave Italian territory within seven days, without any kind of assistance by Italian authorities.⁴¹²

On 23 May 2016, a demonstration took place in Ancona (Marche) against the local Territorial Commission for the Recognition of International Protection, which has the highest rate of refusals of international protection applications, as well as against the Civil Court, which has a similar rate of negative rulings on appeals against international protection denials.⁴¹³

409 Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIQ1065.TIF&subcod=20160509&numPag=1&>, <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIK1071.TIF&subcod=20160509&numPag=2&>, <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIR1020.TIF&subcod=20160509&numPag=2&>, <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIK1021.TIF&subcod=20160509&numPag=1&>, and <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIH1096.TIF&subcod=20160509&numPag=1&>.

410 Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIG1406.TIF&subcod=20160516&numPag=1&>.

411 Information available at: www.redattoresociale.it/Notiziario/Articolo/508065/Migranti-da-asilo-ad-accoglienza-ecco-le-parole-che-valgono.

412 Information on the project is available at: <http://siciliamigranti.blogspot.it/2016/05/presentato-ieri-roma-il-progetto.html> and www.redattoresociale.it/Notiziario/Articolo/508454/OpenEurope-arriva-l-unita-mobile-legale-per-assistere-i-respinti-negli-hotspot.

413 Information available at: www.meltingpot.org/Ancona-Manifestazione-per-i-diritti-dei-rifugiati.html#.VORmRJLOdV.

On 27 May, the Jesuit Refugee Centre 'Centro Astalli' launched a new support service for refugees living in Rome. This service provides legal counselling, job mentoring and career orienteering, and training activities.⁴¹⁴

7.8. Hate crime incidents

On 17 May 2016, a street cleaner of Bengali origin was violently attacked in Milan by a 26-year-old racist extremist who, at first, tried to force him to walk with his head hanging low, and then, when the victim refused to obey, punched him repeatedly. The victim managed to escape and called the police. The perpetrator, who in the meanwhile was harassing a migrant woman, was arrested. Once at the police station, the offender confirmed that his actions were based on racial discrimination.⁴¹⁵

On 1 June, a demonstration took place near Caserta (Campania) against the reception of 70 immigrants in an apartment building where Italian citizens were already living. The demonstrators wanted the immigrants to be hosted in a specific separate facility to avoid altering the living conditions of Italian people living there.⁴¹⁶

⁴¹⁴ Information available at: <http://centroastalli.it/inaugurato-il-centro-dascolto-e-orientamento-socio-legale-per-rifugiati/>.

⁴¹⁵ Information available at: www.stranieriinitalia.it/attualita/attualita/attualita-sp-754/cammina-a-testa-bassa-immigrato-poi-le-botte.html.

⁴¹⁶ Information available at: <http://cartadiroma.waypress.eu//RassegnaStampa/LeggiArticolo.aspx?codice=SIF3195.TIF&subcod=20160601&numPag=1&>.

8. Slovenia

8.1. Stakeholders contacted

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

- Caritas Slovenia (*Slovenska karitas*);
- Slovenian Philanthropy (*Slovenska filantropija*);
- Legal Information Centre of NGOs (*Pravno informacijski center nevladnih organizacij, PIC*);
- Administration of the Republic of Slovenia for Civil Protection and Disaster Relief (*Uprava Republike Slovenije za zaščito in reševanje*);
- Directorate for Internal Administrative Affairs, Migration, and Naturalization (*Direktorat za upravne notranje zadeve, migracije in naturalizacijo*) at the Ministry of the Interior (*Ministrstvo za notranje zadeve*);
- Migration Policy and Legislation Division (*Sektor za migracijsko politiko in zakonodajo*) of Internal Administrative Affairs, Migration and Naturalization Directorate (*Direktorat za upravne notranje zadeve, migracije in naturalizacijo*) at the Ministry of Interior (*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 59 people, originating mainly from Albania, Afghanistan, Algeria and Iraq, entered Slovenia in an irregular manner during the period from 1 May until 31 May.⁴¹⁷ Around 57 requests for international protection were filed during the reporting period.⁴¹⁸

⁴¹⁷ General Police Directorate, Uniformed Police Directorate, Border Police Division.

⁴¹⁸ 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, it is a misdemeanour.⁴¹⁹ Several instances of misdemeanour proceedings have been initiated (fines issued) against aliens under the State Border Control Act⁴²⁰ and the Aliens Act.⁴²¹

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*).⁴²² The Criminal Code does not specify whether payment for facilitation of irregular entry or stay is a criterion for prosecution, however, consistent jurisprudence has not yet been established in this field. The State Prosecutor's Office reports that they have not yet dealt with a case where such activities were provided for humanitarian reasons (and not for profit) and thus they have not yet adopted an official position on the matter whether facilitating irregular entry or stay for humanitarian reasons is a crime.⁴²³

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 in place since 8 March when the provisions of the Schengen Borders Code were imposed again.

All individuals over the age of 14 requesting international protection in the reporting period have been registered in EURODAC.⁴²⁴

⁴¹⁹ As stipulated in Articles 142 to 147 of the Aliens Act, 27 June 2011, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761.

⁴²⁰ Slovenia, State Border Control Act, 20 April 2010, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5964.

⁴²¹ General Police Directorate, Uniformed Police Directorate, Border Police Division.

⁴²² Office of the State Prosecutor General of the Republic of Slovenia.

⁴²³ *Ibid.*

⁴²⁴ Asylum Home.

8.4.2 Asylum procedure

During the period from 1 May until 31 May, some 57 people requested international protection (including 20 from Syria, 10 from Iraq, six from Eritrea, four from Pakistan). Among them were 44 men, 13 women and 16 children.⁴²⁵

Slovenian Philanthropy (*Slovenska filantropija*) and UNICEF pointed out that the Slovenian Government should provide accommodation that would be better suited for unaccompanied children and that 20 unaccompanied children have so far gone missing from the Asylum Home (*Azilni dom*), and have not been found.⁴²⁶ The government is preparing to accommodate the unaccompanied children in high school student dormitories (*dijaški dom*) in Postojna and Nova Gorica.

The Asylum Home (*Azilni dom*) reports that there were no rejections of requests for international protection based on the safe third country principle.⁴²⁷

Under the Dublin III Regulation procedure, two people were returned back to Slovenia (two men from Afghanistan and Iraq).⁴²⁸ Based on European schemes for relocation and resettlement, 34 people arrived in Slovenia from Greece (18 from Syria, 10 from Iraq and six from Eritrea).⁴²⁹

Slovenia handed over seven people to other EU Member States (a four-member family from Syria for the purpose of family reunification, a child from Syria for the purpose of family reunification, a man from Afghanistan and a man from Morocco).⁴³⁰

During the reporting period, some 10 asylum seekers⁴³¹ had their movement limited and were detained at the Centre for Foreigners (*Center za tujce*).⁴³² All of them were men, mainly from North Africa.⁴³³

There have been no changes in the law regarding the abovementioned issues.

8.4.3 Return procedure

The police (*Policija*) reports that 253 persons were denied access into the country from 1 May to 31 May. Forty-five people were returned on the basis of a bilateral agreement via the procedure of informal announcement to neighbouring law

⁴²⁵ *Ibid.*

⁴²⁶ Article on the web news portal RTVSLO, 'Child refugees are leaving asylum homes', 13 May 2016: www.rtvsllo.si/begunska-kriza/otroci-begunci-zapuscajo-azilne-domove/392957.

⁴²⁷ Asylum Home.

⁴²⁸ *Ibid.*

⁴²⁹ *Ibid.*

⁴³⁰ *Ibid.*

⁴³¹ There were 10 asylum seekers detained according to the Asylum Home and nine according to the Centre for Foreigners.

⁴³² Asylum Home.

⁴³³ Centre for foreigners in Postojna, Senior Police Inspector.

enforcement authorities, and none according to the procedure of formal announcement.⁴³⁴ One person was returned to his country of origin.⁴³⁵

During the period from 1 May to 31 May, 21 new people were accommodated at the Centre for Foreigners (*Center za tujce*) while they are in the process of removal from the country or establishing identity: three from Albania (all men), three from Eritrea (two men and one unaccompanied child),⁴³⁶ and the rest from other countries. Nineteen people were forcibly returned or transferred after being accommodated in the Centre for Foreigners (*Center za tujce*), most from Syria (four men, one woman, six children), three from Albania (male), two from Russia (male), one from Montenegro (male), one from Tunisia (male) and one from Ukraine (female).⁴³⁷

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 large-scale arrivals in the past three months, reception and registration facilities remain closed or are on standby. Centres which are still open operate in Vrhnika, Dobova, Lendava, Šentilj, Črni les, Logatec, Kotnikova and include the Asylum Home (*Azilni dom*) and the Centre for Foreigners (*Center za tujce*). Their combined capacity is 5,130 people.⁴³⁸ At no point were any of the reception or accommodation centres overcrowded,⁴³⁹ nor were asylum seekers accommodated together with persons in return procedures.⁴⁴⁰

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 at three locations: the central building in Ljubljana Vič, accommodating all categories of asylum seekers (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. Asylum seekers that arrived

434 Centre for foreigners in Postojna, Senior Police Inspector.

435 *Ibid.*

436 See section 8.5.5.

437 *Ibid.*

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

439 Slovenian Philanthropy.

440 *Ibid.*

in Slovenia from Greece were primarily accommodated at Logatec⁴⁴¹, and to a lesser extent, at the Asylum Home in Ljubljana Vič.⁴⁴²

8.5.2 Vulnerable persons

Nothing new to report.

8.5.3 Child protection

Even though children have been included in the education system (see previous reports), it has been noted that children have not been *adequately* included in the educational system, since the school year is almost over.⁴⁴³ The language barrier is reported to be the biggest issue in the process of granting children access to education.⁴⁴⁴ To facilitate their progress, Slovenian Philanthropy (*Slovenska filantropija*) is providing refugee children one hour of Slovene lessons per day.⁴⁴⁵

Slovenian Philanthropy (*Slovenska filantropija*) has also launched a project in cooperation with UNICEF at the Asylum Homes in Logatec and Vič, where teams of animators and translators are working with unaccompanied children to boost morale and help with integration.⁴⁴⁶

As reported in the special focus section, children continue to disappear from their accommodation facilities.⁴⁴⁷

8.5.4 Healthcare

Nothing new to report.

8.5.5 Immigration detention

Some 49 new persons were detained at the Centre for Foreigners (*Center za tujce*) (21 in the process of removal from the country or establishing identity, 19 in the

⁴⁴¹ *Ibid.*

⁴⁴² Ministry of the Interior, Press release, 19 May 2016, available at: www.mnz.gov.si/si/novinarsko_sredisce/novica/browse/1/article/12208/9754/15588ccca7313d922e003890be971e6c/.

⁴⁴³ Slovenian Philanthropy.

⁴⁴⁴ Article on the web news portal RTVSLO, 'The most challenging part of including refugee children in the educational system is language', 5 May 2016, available at: www.rtvlo.si/slovenija/najzahtevnejsi-del-vkljucevanja-priseljencev-v-solski-sistem-je-jezik/392261.

⁴⁴⁵ Slovenian Philanthropy.

⁴⁴⁶ *Ibid.*

⁴⁴⁷ Article on the web news portal RTVSLO, 'Refugee children are leaving asylum homes', 13 May 2016, available at: www.rtvlo.si/begunska-kriza/otroci-begunci-zapuscajo-azilne-domove/392957; Article on the web news portal 24ur, 'Out of 66 children that sought international protection, 31 went missing', 13 May 2016, available at: www.24ur.com/novice/slovenija/postojnski-dijaski-dom-se-pripravlja-na-prihod-begunskih-otrok.html.

process of removal on the basis of a bilateral agreement, and nine or 10 asylum seekers who had their movement limited).⁴⁴⁸

An unaccompanied child was also detained at the Centre for Foreigners (*Center za tujce*), a situation only permitted by law in exceptional circumstances. These circumstances, according to the police (*Policija*), occur when no other adequate accommodation provided by the Social Work Centre (*CSD*) is available. In normal circumstances, unaccompanied children requesting international protection can only have their movement restricted to the premises of the Asylum Home (*Azilni dom*).⁴⁴⁹ As highlighted in the previous reports, the Centre for Foreigners (*Center za tujce*) is not an appropriate facility to accommodate children due to its closed nature.

8.6. Responses in law, policy and/or practice

While Slovenia is continuing to relocate asylum seekers from Greece and Italy,⁴⁵⁰ the largest opposition party, the Slovenian Democratic Party (*Slovenska demokratska stranka* - SDS), requested a debate about the country's response to the refugee crisis in the Parliament.⁴⁵¹

8.7. Social response to the situation

There were no demonstrations in favour or against migrants. NGOs continue to be highly engaged and active in the field. Legal volunteers have begun offering legal advice to asylum seekers regarding their asylum application.⁴⁵²

8.8. Hate crime incidents

The Slovenian hotline for reporting hate speech incidents on the internet 'Web eye' (*Spletno oko*) received 60 reports of alleged hate speech, punishable according to Article 297 (Public incitement to hatred, violence or intolerance) of the Criminal Code.⁴⁵³ None of them were referred to the police.

⁴⁴⁸ Centre for Foreigners in Postojna, Senior Police Inspector.

⁴⁴⁹ Centre for Foreigners in Postojna, Senior Police Inspector.

⁴⁵⁰ Article on the web news portal RTVSLO, 'First group of asylum seekers from Italy to arrive in Slovenia', 19 May 2016, available at: www.rtvsllo.si/slovenija/v-slovenijo-prisla-prva-skupina-prosilcev-za-azil-iz-italije/393465.

⁴⁵¹ Article on the web news portal RTVSLO, 'During the silent times of the refugee crisis, a heated discussion takes place in Parliament', 20 May 2016, available at: www.rtvsllo.si/begunska-kriza/ob-zatisju-prebezniske-krize-razgreta-razprava-v-dz-ju/393560.

⁴⁵² Information provided by legal volunteers in the field.

⁴⁵³ Hotline for reporting hate speech on the internet 'Web eye', Project coordinator, 2 June.

The State Prosecutor's Office received six criminal reports concerning the criminal offence 'Public incitement to hatred, violence or intolerance', punishable under Article 297 of the Criminal Code (*Kazenski zakonik*).

The police initiated misdemeanour proceedings against one person for inciting intolerance⁴⁵⁴ under Article 20 of the Protection of Public Order Act.⁴⁵⁵

The police did not detect any other racist, xenophobic and related incidents or demonstrations against migrants or persons in need of international protection.⁴⁵⁶

Also, no reports of such incidents appeared in the media, however, social media continues to be a medium for hostile propaganda against migrants.

There were no demonstrations against migrants across the country.

⁴⁵⁴ General Police Directorate, Uniformed Police Directorate, Border Police Division.

⁴⁵⁵ Slovenia, The Protection of Public Order Act, 22 June 2006 with subsequent amendments, available at: www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3891.

⁴⁵⁶ General Police Directorate, Uniformed Police Directorate, Border Police Division.

9. Sweden

9.1. Stakeholders contacted

- Swedish Migration Agency (*Migrationsverket*);
- Swedish Police (*Polisen*);
- National Board of Health and Welfare (*Socialstyrelsen*);
- Swedish Health and Social Care Inspectorate (*Inspektionen för vård och omsorg*);
- Swedish Authority for Youth and Civil Society (*Myndigheten för ungdoms- och samhällsfrågor*);
- Health Centre Boden (*Vårdcentral Boden*), County council of Norrbotten (*Norrbottens läns landsting*), nurse working with health screening;
- Amnesty International Sweden;
- Save the Children Sweden (*Rädda Barnen Sverige*);
- Red Cross Sweden (*Röda Korset Sverige*);
- The umbrella organisation for women and girls crises center in Sweden (*Riksorganisationen för kvinnojourer och tjejjourer i Sverige - ROKS*);
- Swedish Association of Local Authorities and Regions (*Sveriges kommuner och landsting, SKL*);
- Lawyer at Fridh law firm (*Göteborg*);
- Lawyer at Kvinnojuristen law firm (*Örebro*).

9.2. Overview of the situation

During the period of 1 May – 31 May 2016, Sweden received over 2,100 asylum seekers, a very slight increase compared to April (2,059) and a decrease compared to the March figure (2,251).⁴⁵⁷ The number of new asylum seekers appears to have stabilised at between 2,000 and 3,000 persons per month since February.⁴⁵⁸ This is mainly the result of the obligatory identity checks on all carriers entering Sweden and the introduction of even stricter border controls in other European states.

The main countries of origin of the asylum applicants were Syria (295), Afghanistan (175) and Somalia (174).⁴⁵⁹ Over 1,200 asylum seekers were men and some 850 were women. Some 740 were children (the number includes both unaccompanied children and children arriving with their families). Around 170 asylum seekers were unaccompanied children, a slight increase from April (145)

⁴⁵⁷ Swedish Migration Agency.

⁴⁵⁸ *Ibid.*

⁴⁵⁹ *Ibid.*

and March (121). The unaccompanied children who arrived during the first five months of 2016 were predominately boys (83 %).⁴⁶⁰

According to the Swedish Police (*Polisen*), people who withdraw their asylum applications and leave Sweden outnumber those who submit new applications for asylum. The majority of the people who withdraw their applications are unaccompanied children from Afghanistan and people from Iraq⁴⁶¹.

9.3. Criminal proceedings against migrants and people helping them

9.3.1 Criminal proceedings initiated against migrants and asylum seekers

No criminal proceedings have been initiated against migrants and asylum seekers for offences related to irregular crossing of the border. According to the police, there are approximately two incidents per week where the train tunnel between Sweden and Denmark has to be closed down to search for groups of asylum applicants who try to enter Sweden by walking through the tunnel. This way of crossing the border is extremely dangerous. To prevent such incidents heat-sensitive cameras have recently been installed in the tunnel.⁴⁶² A boat with asylum seekers capsized while attempting to cross the strait between Denmark and Sweden. Everyone was saved by the Coast Guard (*Kustbevakningen*), but one person remains in a coma.

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

According to the police, in all cases where individual asylum seekers cross the border in somebody's car, the driver should be considered a smuggler of human beings rather than a person who provides help for humanitarian reasons.⁴⁶³ As a consequence, they are perceived as offenders against the state in preliminary investigations in accordance with the Aliens Act (*Utlänningslag 2005:716*). Approximately 39 % of the investigations ends in prosecution and court trial. According to the police, they apprehend on average one driver each week.⁴⁶⁴

⁴⁶⁰ Swedish Migration Agency.

⁴⁶¹ Swedish Police, Region South.

⁴⁶² *Ibid.*

⁴⁶³ Swedish Police. The reasoning behind this position is the following – since all cases deal with the facilitation of irregular entry from Denmark to Sweden, and Denmark must be considered to be a state where the rule of law applies, there are no humanitarian reasons for facilitating entry into Sweden.

⁴⁶⁴ Swedish Police, Region South.

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.⁴⁶⁵

9.4.2 Asylum procedure

No rejections of asylum claims are made at the border.⁴⁶⁶ The Migration Agency does not work chronologically with the cases from last year, but has divided them into four specialised tracks. This way of processing the asylum applications was introduced in January 2016. The cases are divided into tracks during registration (or as soon as possible after registration) according to their complexity. Quick decisions can be made in relation to 'unfounded asylum cases'; these include persons that are EU citizens, but also persons that already have a residence permit in the EU. Asylum seekers with valid ID documents can also be dealt with more quickly.⁴⁶⁷ The division depends on whether the Migration Agency officials think it is likely that the applicant will need a legal counsel. Lawyers specialising in asylum law have criticised this early division of cases because they consider determining the complexity of a case and need for legal counselling to be very difficult at this stage.⁴⁶⁸

Asylum decisions decreased slightly in May (some 7,750) compared to 7,850 in April. Fifty percent of the applications were granted residence permits. The rest are either Dublin cases or discontinued. Approximate processing time was 325 days.⁴⁶⁹ The majority of asylum seekers (almost 150,000) are waiting for a decision from the Migration Agency. There are no reports of applications rejected based on the safe third country principle.

9.4.3 Return procedure

The Minister of Interior, Mr. Anders Ygeman and the Minister of Justice and Migration, Mr. Morgan Johansson, held a joint press conference on 2 May where they presented the Government's prognosis for 'An effective return process' (*Ett effektivt återvändande*). They presented their prognosis of the number of

⁴⁶⁵ Swedish Migration Agency

⁴⁶⁶ Swedish Migration Agency; Swedish Police; Amnesty International; Save the Children Sweden; and Red Cross Sweden.

⁴⁶⁷ Swedish Migration Agency.

⁴⁶⁸ Sweden, Sveriges Radio, P1, Ekot (the daily news broadcasts of Swedish public radio, channel 1.) 'New asylum process will shorten the decision periods', available at: <http://sverigesradio.se/sida/artikel.aspx?programid=83&artikel=6293157>.

⁴⁶⁹ *Ibid.*

returnees for 2016 and 2017.⁴⁷⁰ The regional sections of the police have received substantial increases in staff that will carry out immigration control measures inside the country (*inre utlänningskontroll*).⁴⁷¹ They will start their main searches of work places and smaller municipalities after the amendments of the Act on the Reception of Asylum Seekers and Others (*Lag (1994:137) om mottagande av asylsökande m.fl.*), enters into force on 1 June 2016.⁴⁷² The amendments affect adult aliens who are not living with children, whose asylum applications have been rejected, and who have either not left the country on their own accord within a certain time period, or whose deportation decision have entered into force or will enter into force shortly thereafter. As of 1 June 2016, persons belonging to this category will not have the right to assistance of any kind, including housing.⁴⁷³ On 1 June, 2,820 persons who have been denied asylum remain in the accommodation centres of the Migration Agency.⁴⁷⁴

Twice as many asylum seekers have been granted financial support to return to their home countries during the first five months of 2016 than during the whole of 2015. The majority of them are Afghans and Iraqis.⁴⁷⁵

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.⁴⁷⁶ Unaccompanied children are only detained if there are exceptional grounds for doing so.⁴⁷⁷ There are no reports of any transgressions of these regulations.⁴⁷⁸

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- ⁴⁷⁰ Sweden, Ministry of Justice 'An effective return process', presentation available at: www.regeringen.se/contentassets/199679fa1167426888aefa4e65dab488/ett-effektivt-atervandande.pdf. The number of returnees in 2015 was 12,528 (2,810 forced returns); the number is expected to rise to 17,350 in 2016 (3,650 forced returns) and 22,850 in 2017 (4,050 forced returns).
- ⁴⁷¹ Swedish Police.
- ⁴⁷² Sweden, Act on the Reception of Asylum Seekers and Others, sections 11 and 11 a, 1 June 2016, available at: www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Lag-1994137-om-mottagande-a_sfs-1994-137/.
- ⁴⁷³ Sweden, Act on the reception of asylum seekers and others, sections 11 and 11 a, 1 June 2016, available at: www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Lag-1994137-om-mottagande-a_sfs-1994-137/.
- ⁴⁷⁴ Swedish Migration Agency.
- ⁴⁷⁵ Sweden, Negra Efendic (2016) 'More asylum seekers receive funding to return home', Svenska Dagbladet, 17 May 2016. The statistics were retrieved by the Migration Agency on behalf of Svenska Dagbladet (one of Sweden's daily newspapers).
- ⁴⁷⁶ Swedish Migration Agency.
- ⁴⁷⁷ Sweden, Aliens Act (2005:716), chapter 10, paragraph 3, section 1, available at: www.riksdagen.se/sv/Dokument-Lagar/Lagar/Svenskforfattningssamling/Utlanningslag-2005716_sfs-2005-716/.
- ⁴⁷⁸ 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 June 2016, almost 165,000 people were registered in the Migration Agency's reception system. Approximately 90 % of them were waiting for a decision, 8 % had obtained residence permits and around 2 % were denied residence permits.⁴⁷⁹

9.5.2 Vulnerable persons

If the personnel at an accommodation centre notice that an asylum seeker is in a vulnerable situation, they are supposed to report this to the Migration Agency, which has to find more suitable accommodation or provide support for the person in question.⁴⁸⁰ There is an increasing number of Christian asylum seekers. Women report that they are threatened or harassed at their asylum accommodation centre.⁴⁸¹ Since the police and the Migration Agency rarely register the reasons behind assaults, fights etc. in their reports about 'trouble' at asylum accommodation centres, it is impossible to say how common these type of crimes are. If an emergency call to the police results in a report of a suspected crime, the police report will not include any information about whether the crime was committed at an asylum accommodation centre, or if the victims and/or perpetrators were asylum applicants. The database covering all police reports can only be used to find out what type of crime was committed during a certain period, the age and gender of the victims, and whether the crime was committed indoors or out in the open. If the addresses of asylum accommodation centres are known, it is possible to go through all police reports and find the reports of crimes committed at these addresses.⁴⁸² According to the Migration Agency, the number of violent incidents has increased compared to previous years. The Agency believes that this increase is related to more applicants, longer processing times, and increased awareness of security among staff.⁴⁸³

For specific information about gender issues see the separate document on this thematic issue.

⁴⁷⁹ Swedish Migration Agency.

⁴⁸⁰ *Ibid.*

⁴⁸¹ Swedish Migration Agency; Amnesty International.

⁴⁸² Swedish Police.

⁴⁸³ Swedish Migration Agency.

9.5.3 Child protection

Both Ecpat Sweden⁴⁸⁴ and the police in Stockholm note that unaccompanied children are exploited for sexual purposes. This often involves children who absconded from their accommodation centres and/or who have had their applications rejected. These adolescents have nowhere to go and no money, and so prostitution becomes a last resort.⁴⁸⁵

The National Board of Health and Welfare (*Socialstyrelsen*) has developed a short film 'Now What?' (*Vad händer nu?*) to ensure that all unaccompanied children receive correct and comparable information regardless of their type of accommodation and/or geographical placement. The National Board introduces the film with a statement on the right of all children to participate in matters affecting them. The film is a way of increasing the opportunities for unaccompanied children to get basic and equivalent information at an early stage of the asylum process. The film gives an overview of what will happen during their first time in Sweden, which people or authorities they will meet and their role. The right to food, clothes, housing, education, health care and support by a social worker (*socialsekreterare*), a legal guardian ad litem (*god man*), a legal counsel (*offentligt biträde*), and staff at the accommodation centre is clarified, as is the right to an interpreter during the asylum interview. The animated film follows an unaccompanied asylum-seeking boy from the time he arrives in Sweden to when he receives a decision on his application for asylum. The film is available in Arabic, Dari, Somali, Farsi, Tigrinya and Pashto and in two different versions – one for unaccompanied children at accommodation centres (*HVB-hem*) and one for children placed with a family. A third, abbreviated version targets the general public. The films are available on Youtube.⁴⁸⁶ The Board has also made various tutorials for social services, accommodation centres and families on how to use the films.

9.5.4 Healthcare

On 19 May 2016, the government commissioned the National Board of Forensic Medicine (*Rättsmedicinalverket*) to immediately start carrying out medical examinations to determine age during the process of asylum applications. This primarily targets unaccompanied children.⁴⁸⁷ According to a decision from the

⁴⁸⁴ Sweden, Ecpat Sverige, Swedish branch of the international network, 'Blog on commercial sexual exploitation of children', available at: www.ecpat.se/blogg.

⁴⁸⁵ Swedish Police, Stockholm.

⁴⁸⁶ Sweden, National Board of Health and Welfare (Socialstyrelsen) 'Information to unaccompanied minors about the first period in Sweden' (*Information till ensamkommande barn om första tiden i Sverige*), webpage with web links to the films and their text versions, available at: www.socialstyrelsen.se/barnochfamilj/ensamkommandebarn/filmforensamkommandebarn. The films and corresponding text versions are also available directly on Youtube in Dari, Farsi, Pashto, Somali, and Tigrinja. English versions with subtitles are also available in Sorani, Kurmandji, Uzbek and Albanian. See e.g. the Farsi version of the film at: www.youtube.com/watch?v=hoKOfSEUNc4.

⁴⁸⁷ Sweden, Ministry of Justice, 'Assignment to National Board of Forensic Medicine to execute medical age determinations', Government Decision, available at:

European Parliament, persons claiming to be children, i.e. under the age of 18, should be assumed to be so, if their age cannot be determined.⁴⁸⁸

9.5.5 Immigration detention

See section 9.4.3.

9.6. Responses in law, policy and/or practice

On 4 May 2016, the government decided to extend border controls at internal borders from 8 April to 7 June 2016.⁴⁸⁹ The Government bill, which proposes the introduction of a temporary law that will adjust the Swedish asylum policy to the lowest EU level, is criticised for its predicted human rights and refugee rights consequences.⁴⁹⁰ However, critics seem more resigned since it has become clear that the parliament will accept the proposal after a debate in the parliament on 20 June.

To ensure the aforementioned 'effective return process' policy initiative, the Ministry of Justice has tasked the Migration Agency to: 1) shorten the time between when an asylum application is registered and a decision is issued, and if the decision is negative, the return;⁴⁹¹ 2) increase the number of detention places;⁴⁹² and 3) enhance the number of returns through liaison officers deployed

www.regeringen.se/contentassets/d2df120b8eaa4e4fb09ae550d497aa3c/uppdrag-till-rattsmedicinalverket-att-genomfora-medicinska-aldersbedomningar.

⁴⁸⁸ European Parliament and the Council (Directive 2013/32), 'On common procedures for granting and withdrawing international protection', available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013L0032&from=SV>.

⁴⁸⁹ Sweden, Government webpage, 'Regeringen beslutar att ytterligare förlänga gränskontroll vid inre gräns', www.regeringen.se/artiklar/2016/02/regeringen-beslutar-att-ytterligare-forlanga-granskontroll-vid-inre-grans/.

⁴⁹⁰ Sweden, Government Bill 2015/16: 174, 'Temporary restrictions of the possibility to obtain a residence permit in Sweden', available at: www.regeringen.se/contentassets/075968fdd8c94788977dba14bae16444/forslag-om-att-tillfalligt-begransa-mojligheten-att-fa-uppehallstillstand-i-sverige-prop.-201516174. After the first draft of a draft bill received heavy criticism, the Government did a small number of changes to the content of the draft bill, some of administrative character and some concessions to human rights concerns, e.g. residence permits may be granted due to exceptionally or particularly distressing circumstances, but only if it would be contrary to a Swedish Convention commitment to deny it. There will also be very limited opportunities for family reunification for persons that have been granted temporary residence permits. The temporary law is planned to enter into force on 20 July 2016.

⁴⁹¹ Sweden, Ministry of Justice, 'Assignment to shorten the period between asylum application and return', Government Decision, 19 May 2016, available at: www.regeringen.se/regeringsuppdrag/2016/05/uppdrag-att-forkorta-tiden-fran-asylansokan-till-atervandande/.

⁴⁹² Sweden, Ministry of Justice, 'Assignment to expand the capacity of the detention centres', Government Decision, 19 May 2016. The Migration Agency is tasked to expand the detention centres capacity with at least 40 % before 1 October 2016, available at: www.regeringen.se/contentassets/a47bad5ce0484166a1ed830ede5c185c/uppdrag-att-utoka-antalet-forvarsplatser.pdf.

at missions abroad in regions where special measures must be taken to increase returns.⁴⁹³

9.7. Social response to the situation

According to a national survey commissioned by the National Board of Health and Welfare (*Socialstyrelsen*), 25 % of the Swedish population between 18-80 years would absolutely consider taking on voluntary assignments for vulnerable children and young people, either as family homes, foster homes, contact persons, contact families or guardians *ad litem* (*god man*).⁴⁹⁴ The main voluntary assignments that the respondents would consider getting involved in concerned contact persons, contact families and guardians *ad litem*. Some of the respondents would 'without a doubt' (*utan tvekan*) become contact persons (17 %), contact families (11 %) or legal guardians *ad litem* (9 %). A larger group could 'under certain conditions' become contact families (26 %), contact persons (24 %) or legal guardians *ad litem* (40 %). Fewer of the respondents were willing to provide family or foster homes for unaccompanied children. Only 3 % of the respondents would 'no doubt' consider this type of assignment, while 19 % would consider the assignment 'under certain conditions'. The main concern raised in relation to the voluntary assignments was that they would be very time-consuming.⁴⁹⁵

9.8. Hate crime incidents

In the city of Umeå, in the north of Sweden, so-called 'hate preachers' have repeatedly held public speeches focusing on offensive and hateful accusations of Muslims and homosexuals in a number of public places.⁴⁹⁶ According to the Court's ruling, the defendants could not be convicted of their statements about homosexuals, since their aim was to spread an evangelical doctrine and to convert sinners. However, two speeches against Muslims were considered as incitement to racial hatred because they stated that 'Islam invades Sweden', 'Muslims rape', and 'we do not want Muslims walking around and raping'. On 18 May 2016, Umeå District Court (*Umeå tingsrätt*) found one of the accused guilty of hate crime on two occasions, while the other person was guilty of supporting hate crime. The main offender was sentenced to one month in prison and the other person was sentenced to community service

⁴⁹³ Sweden, Ministry of Justice, 'Assignment to increase returns by deploying liaison officers in Swedish missions abroad', Government Decision, 19 May 2016, available at: www.regeringen.se/contentassets/31c8ed275c174a358f9d80b45a79e1d8/uppdrag-att-forstarka-atervandandet-med-sambandman-vid-utlandsmyndigheterna.pdf.

⁴⁹⁴ Swedish Migration Agency and Swedish Agency for Youth and Civil society.

⁴⁹⁵ Sweden, National Board of Health and Welfare, 'Many may consider voluntary assignments concerning children', webpage, available at: www.socialstyrelsen.se/nyheter/2016/mangakantankasigfrivilliguppdragforbarn.

⁴⁹⁶ Sweden, 'Hate crime assaulted police officer - got one month in prison', Västerbottens-kuriren; Sweden, Umeå District Court (*Umeå Tingsrätt*).